

BILL ANALYSIS

Senate Research Center
78R3985 JSA-D

S.B. 1047
By: Ellis, Rodney
State Affairs
3/24/2003
As Filed

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. As proposed, 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) Provides that, for the purposes of this section, an officer acts in a legislative capacity if the officer takes an action permitted by law regarding a legislative measure in the officer's official capacity, or proposes, endorses, or expresses support for or against a legislative measure or takes any action permitted by law to support or oppose a legislative measure.

(b) Defines "legislative measure" for the purposes of this section.

(c) Prohibits a state or local officer 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, in order to protect the independence of state and local legislative officers.

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