

AN ACT

relating to the administration of promotional examinations to certain firefighters and police officers who are members of the armed forces on active duty.

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

SECTION 1. Subsection (b), Section 143.032, Local Government Code, is amended to read as follows:

(b)(1) Each eligible promotional candidate shall be given an identical examination in the presence of the other eligible promotional candidates, except that an eligible promotional candidate who is serving on active military duty outside of this state or in a location that is not within reasonable geographic proximity to the location where the examination is being administered is entitled to take the examination outside of the presence of and at a different time than the other candidates and may be allowed to take an examination that is not identical to the examination administered to the other candidates.

(2) The commission may adopt rules under Subsection (a) providing for the efficient administration of promotional examinations to eligible promotional candidates who are members of the armed forces serving on active military duty. In adopting the rules, the commission shall ensure that the administration of the examination will not result in unnecessary interference with any ongoing military effort. The rules shall require that:

1 (A) at the discretion of the administering
2 entity, an examination that is not identical to the examination
3 administered to other eligible promotional candidates may be
4 administered to an eligible promotional candidate who is serving on
5 active military duty; and

6 (B) if a candidate serving on active military
7 duty takes a promotional examination outside the presence of other
8 candidates and passes the examination, the candidate's name shall
9 be included in the eligibility list of names of promotional
10 candidates who took and passed the examination nearest in time to
11 the time at which the candidate on active military duty took the
12 examination.

13 SECTION 2. Subsection (c), Section 143.028, Local
14 Government Code, is amended to read as follows:

15 (c) If a person is recalled on active military duty for not
16 more than 60 [~~24~~] months, the two-year service requirements
17 prescribed by Subsections (a) and (b) do not apply and the person is
18 entitled to have time spent on active military duty considered as
19 duty in the respective fire or police department. [~~If the active~~
20 ~~military duty exceeds 12 months, the person on return must serve in~~
21 ~~the department for 90 days before the person is eligible to~~
22 ~~participate in a promotional examination. This time is considered~~
23 ~~necessary to bring the person up to date on equipment and~~
24 ~~techniques.~~]

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 863 passed the Senate on April 14, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 863 passed the House, with amendment, on May 20, 2005, by the following vote: Yeas 139, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor