

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1047
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State Affairs
3/25/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Current law does not exempt a state or local officer who is acting in a legislative capacity from being subject to disciplinary action or a sanction, penalty, disability, or liability for that action in connection with the officer's practice of a licensed or regulated profession or occupation. C.S.S.B. 1047 provides that a state or local official who takes legislative action is acting within that person's legislative capacity, as defined by this act, and may not be subject to disciplinary action or otherwise punished for such an action taken connection with the officer's practice of a licensed or regulated profession or occupation.

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 Chapter 572C, Government Code, by adding Section 572.059, as follows:

Sec. 572.059. INDEPENDENCE OF STATE AND LOCAL OFFICERS ACTING IN LEGISLATIVE CAPACITY. (a) Defines "legislative measure" for the purposes of this section.

(b) Provides that a measure that is applicable to a class or subset of persons or matters that is defined in general terms without naming the particular persons or matters is a measure of general application, for the purposes of Subsection (a).

(c) Prohibits a state or local officer, including any elected or appointed officer, from being subject to disciplinary action or a sanction, penalty, disability, or liability for:

- (1) an action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
- (2) proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure.
- (3) the effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
- (4) a certain breach of duty in connection with the member's practice of or employment in a licensed or regulated profession or occupation.

SECTION 2. Effective date: upon passage or September 1, 2003.

SUMMARY OF COMMITTEE CHANGES

SECTION 1: Differs from the original by deleting original Subsection (a) and redesignating original Subsection (b) as Subsection (a). Adds a new Subsection (b) and expands the definition of “legislative measure” given in new Subsection (a). In Subsection (c), deletes the words “acting in a legislative capacity” after the words “a state or local officer,” and adds “including any elected or appointed officer” in the same location. Adds Subdivisions (c)(1)-(4) to describe the types of actions for which a state or local officer may not be subject to disciplinary action, including certain actions described in original Subsection (a).