

Suspending limitations on conference committee  
jurisdiction, S.B. No. 6 (Nelson/Hupp)

By: Hupp

H.R. No. 2197

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on Senate Bill 6, (protective services;  
6 providing penalties), to consider and take action on the following  
7 matters:

8 (1) House Rule 13, Section 9(a)(1), is suspended to permit  
9 the committee to change the text of added Section 261.3032, Family  
10 Code, so that Section 261.3032 reads as follows:

11 Sec. 261.3032. INTERFERENCE WITH INVESTIGATION; CRIMINAL  
12 PENALTY. (a) A person commits an offense if, with the intent to  
13 interfere with the department's investigation of a report of abuse  
14 or neglect of a child, the person relocates the person's residence,  
15 either temporarily or permanently, without notifying the  
16 department of the address of the person's new residence or conceals  
17 the child and the person's relocation or concealment interferes  
18 with the department's investigation.

19 (b) An offense under this section is a Class B misdemeanor.

20 (c) If conduct that constitutes an offense under this  
21 section also constitutes an offense under any other law, the actor  
22 may be prosecuted under this section or the other law.

23 Explanation: The change is necessary to clarify the elements  
24 of the offense.

1 (2) House Rule 13, Section 9(a)(1), is suspended to permit  
2 the committee to change the text of added Section 264.0091, Family  
3 Code, so that Section 261.0091 reads as follows:

4 Sec. 264.0091. USE OF TELECONFERENCING AND  
5 VIDEOCONFERENCING TECHNOLOGY. Subject to the availability of  
6 funds, the department, in cooperation with district and county  
7 courts, shall expand the use of teleconferencing and  
8 videoconferencing to facilitate participation by medical experts  
9 and other individuals in court proceedings.

10 Explanation: The change is necessary to ensure that the  
11 Department of Family and Protective Services is only required to  
12 implement the provisions of Section 264.0091, Family Code, if the  
13 department has funds to implement the project.

14 (3) House Rule 13, Section (9)(a)(4), is suspended to permit  
15 the committee to add text to Section 266.004(j), Family Code, so  
16 that Section 266.004(j) reads as follows:

17 (j) Nothing in this section requires that the identity of a  
18 foster parent be publicly disclosed.

19 Explanation: The change is necessary to clarify that the  
20 section does not require public disclosure of the identity of  
21 foster parents.

22 (4) House Rule 13, Section (9)(a)(1), is suspended to permit  
23 the committee to change the text of amended Section 42.056(b),  
24 Human Resources Code, so that Section 42.056(b) reads as follows:

25 (b) The department shall conduct background and criminal  
26 history checks using:

27 (1) the information provided under Subsections

1 ~~[Subsection]~~ (a) and (a-1);

2 (2) the information made available by the Department  
3 of Public Safety under Section 411.114, Government Code, or by the  
4 Federal Bureau of Investigation or other criminal justice agency  
5 under Section 411.087, Government Code; and

6 (3) the department's records of reported abuse and  
7 neglect.

8 Explanation: The changed text is necessary to ensure that  
9 under the bill the Department of Family and Protective Services  
10 may, but is not required to, complete a background check using  
11 information made available by the Federal Bureau of Investigation.

12 (5) House Rule 13, Sections (9)(a)(1) and (9)(a)(2) are  
13 suspended to permit the committee to change and omit text in added  
14 Section 42.056(e), Human Resources Code, so that Section 42.056(e)  
15 reads as follows:

16 (e) If the residential child-care facility does not receive  
17 the results of the background or criminal history check within two  
18 working days, the facility may obtain that information for the  
19 facility's employee, subcontractor, or volunteer directly from the  
20 Department of Public Safety. If the information obtained verifies  
21 that the person does not have a criminal record, the facility may  
22 allow the person to have unsupervised client contact until the  
23 department has performed the department's own criminal history  
24 check and notified the facility.

25 Explanation: It is necessary to omit the text to remove a  
26 proposed requirement that under the bill the Department of Family  
27 and Protective Services complete background checks within 24 hours.

1 It is necessary to change the remaining text to clarify a reference  
2 to the omitted 24-hour deadline.

3 (6) House Rule 13, Section 9(a)(2) is suspended to permit  
4 the committee to omit the following text in added Section 111.001,  
5 Government Code:

6 (10) "Statutory probate court" has the meaning  
7 assigned by Section 601, Texas Probate Code.

8 Explanation: The change is necessary to conform the language  
9 of the bill to the modification made to the provision of the bill  
10 relating to the composition of the Guardianship Certification  
11 Board.

