

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

By: Nelson

S.R. No. 1061

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 79th Legislature, Regular Session, 2005, That the Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on Senate Bill 6, (protective services; providing penalties) to consider and take action on the following matters:

(1) Senate Rule 12.03(1), is suspended to permit the committee to change the text of added Section 261.3032, Family Code, so that Section 261.3032 reads as follows:

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

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

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

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

(2) Senate Rule 12.03(1), is suspended to permit the committee to change the text of added Section 264.0091, Family Code, so that Section 264.0091 reads as follows:

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

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

(3) Senate Rule 12.03(4) is suspended to permit the committee to add text to Subsection (j), Section 266.004, Family Code, so that Subsection (j), Section 266.004 reads as follows:

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

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

(4) Senate Rule 12.03(1) is suspended to permit the committee to change the text of amended Subsection (b), Section 42.056, Human Resources Code, so that Subsection (b), Section 42.056 reads as follows:

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

(1) the information provided under Subsections [~~Subsection~~] (a) and (a-1);

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

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

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

(5) Senate Rules 12.03(1) and (2) are suspended to permit the committee to change and omit text in added Subsection (e), Section 42.056, Human Resources Code, so that Subsection (e), Section 42.056 reads as follows:

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

the department's own criminal history check and notified the facility.

Explanation: It is necessary to omit the text to remove a proposed requirement that under the bill the Department of Family and Protective Services complete background checks within 24 hours. It is necessary to change the remaining text to clarify a reference to the omitted 24-hour deadline.

(6) Senate Rule 12.03(2) is suspended to permit the committee to omit the following text in added Section 111.001, Government Code:

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

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

(7) Senate Rule 12.03(1) is suspended to permit the committee to change the text of added Subsection (b), Section 111.011, Government Code, so that Subsection (b), Section 111.011 reads as follows:

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

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

(8) Senate Rule 12.03(1) is suspended to permit the committee to change the text of added Subsection (g), Section 111.011, Government Code, so that Subsection (g), Section 111.011 reads as follows:

(g) The members of the board serve for staggered six-year terms, with the terms of one-third of the members expiring on February 1 of each odd-numbered year. Board members are not entitled to receive compensation or reimbursement for expenses.

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

(9) Senate Rule 12.03(2) is suspended to permit the committee to omit text in added Subdivision (5), Section 111.013, Government Code, so that Subdivision (5) reads as follows:

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

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

(10) Senate Rule 12.03(1) is suspended to permit the committee to change the text of added Subsection (c), Section 111.015, Government Code, so that Subsection (c), Section 111.015 reads as follows:

(c) If the director has knowledge that a potential ground

for removal exists, the director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the chief justice of the supreme court that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the board, who shall then notify the chief justice of the supreme court that a potential ground for removal exists.

Explanation: The change is necessary to enable the director to notify the appropriate appointing official regarding the existence of a potential ground for removal of a board member.

(11) Senate Rule 12.03(2) is suspended to permit the committee to omit the following text in added Section 111.017, Government Code:

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

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

(12) Senate Rule 12.03(2) is suspended to permit the committee to omit text in added Section 111.023, Government Code, so that Section 111.023 reads as follows:

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

Explanation: The change is necessary to prohibit the director from delegating to another individual the director's duty under this section to provide information to board members regarding the requirements for holding office and to reflect the removal of references to the hiring of employees, other than the director, that are made throughout added Chapter 111, Government Code.

(13) Senate Rule 12.03(4) is suspended to permit the committee to add additional text as Subsection (f), Section 111.042, Government Code, to read as follows and to reletter existing Subsection (f) and subsequent subsections appropriately:

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

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

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department.

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 29, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate