

By: Dunnam

H.B. No. 1181

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Court Reporters
3 Certification Board; providing an administrative penalty.

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

5 SECTION 1. Section 52.001, Government Code, is amended by
6 adding Subdivision (2-a) to read as follows:

7 (2-a) "Director" means the administrative director of
8 the board's employees.

9 SECTION 2. Subchapter A, Chapter 52, Government Code, is
10 amended by adding Section 52.003 to read as follows:

11 Sec. 52.003. RULES REGARDING ADVERTISING OR COMPETITIVE
12 BIDDING. (a) The supreme court may not adopt rules restricting
13 advertising or competitive bidding by a certification or
14 registration holder except to prohibit false, misleading, or
15 deceptive practices.

16 (b) In its rules to prohibit false, misleading, or deceptive
17 practices, the supreme court may not include a rule that:

18 (1) restricts the use of any medium for advertising;

19 (2) restricts the use of a certification or
20 registration holder's personal appearance or voice in an
21 advertisement;

22 (3) relates to the size or duration of an
23 advertisement by the certification or registration holder; or

24 (4) restricts the certification or registration

1 holder's advertisement under a trade name.

2 SECTION 3. The heading to Subchapter B, Chapter 52,
3 Government Code, is amended to read as follows:

4 SUBCHAPTER B. COURT REPORTERS CERTIFICATION BOARD;
5 ADMINISTRATIVE PROVISIONS

6 SECTION 4. Sections 52.011(a)-(e), Government Code, are
7 amended to read as follows:

8 (a) The Court Reporters Certification Board is appointed by
9 the supreme court and is composed of:

- 10 (1) one active district judge who serves as chairman;
11 (2) two active attorneys licensed in this state who
12 have been practicing members of the State Bar for more than the five
13 years immediately preceding their appointment to the board;

14 (3) two active official court reporters who have
15 practiced shorthand reporting in this state for more than the five
16 years immediately preceding their appointment to the board;

17 (4) two active certified shorthand reporters who work
18 on a freelance [~~free-lance~~] basis and who have practiced shorthand
19 reporting for more than the five years immediately preceding their
20 appointment to the board;

21 (5) one representative of a shorthand reporting firm
22 that is not owned by a certified shorthand reporter and that has
23 operated as a shorthand reporting firm in this state for more than
24 the three years immediately preceding the representative's
25 appointment to the board;

26 (6) one representative of a shorthand reporting firm
27 that is owned by a certified shorthand reporter and that has

1 operated as a shorthand reporting firm in this state for more than
2 the three years immediately preceding the representative's
3 appointment to the board; and

4 (7) four ~~[public]~~ members who are representatives of
5 the general public ~~[citizens of this state]~~.

6 (b) Appointments ~~[It is the intent of the legislature that~~
7 ~~the membership of the board reflect the historical and cultural~~
8 ~~diversity of the inhabitants of this state. Therefore,~~
9 ~~appointments]~~ to the board shall ~~[should]~~ be made without regard to
10 the ~~[discrimination based on]~~ race, color, disability ~~[creed]~~, sex,
11 religion, age, or national origin~~[, or geographical distribution]~~
12 of the appointees.

13 (c) A person may not be a member of the board or act as the
14 general counsel to the board if the person ~~[who]~~ is:

15 (1) required to register as a lobbyist under Chapter
16 305~~[, Government Code,]~~ because of the person's activities for
17 compensation ~~[in or]~~ on behalf of a profession related to the
18 operation of the board; ~~[,]~~ or

19 (2) ~~[a person who is]~~ an owner, officer, or employee of
20 a school or institution engaged in instructing persons in shorthand
21 reporting skills ~~[may not serve as a member of the board or act as~~
22 ~~the general counsel to the board]~~.