12 (7) House Rule 13, Section 9(a)(1) is suspended to permit  
13 the committee to change the text of added Section 111.001(b),  
14 Government Code, so that Section 111.011(b) reads as follows:

15 (b) The supreme court shall appoint members under  
16 Subsection (a)(1) from the different geographical areas of this  
17 state.

18 Explanation: The change is necessary to conform the language  
19 of the bill to the modification made to the provision of the bill  
20 relating to the composition of the Guardianship Certification  
21 Board.

22 (8) House Rule 13, Section 9(a)(1) is suspended to permit  
23 the committee to change the text of added Section 111.001(g),  
24 Government Code, so that Section 111.011(g) reads as follows:

25 (g) The members of the board serve for staggered six-year  
26 terms, with the terms of one-third of the members expiring on  
27 February 1 of each odd-numbered year. Board members are not

1 entitled to receive compensation or reimbursement for expenses.

2 Explanation: The change is necessary to prohibit members of  
3 the Guardianship Certification Board from receiving reimbursement  
4 for expenses incurred in the performance of their duties.

5 (9) House Rule 13, Section 9(a)(2), is suspended to permit  
6 the committee to omit text in added Subdivision (5), Section  
7 111.013, Government Code, so that Subdivision (5) reads as follows:

8 (5) uses or receives a substantial amount of tangible goods,  
9 services, or funds from the Office of Court Administration.

10 Explanation: The change is necessary to conform the  
11 language of the bill to the provision of the bill prohibiting the  
12 members of the Guardianship Certification Board from receiving  
13 compensation or reimbursement for expenses.

14 (10) House Rule 13, Section 9(a)(1), is suspended to permit  
15 the committee to change the text of added Section 111.015(c),  
16 Government Code, so that Section 111.015(c) reads as follows:

17 (c) If the director has knowledge that a potential ground  
18 for removal exists, the director shall notify the presiding officer  
19 of the board of the potential ground. The presiding officer shall  
20 then notify the chief justice of the supreme court that a potential  
21 ground for removal exists. If the potential ground for removal  
22 involves the presiding officer, the director shall notify the next  
23 highest ranking officer of the board, who shall then notify the  
24 chief justice of the supreme court that a potential ground for  
25 removal exists.

26 Explanation: The change is necessary to enable the director  
27 to notify the appropriate appointing official regarding the

1 existence of a potential ground for removal of a board member.

2 (11) House Rule 13, Section 9(a)(2), is suspended to permit  
3 the committee to omit the following text in added Section 111.017,  
4 Government Code:

5 (c) A person appointed to the board is entitled to  
6 reimbursement, as provided by the General Appropriations Act, for  
7 the travel expenses incurred in attending the training program  
8 regardless of whether the attendance at the program occurs before  
9 or after the person qualifies for office.

10 Explanation: The change is necessary to conform the language  
11 of the bill to the provision of the bill prohibiting the members of  
12 the Guardianship Certification Board from receiving compensation  
13 or reimbursement for expenses.

14 (12) House Rule 13, Sections 9(a)(2), is suspended to permit  
15 the committee to omit text in added Section 111.023, Government  
16 Code, so that Section 111.023 reads as follows:

17 Sec. 111.023. QUALIFICATIONS AND STANDARDS OF CONDUCT  
18 INFORMATION. The director shall provide to members of the board, as  
19 often as necessary, information regarding the requirements for  
20 office under this chapter, including information regarding a  
21 person's responsibilities under applicable laws relating to  
22 standards of conduct for state officers.

23 Explanation: The change is necessary to prohibit the  
24 director from delegating to another individual the director's duty  
25 under this section to provide information to board members  
26 regarding the requirements for holding office and to reflect the  
27 removal of references to the hiring of employees, other than the

1 director, that are made throughout added Chapter 111, Government  
2 Code.

3 (13) House Rule 13, Section 9(a)(4), is suspended to permit  
4 the committee to add additional text as Subsection (f), Section  
5 111.042, Government Code, to read as follows and to reletter  
6 existing Subsection (f) and subsequent subsections appropriately:

7 (f) An employee of the Department of Aging and Disability  
8 Services who is applying for a certificate under this section to  
9 provide guardianship services to a ward of the department is exempt  
10 from payment of an application fee required by this section.

11 Explanation: The added text is necessary to provide an  
12 exemption from payment of application fees to employees of the  
13 Department of Aging and Disability Services applying for a  
14 certificate to provide guardianship services on behalf of the  
15 department.

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- 1 Suspending limitations on conference committee jurisdiction, S.B.
- 2 No. 6.