

1-1 By: Van de Putte S.B. No. 863  
1-2 (In the Senate - Filed March 1, 2005; March 10, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 6, 2005, reported favorably, as amended, by the  
1-5 following vote: Yeas 5, Nays 0; April 6, 2005, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Gallegos

1-7 Amend S.B. No. 863 by striking SECTION 1 of the bill (page 1,  
1-8 lines 37-53) and substituting the following:

1-9 SECTION 1. Section 143.032, Local Government Code, is  
1-10 amended by amending Subsection (b) and adding Subsection (j) to  
1-11 read as follows:

1-12 (b) Except as provided by Subsection (j), each ~~Each~~  
1-13 eligible promotional candidate shall be given an identical  
1-14 examination in the presence of the other eligible promotional  
1-15 candidates.

1-16 (j) If an eligible promotional candidate who is serving on  
1-17 active military duty is unable to take the examination in the  
1-18 presence of the other eligible promotional candidates because of  
1-19 circumstances related to the candidate's service on active military  
1-20 duty, the candidate may take the examination outside of the  
1-21 presence of the other candidates and at a different time than the  
1-22 other candidates. The commission may adopt rules under Subsection  
1-23 (a) providing for the efficient administration of promotional  
1-24 examinations to eligible promotional candidates who are members of  
1-25 the armed forces serving on active military duty. The rules shall  
1-26 require that, if a candidate serving on active military duty takes a  
1-27 promotional examination outside the presence of other candidates  
1-28 and passes the examination, the candidate's name shall be included  
1-29 in the eligibility list of names of promotional candidates who took  
1-30 and passed the identical examination.

1-31 A BILL TO BE ENTITLED  
1-32 AN ACT

1-33 relating to the administration of promotional examinations to  
1-34 certain firefighters and police officers who are members of the  
1-35 armed forces on active duty.

1-36 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-37 SECTION 1. Subsection (b), Section 143.032, Local  
1-38 Government Code, is amended to read as follows:

1-39 (b) Each eligible promotional candidate shall be given an  
1-40 identical examination in the presence of the other eligible  
1-41 promotional candidates, except that an eligible promotional  
1-42 candidate who is serving on active military duty is entitled to take  
1-43 the examination outside the presence of and at a different time than  
1-44 the other candidates. The commission may adopt rules under  
1-45 Subsection (a) providing for the efficient administration of  
1-46 promotional examinations to eligible promotional candidates who  
1-47 are members of the armed forces serving on active military duty.  
1-48 The rules shall require that, if a candidate serving on active  
1-49 military duty takes a promotional examination outside the presence  
1-50 of other candidates and passes the examination, the candidate's  
1-51 name shall be included in the eligibility list of names of  
1-52 promotional candidates who took and passed the identical  
1-53 examination.

1-54 SECTION 2. Subsection (c), Section 143.028, Local  
1-55 Government Code, is repealed.

1-56 SECTION 3. This Act takes effect immediately if it receives  
1-57 a vote of two-thirds of all the members elected to each house, as  
1-58 provided by Section 39, Article III, Texas Constitution. If this  
1-59 Act does not receive the vote necessary for immediate effect, this  
1-60 Act takes effect September 1, 2005.

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