



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.

Rand Newkum  
President of the Senate

Jim Cullum  
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.

Patsy Spaw  
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.

Robert Haney  
Chief Clerk of the House

Approved:

17 JUNE '05

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
2:10 PM O'CLOCK  
JUN 17 2005  
Roger Williams  
Secretary of State