

BILL ANALYSIS

Senate Research Center
80R16158 KFF-D

S.B. 2041
By: Uresti et al.
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 2041 provides immunity from civil or criminal liability for the 28 Texas area agencies on aging, agency staff, and volunteers when conducting elections for nonprofit organizations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 161, Human Resources Code, by adding Section 161.075, as follows:

Sec. 161.075. (a) Defines "area agency on aging," "Texas nonprofit organization," and "volunteer."

(b) Provides that an area agency on aging that conducts an election on behalf of a Texas nonprofit organization is not civilly or criminally liable for any act or omission, including an act or omission relating to verifying the qualifications of candidates and determining and reporting election results, that relates to a duty or responsibility with respect to conducting the election if the agency acted in good faith and within the scope of the agency's authority.

(c) Provides that an area agency on aging employee or volunteer who performs an act related to the conduct of an election described by Subsection (b) is not civilly or criminally liable for the act or any omission that relates to a duty or responsibility with respect to conducting the election if the person acted in good faith and within the scope of the person's authority.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Provides that this Act is an exercise of authority under Section 66(c), Article III, Texas Constitution, and take effect only if it receives a vote of three-fifths of all the members elected to each house.

SECTION 5. Effective date: upon passage or September 1, 2007.