

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

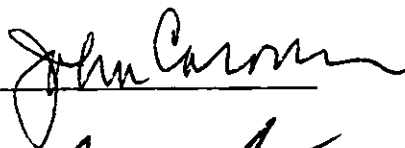
Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HJR 127 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

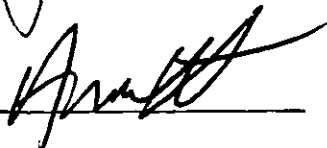
John Carona



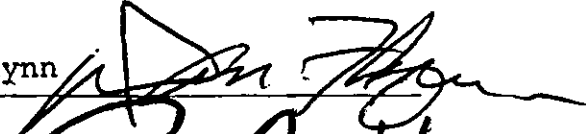
Phil King



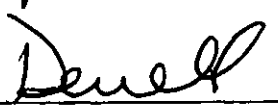
Kip Averitt



Dan Flynn



Robert Deuell

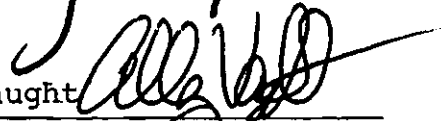


Ryan Guillen



Mike Jackson

Allen Vaught



Kirk Watson



Aaron Pena



On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.J.R. No. 127

A JOINT RESOLUTION

1 proposing a constitutional amendment to allow an officer or
2 enlisted member of the Texas State Guard or other state militia or
3 military force to hold other civil offices.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 40(a), Article XVI, Texas Constitution,
6 is amended to read as follows:

7 (a) No person shall hold or exercise at the same time, more
8 than one civil office of emolument, except that of Justice of the
9 Peace, County Commissioner, Notary Public and Postmaster, Officer
10 of the National Guard, the National Guard Reserve, and the Officers
11 Reserve Corps of the United States and enlisted men of the National
12 Guard, the National Guard Reserve, and the Organized Reserves of
13 the United States, and retired officers of the United States Army,
14 Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant
15 officers, and retired enlisted men of the United States Army, Air
16 Force, Navy, Marine Corps, and Coast Guard, and officers and
17 enlisted members of the Texas State Guard and any other active
18 militia or military force organized under state law, and the
19 officers and directors of soil and water conservation districts,
20 unless otherwise specially provided herein. Provided, that nothing
21 in this Constitution shall be construed to prohibit an officer or
22 enlisted man of the National Guard, [~~and~~] the National Guard
23 Reserve, the Texas State Guard, and any other active militia or
24 military force organized under state law, or an officer in the

1 Officers Reserve Corps of the United States, or an enlisted man in
2 the Organized Reserves of the United States, or retired officers of
3 the United States Army, Air Force, Navy, Marine Corps, and Coast
4 Guard, and retired warrant officers, and retired enlisted men of
5 the United States Army, Air Force, Navy, Marine Corps, and Coast
6 Guard, and officers of the State soil and water conservation
7 districts, from holding at the same time any other office or
8 position of honor, trust or profit, under this State or the United
9 States, or from voting at any election, general, special or primary
10 in this State when otherwise qualified.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 3, 2009.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment to allow an officer or
15 enlisted member of the Texas State Guard or other state militia or
16 military force to hold other civil offices."

House Joint Resolution 127
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 40(a), Article XVI, Texas Constitution, is amended to read as follows:

(a) No person shall hold or exercise at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, Notary Public and Postmaster, Officer of the National Guard, the National Guard Reserve, and the Officers Reserve Corps of the United States and enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, and retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers and enlisted members of the Texas State Guard and any other active militia or military force organized under state law, and the officers and directors of soil and water conservation districts, unless otherwise specially provided herein. Provided, that nothing in this Constitution shall be construed to prohibit an officer or enlisted man of the National Guard, ~~and~~ the National Guard Reserve, the Texas State Guard, and any other active militia or military force organized under state law, or an officer in the Officers Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and retired warrant officers, and retired enlisted men of the United States Army, Air Force, Navy, Marine Corps, and Coast Guard, and officers of the State soil and water conservation

SENATE VERSION

SECTION 1. Same as House version.

CONFERENCE

SECTION 1. Same as House version.

House Joint Resolution 127
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

districts, from holding at the same time any other office or position of honor, trust or profit, under this State or the United States, or from voting at any election, general, special or primary in this State when otherwise qualified.

No equivalent provision.

SENATE VERSION

SECTION ____ Article III, Texas Constitution, is amended by adding Section 49-b-1 to read as follows:

Sec. 49-b-1. BENEFITS FOR SURVIVORS OF TEXAS NATIONAL GUARD MEMBERS. (a) In this section:

(1) "Heirs" means those persons, including the surviving spouse, who are entitled under the statutes of descent and distribution to the estate of a decedent who dies intestate.
(2) "Eligible survivor" means a person designated as a beneficiary on the deceased individual's group life insurance program under 38 U.S.C. Section 1965 et seq.

(b) This section applies only to a member of the Texas National Guard who died after September 11, 2001, while:

(1) on federal active duty under Title 10, United States Code; or
(2) serving in a named military operation on active duty under state authority in accordance with Title 32, United States Code.

(c) The adjutant general's department or another agency designated by the legislature may pay \$250,000 to:

(1) the eligible survivor of an individual described by Subsection (b) or the appropriate pro rata portion of that amount to the eligible survivors of the individual; or
(2) the heirs of an individual described by Subsection (b) if there are no eligible survivors of that individual.

CONFERENCE

Same as House version.

House Joint Resolution 127
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(d) An eligible survivor or heir must apply for benefits in accordance with rules adopted under this section.(e) The benefit provided under this section is in addition to any other benefit provided under state or federal law.

(f) The state agency administering the benefits provided by this section shall adopt rules to administer this section, including rules and procedures for making and proving a claim, appealing decisions, and receiving benefits under this section.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices."

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 3, 2009. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices and to provide a death benefit to survivors or heirs of certain members of the Texas National Guard."

SECTION 2. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HJR127 by King, Phil (Proposing a constitutional amendment to allow an officer or enlisted member of the Texas State Guard or other state militia or military force to hold other civil offices.), **Conference Committee Report**

No fiscal implication to the State is anticipated, other than the cost of publication.

The cost to the state for publication of the resolution is \$90,882.

The house joint resolution would amend the Texas Constitution by allowing an officer or enlisted member of the Texas State Guard or other state military force to hold other civil offices.

Local Government Impact

No fiscal implication to units of local government is anticipated.

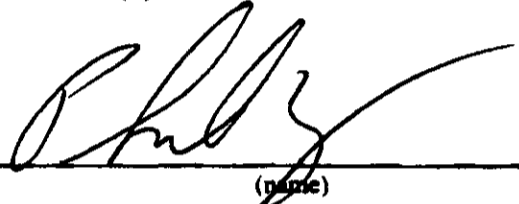
Source Agencies: 401 Adjutant General's Department

LBB Staff: JOB, KJG, KK, GG, SDO

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on HSR 127 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5/30/09

(date)