

Suspending limitations on conference committee  
jurisdiction, S.B. No. 1252

By: Armbrister

S.R. No. 1011

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 78th  
2 Legislature, Regular Session, 2003, That Senate Rule 12.03 be  
3 suspended in part as provided by Senate Rule 12.08 to enable the  
4 conference committee appointed to resolve the differences on Senate  
5 Bill 1252, relating to the regulation of certain activities  
6 associated with providing private security, to consider and take  
7 action on the following matter:

8 Senate Rule 12.03(4) is suspended to permit the committee to  
9 add a new section to the bill to read as follows:

10 SECTION \_\_. (a) Subchapter N, Chapter 1702, Occupations  
11 Code, is amended by adding Section 1702.331 to read as follows:

12 Sec. 1702.331. BUSINESS EVALUATION SERVICE. (a) This  
13 chapter does not apply to a person who poses or acts anonymously as  
14 a customer or client of a business or governmental entity or is in  
15 the business of providing the services of another for the purpose of  
16 evaluating the following operations or services of the business or  
17 governmental entity:

18 (1) a service or product provided to a customer or  
19 client;

20 (2) compliance with policies and operational  
21 procedures;

22 (3) the appearance, cleanliness, efficiency, and  
23 other operations of the office, facility, or physical plant;

24 (4) the friendliness, courtesy, or appearance of an

1 employee;

2 (5) the necessity or effectiveness of a training  
3 program or employee reward or other incentive program;

4 (6) the quality, availability, or price of goods or  
5 services; and

6 (7) other operations or customer services of the  
7 business or governmental entity the evaluation of which is not  
8 otherwise prohibited by this chapter.

9 (b) A person described by Subsection (a) is entitled to the  
10 exemption under that subsection only if:

11 (1) the person:

12 (A) uses an evaluation tool prescribed or  
13 approved by the business or governmental entity seeking the  
14 evaluation; and

15 (B) does not engage in the investigation or  
16 observation of an employee or agent to determine whether the  
17 employee or agent has committed a crime; and

18 (2) the information obtained is not intended to be  
19 used by the business or governmental entity as the sole basis for  
20 the discipline or discharge of an employee or agent.

21 (b) This section takes effect immediately if this Act  
22 receives a vote of two-thirds of all the members elected to each  
23 house, as provided by Section 39, Article III, Texas Constitution.  
24 If this Act does not receive the vote necessary for immediate  
25 effect, this section takes effect September 1, 2003.

26 Explanation: This addition is necessary to provide an  
27 exemption from private security regulations for individuals who

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1 conduct a business evaluation service.