

By: Uresti

S.B. No. 2041

A BILL TO BE ENTITLED

AN ACT

relating to immunity from civil and criminal liability for area agencies on aging and employees and volunteers of those agencies when conducting certain elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.075 to read as follows:

Sec. 161.075. IMMUNITY FOR AREA AGENCIES ON AGING AND AGENCY EMPLOYEES AND VOLUNTEERS. (a) In this section:

(1) "Area agency on aging" means an agency described by 42 U.S.C. Section 3002(17) and through which the department ensures the implementation of services and volunteer opportunities for older persons in this state as provided by Section 161.071(5)(A).

(2) "Texas nonprofit organization" means a nonprofit corporation:

(A) that is organized under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); and

(B) the funding of which is managed by an organization that is exempt from federal income tax under Section 501(a) of the Internal Revenue Code of 1986 by being listed as an exempt organization in Section 501(c)(3) of that code.

(3) "Volunteer" means a person who:

1                   (A) renders services for or on behalf of an area  
2 agency on aging under the supervision of an area agency on aging  
3 employee; and

4                   (B) does not receive compensation that exceeds  
5 the authorized expenses the person incurs in performing those  
6 services.

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

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

21           SECTION 2. The change in law made by this Act with respect  
22 to the civil liability of an area agency on aging or an employee or  
23 volunteer of the agency applies only to a cause of action that  
24 accrues on or after the effective date of this Act. A cause of  
25 action that accrued before the effective date of this Act is  
26 governed by the law as it existed immediately before the effective  
27 date of this Act, and that law is continued in effect for that

1 purpose.

2         SECTION 3. The change in law made by this Act with respect  
3 to the criminal liability of an area agency on aging or an employee  
4 or volunteer of the agency applies only to an offense committed on  
5 or after the effective date of this Act. For purposes of this  
6 section, an offense is committed before the effective date of this  
7 Act if any element of the offense occurs before that date. An  
8 offense committed before the effective date of this Act is covered  
9 by the law in effect when the offense was committed, and the former  
10 law is continued in effect for that purpose.

11         SECTION 4. This Act is an exercise of authority under  
12 Section 66(c), Article III, Texas Constitution, and takes effect  
13 only if it receives a vote of three-fifths of all the members  
14 elected to each house, as provided by Subsection (e) of that  
15 section.

16         SECTION 5. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2007.