

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/2009

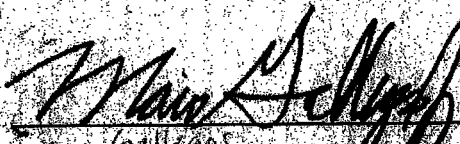
Date


Honorable David Dewhurst
President of the Senate


Honorable Joe Straus
Speaker of the House of Representatives

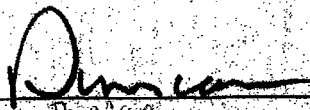
Sirs:

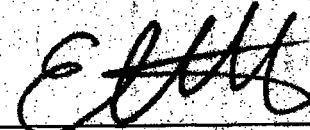
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 2408 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


Galt
on the part of the Senate

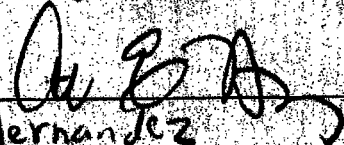

Whitmore

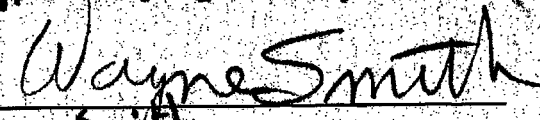

Jackson

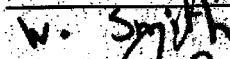
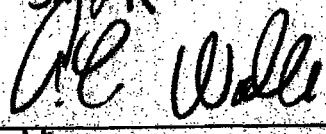

Duncan

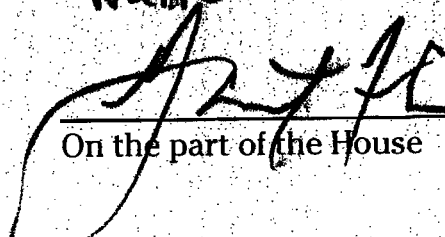

Elliott
On the part of the Senate


J. Davis


Hernandez


Wayne Smith


W. Smith

Walke


Coleman
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

S.B. No. 2468

A BILL TO BE ENTITLED

AN ACT

relating to the postemployment activities of certain local government officers in certain counties; providing a penalty.

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

SECTION 1. Chapter 171, Local Government Code, is amended by adding Section 171.011 to read as follows:

Sec. 171.011. REPRESENTATION BY FORMER LOCAL GOVERNMENT OFFICERS OF CERTAIN COUNTIES RESTRICTED; CRIMINAL OFFENSE.

(a) This section applies only to a county with a population of 3.3 million or more.

(b) In this section:

(1) "Local government officer" means:

(A) a member of the commissioners court or other officer of a county to which this section applies;

(B) an officer of a precinct of a county to which this section applies; or

(C) a member of the governing body or other officer of a flood control district or a hospital district, any part of which is located in a county to which this section applies.

(2) "Participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

1 (3) "Particular matter" means a specific
2 investigation, application, request for a ruling or
3 determination, rulemaking proceeding, contract, claim, charge,
4 accusation, arrest, or judicial or other proceeding.

5 (c) A former local government officer may not make any
6 communication to or appearance before an officer or employee of
7 the governing body on or under which the former local government
8 officer served before the second anniversary of the date the
9 local government officer ceased to serve on or under the
10 governing body if the communication or appearance is made:

11 (1) with the intent to influence; and

12 (2) on behalf of any person in connection with any
13 matter on which the person seeks official action.

14 (d) A former local government officer may not represent
15 any person or receive compensation for services rendered on
16 behalf of any person regarding a particular matter in which the
17 former local government officer participated during the period
18 of service as a local government officer.

19 (e) A person commits an offense if the person violates
20 this section. An offense under this subsection is a Class C
21 misdemeanor.

22 SECTION 2. The change in law made by Subsection (d),
23 Section 171.011, Local Government Code, as added by this Act,
24 applies only to a person who ceases service as a local
25 government officer on or after the effective date of this Act.
26 A person who ceased service as a local government officer before
27 the effective date of this Act is governed by the law in effect

1 when the person ceased service, and the former law is continued
2 in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2009.

Senate Bill 2468
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

SECTION 1. Chapter 171, Local Government Code, is amended by adding Section 171.011 to read as follows:

Sec. 171.011. REPRESENTATION BY FORMER LOCAL GOVERNMENT OFFICERS OF CERTAIN COUNTIES RESTRICTED; CRIMINAL OFFENSE.

(a) This section applies only to a county with a population of 3.3 million or more.

(b) In this section:

(1) "Local government officer" means:

(A) a member of the commissioners court or other officer of a county to which this section applies;

(B) an officer of a precinct of a county to which this section applies; or

(C) a member of the governing body or other officer of a flood control district or a hospital district, any part of

HOUSE VERSION

SECTION _____. Section 172.003(3), Local Government Code, is amended to read as follows:

(3) "Political Subdivision" means a county, municipality, special district, school district, junior college district, housing authority, or other political subdivision of this [the] state or any other state.

SECTION 1. Same as Senate version

CONFERENCE

Same as Senate version.

SECTION 1. Same as Senate version.

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SENATE VERSION

HOUSE VERSION

CONFERENCE

which is located in a county to which this section applies.

(2) "Participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

(3) "Particular matter" means a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding.

(c) A former local government officer may not make any communication to or appearance before an officer or employee of the governing body on or under which the former local government officer served before the second anniversary of the date the local government officer ceased to serve on or under the governing body if the communication or appearance is made:

(1) with the intent to influence;

and

(2) on behalf of any person in connection with any matter on which the person seeks official action.

(d) A former local government officer may not represent any person or receive compensation for services rendered on behalf of any person regarding a particular matter in which

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Section-by-Section Analysis

SENATE VERSION

the former local government officer participated during the period of service as a local government officer.

(e) A person commits an offense if the person violates this section. An offense under this subsection is a Class C misdemeanor.

SECTION 2. The change in law made by Subsection (d), Section 171.011, Local Government Code, as added by this Act, applies only to a person who ceases service as a local government officer on or after the effective date of this Act. A person who ceased service as a local government officer before the effective date of this Act is governed by the law in effect when the person ceased service, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

HOUSE VERSION

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

CONFERENCE

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate 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: SB2468 by Gallegos (Relating to the postemployment activities of certain local government officers in certain counties; providing a penalty.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

Based on the population criteria within the bill, it would apply only to Harris County.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, KJG, DB