23 (d) In this subsection, "Texas trade association" means a
24 cooperative and voluntarily joined statewide association of
25 business or professional competitors in this state designed to
26 assist its members and its industry or profession in dealing with
27 mutual business or professional problems and in promoting their

1 common interest. A person may not be a member of the board and may
2 not be a board employee employed in a "bona fide executive,
3 administrative, or professional capacity," as that phrase is used
4 for purposes of establishing an exemption to the overtime
5 provisions of the federal Fair Labor Standards Act of 1938 (29
6 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

7 (1) the person is [~~A member or employee of the board~~
8 ~~may not be~~] an officer, employee, or paid consultant of a Texas
9 trade association in the field of shorthand reporting; or

10 (2) the person's spouse [~~industry. A member or~~
11 ~~employee of the board may not be related within the second degree by~~
12 ~~affinity or consanguinity, as determined under Chapter 573, to a~~
13 ~~person who~~] is an officer, manager [~~employee~~], or paid consultant
14 of a Texas trade association in the field of shorthand reporting
15 [~~industry~~].

16 (e) A person may not be [~~is not eligible for appointment as~~]
17 a public member of the board if the person or the person's spouse
18 [~~is~~]:

19 (1) is a judge;

20 (2) is licensed to practice law in this state;

21 (3) is registered or certified by the board [~~a~~
22 ~~shorthand reporter~~];

23 (4) is an elected public official; [~~or~~]

24 (5) is a full-time governmental employee;

25 (6) is employed by or participates in the management
26 of a business entity or other organization regulated by or
27 receiving money from the board;

1 (7) owns or controls, directly or indirectly, more
2 than a 10 percent interest in a business entity or other
3 organization regulated by or receiving money from the board; or

4 (8) uses or receives a substantial amount of tangible
5 goods, services, or money from the board other than compensation or
6 reimbursement authorized by law for board membership, attendance,
7 or expenses.

8 SECTION 5. Section 52.013(b), Government Code, is amended
9 to read as follows:

10 (b) The board may:

11 (1) appoint any necessary or proper subcommittee;

12 (2) hire necessary employees;

13 (3) designate a board employee to serve as director;

14 (4) pay all reasonable expenses from available funds;

15 (5) [~~4~~] approve curriculum for court reporter
16 proprietary schools as provided by Section 132.055, Education Code;

17 (6) [~~5~~] approve court reporter programs in
18 technical institutes and public community colleges for purposes of
19 certification under Section 61.051, Education Code; and

20 (7) [~~6~~] approve continuing professional education
21 courses for persons certified as court reporters.

22 SECTION 6. Subchapter B, Chapter 52, Government Code, is
23 amended by adding Sections 52.0111, 52.0112, and 52.0121 to read as
24 follows:

25 Sec. 52.0111. BOARD MEMBER TRAINING. (a) A person who is
26 appointed to and qualifies for office as a member of the board may
27 not vote, deliberate, or be counted as a member in attendance at a

1 meeting of the board until the person completes a training program
2 that complies with this section.

3 (b) The training program must provide the person with
4 information regarding:

5 (1) the legislation that created the board;

6 (2) the programs operated by the board;

7 (3) the role and functions of the board;

8 (4) the rules of the board, with an emphasis on the
9 rules that relate to disciplinary and investigatory authority;

10 (5) the current budget for the board;

11 (6) the results of the most recent formal audit of the
12 board;

13 (7) the requirements of:

14 (A) the open meetings law, Chapter 551;

15 (B) the public information law, Chapter 552;

16 (C) the administrative procedure law, Chapter
17 2001; and

18 (D) other laws relating to public officials,
19 including conflict-of-interest laws; and

20 (8) any applicable ethics policies adopted by the
21 board or the Texas Ethics Commission.

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

27 Sec. 52.0112. REMOVAL OF BOARD MEMBER. (a) It is a ground

1 for removal from the board that a member:

2 (1) does not have at the time of taking office the
3 qualifications required by Section 52.011;

4 (2) does not maintain during service on the board the
5 qualifications required by Section 52.011;

6 (3) is ineligible for membership under Section
7 52.011(e);

8 (4) cannot, because of illness or disability,
9 discharge the member's duties for a substantial part of the member's
10 term; or

11 (5) is absent from more than half of the regularly
12 scheduled board meetings that the member is eligible to attend
13 during a calendar year without an excuse approved by a majority vote
14 of the board.

15 (b) The validity of an action of the board is not affected by
16 the fact that it is taken when a ground for removal of a board member
17 exists.

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

26 Sec. 52.0121. PUBLIC PARTICIPATION. The board shall
27 develop and implement policies that provide the public with a

1 reasonable opportunity to appear before the board and to speak on
2 any issue under the jurisdiction of the board.

3 SECTION 7. Section 52.014, Government Code, is amended to
4 read as follows:

5 Sec. 52.014. SUNSET PROVISION. The Court Reporters
6 Certification Board is subject to Chapter 325 (Texas Sunset Act).
7 Unless continued in existence as provided by that chapter, the
8 board is abolished September 1, 2015 [~~2003~~].

9 SECTION 8. Subchapter B, Chapter 52, Government Code, is
10 amended by adding Sections 52.016, 52.0165, 52.017, 52.0175,
11 52.018, 52.0185, and 52.019 to read as follows:

12 Sec. 52.016. CODE OF ETHICS. (a) The board shall develop
13 and recommend to the supreme court for adoption by rule a code of
14 ethics for certification or registration holders under this
15 chapter. In developing the code of ethics, the board may use the
16 codes of ethics adopted by state or national court reporters'
17 associations as models.

18 (b) The board shall publish the code of ethics after
19 adoption by the supreme court.

20 (c) After publishing the code of ethics, the board shall
21 propose to the supreme court a rule stating that a person who
22 violates the code of ethics is subject to an administrative penalty
23 assessed under Section 52.0321.

24 (d) The board shall update the code of ethics as necessary
25 to reflect changes in technology or other factors affecting the
26 field of shorthand reporting.

27 Sec. 52.0165. INFORMATION ON COMPLAINTS. (a) The board

1 shall maintain a file on each written complaint filed with the
2 board. The file must include:

- 3 (1) the name of the person who filed the complaint;
4 (2) the date the complaint is received by the board;
5 (3) the subject matter of the complaint;
6 (4) the name of each person contacted in relation to
7 the complaint;

8 (5) a summary of the results of the review or
9 investigation of the complaint; and

10 (6) an explanation of the reason the file was closed,
11 if the board closed the file without taking action other than to
12 investigate the complaint.

13 (b) The board shall provide to the person filing the
14 complaint and to each person who is a subject of the complaint a
15 copy of the board's policies and procedures relating to complaint
16 investigation and resolution.

17 (c) The board, at least quarterly until final disposition of
18 the complaint, shall notify the person filing the complaint and
19 each person who is a subject of the complaint of the status of the
20 investigation unless the notice would jeopardize an undercover
21 investigation.

22 Sec. 52.017. USE OF TECHNOLOGY. The board shall develop and
23 implement a policy requiring the director and board employees to
24 research and propose appropriate technological solutions to
25 improve the board's ability to perform its functions. The
26 technological solutions must:

27 (1) ensure that the public is able to easily find

1 information about the board on the Internet;

2 (2) ensure that persons who want to use the board's
3 services are able to:

4 (A) interact with the board through the Internet;
5 and

6 (B) access any service that can be provided
7 effectively through the Internet; and

8 (3) be cost-effective and developed through the
9 board's planning processes.

10 Sec. 52.0175. ALTERNATIVE DISPUTE RESOLUTION
11 PROCEDURES. (a) The board shall develop and implement a policy to
12 encourage the use of appropriate alternative dispute resolution
13 procedures under Chapter 2009 to assist in the resolution of
14 internal and external disputes under the board's jurisdiction.

15 (b) The board's procedures relating to alternative dispute
16 resolution must conform, to the extent possible, to any model
17 guidelines issued by the State Office of Administrative Hearings
18 for the use of alternative dispute resolution by state agencies.

19 (c) The board shall designate a trained person to:

20 (1) coordinate the implementation of the policy
21 adopted under Subsection (a);

22 (2) serve as a resource for any training needed to
23 implement the procedures for alternative dispute resolution; and

24 (3) collect data concerning the effectiveness of
25 those procedures, as implemented by the board.

26 Sec. 52.018. EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a) The
27 director or the director's designee shall prepare and maintain a

1 written policy statement that implements a program of equal
2 employment opportunity to ensure that all personnel decisions are
3 made without regard to race, color, disability, sex, religion, age,
4 or national origin.

5 (b) The policy statement must include:

6 (1) personnel policies, including policies relating
7 to recruitment, evaluation, selection, training, and promotion of
8 personnel, that show the intent of the board to avoid the unlawful
9 employment practices described by Chapter 21, Labor Code; and

10 (2) an analysis of the extent to which the composition
11 of the board's personnel is in accordance with state and federal law
12 and a description of reasonable methods to achieve compliance with
13 state and federal law.

14 (c) The policy statement must:

15 (1) be updated annually;

16 (2) be reviewed by the state Commission on Human
17 Rights for compliance with Subsection (b)(1); and

18 (3) be filed with the governor's office.

19 Sec. 52.0185. STANDARDS OF CONDUCT. The director or the
20 director's designee shall provide to members of the board and to
21 board employees, as often as necessary, information regarding the
22 requirements for office or employment under this chapter, including
23 information regarding a person's responsibilities under applicable
24 laws relating to standards of conduct for state officers or
25 employees.

26 Sec. 52.019. STATE EMPLOYEE INCENTIVE PROGRAM. The
27 director or the director's designee shall provide to board

1 employees information and training on the benefits and methods of
2 participation in the state employee incentive program.

3 SECTION 9. Subchapter C, Chapter 52, Government Code, is
4 amended by adding Sections 52.0211, 52.0231, and 52.0241 to read as
5 follows:

6 Sec. 52.0211. RULES ON CONSEQUENCES OF CRIMINAL
7 CONVICTION. (a) Chapter 53, Occupations Code, applies to an
8 applicant for or a holder of a certification or registration under
9 this chapter, notwithstanding Section 53.002, Occupations Code.

10 (b) The supreme court shall adopt rules necessary to comply
11 with Chapter 53, Occupations Code.

12 Sec. 52.0231. EXAMINATION RESULTS. (a) Not later than the
13 30th day after the date a person takes an examination under this
14 chapter, the board shall notify the person of the results of the
15 examination.

16 (b) If the examination is graded or reviewed by a testing
17 service:

18 (1) the board shall notify the person of the results of
19 the examination not later than the 30th day after the date the board
20 receives the results from the testing service; and

21 (2) if notice of the examination results will be
22 delayed for longer than 90 days after the examination date, the
23 board shall notify the person of the reason for the delay before the
24 90th day.

25 (c) The board may require a testing service to notify a
26 person of the results of the person's examination.

27 (d) If requested in writing by a person who fails an

1 examination administered under this chapter, the board shall
2 furnish the person with an analysis of the person's performance on
3 the examination.

4 Sec. 52.0241. RECIPROCAL CERTIFICATION OR CERTIFICATION BY
5 ENDORSEMENT. (a) The board may waive any prerequisite to
6 certification for an applicant after reviewing the applicant's
7 credentials and determining that the applicant holds a license or
8 certification issued by another jurisdiction that has licensing or
9 certification requirements substantially equivalent to those of
10 this state.

11 (b) The board may waive any prerequisite to certification
12 for an applicant who holds a license or certification issued by
13 another jurisdiction with which this state has a reciprocity
14 agreement. The board may make an agreement, subject to the approval
15 of the supreme court, with another state to allow for certification
16 by reciprocity.

17 SECTION 10. Section 52.026, Government Code, is amended by
18 amending Subsections (c)-(e) and adding Subsections (f)-(h) to read
19 as follows:

20 (c) A person who is otherwise eligible to renew a
21 certification or registration may renew an unexpired certification
22 or registration by paying the required renewal fee to the board
23 before the expiration date of the certification or registration. A
24 person whose certification or registration has expired may not
25 engage in activities that require a certification or registration
26 until the certification or registration has been renewed. [~~Te~~
27 renew a certification or registration, the shorthand reporter or

1 ~~shorthand reporting firm or affiliate office must pay the renewal~~
2 ~~fee on or before the expiration date of the certification or~~
3 ~~registration.]~~

4 (d) A person whose certification or registration has been
5 expired for 90 days or less may renew the certification or
6 registration by paying to the board a renewal fee that is equal to
7 1-1/2 times the normally required renewal fee. [~~The board may~~
8 ~~reinstate an expired certification or registration if, not later~~
9 ~~than the 120th day after the date of expiration, the applicant pays~~
10 ~~the renewal fee and any penalty fee. The reinstatement dates from~~
11 ~~the original date of expiration.]~~

12 (e) A person whose certification or registration has been
13 expired for more than 90 days but less than one year may renew the
14 certification or registration by paying to the board a renewal fee
15 that is equal to two times the normally required renewal fee [~~The~~
16 ~~board may reinstate a certification that has been expired for more~~
17 ~~than 120 days if the board finds, on a sworn affidavit of the~~
18 ~~applicant or by another method determined by the board, that the~~
19 ~~applicant has retained the professional skills required for~~
20 ~~original certification and has paid all delinquent renewal fees and~~
21 ~~any penalty fee. The board may reinstate a registration that has~~
22 ~~been expired for more than 120 days if the board finds, on a sworn~~
23 ~~affidavit of the registrant or by another method determined by the~~
24 ~~board, that the registrant has corrected all deficiencies and has~~
25 ~~paid all delinquent renewal fees and any outstanding fines.~~
26 ~~Reinstatement under this subsection expires on January 1 nearest~~
27 ~~the second anniversary of the reinstatement].~~

1 (f) A person whose certification or registration has been
2 expired for one year or more may not renew the certification or
3 registration. The person may obtain a new certification or
4 registration by complying with the requirements and procedures,
5 including the examination requirements, for obtaining an original
6 certification or registration.

7 (g) A person who was certified in this state, moved to
8 another state, and is currently certified and has been in practice
9 in the other state for the two years preceding the date of
10 application may obtain a new certification without reexamination.
11 The person must pay to the board a fee that is equal to two times the
12 normally required renewal fee for the certification.

13 (h) Not later than the 30th day before the date a person's
14 certification or registration is scheduled to expire, the board
15 shall send written notice of the impending expiration to the person
16 at the person's last known address according to the records of the
17 board.

18 SECTION 11. Subchapter C, Chapter 52, Government Code, is
19 amended by adding Section 52.0261 to read as follows:

20 Sec. 52.0261. STAGGERED RENEWAL OF CERTIFICATION OR
21 REGISTRATION. The supreme court by rule may adopt a system under
22 which certifications or registrations expire on various dates
23 during the year. For the year in which the certification or
24 registration expiration date is changed, the board shall prorate
25 certification or registration fees on a monthly basis so that each
26 certification or registration holder pays only that portion of the
27 certification or registration fee that is allocable to the number

1 of months during which the certification or registration is valid.
2 On renewal of the certification or registration on the new
3 expiration date, the total certification or registration renewal
4 fee is payable.

5 SECTION 12. Section 52.027(a), Government Code, is amended
6 to read as follows:

7 (a) To file a complaint against a certified shorthand
8 reporter or a shorthand reporting firm or affiliate office
9 registered with the board, a person must:

- 10 (1) have personal knowledge of the alleged violation;
11 (2) complete a complaint form provided by the board;
12 (3) sign the completed form [~~under oath~~]; and
13 (4) attach any pertinent documentary evidence to the
14 form.

15 SECTION 13. Subchapter C, Chapter 52, Government Code, is
16 amended by adding Section 52.0271 to read as follows:

17 Sec. 52.0271. COMPLAINT DISMISSAL. (a) The board may
18 adopt a policy allowing board employees to dismiss complaints that:

- 19 (1) clearly do not allege misconduct; or
20 (2) are not within the board's jurisdiction.

21 (b) Board employees shall inform the board of all dismissals
22 made under this section.

23 (c) A person who files a complaint that is dismissed under
24 this section may request that the board reconsider the complaint.

25 SECTION 14. Section 52.029, Government Code, is amended by
26 amending Subsection (a) and adding Subsection (f) to read as
27 follows:

1 (a) After receiving a verified complaint and giving the
2 certified shorthand reporter notice and an opportunity for a
3 hearing as prescribed by Section 52.028, the board shall ~~[may]~~
4 revoke, [or] suspend, or refuse to renew the shorthand reporter's
5 certification or issue a reprimand to the reporter for:

6 (1) fraud or corruption;

7 (2) dishonesty;

8 (3) wilful or negligent violation or failure of duty;

9 (4) incompetence;

10 (5) fraud or misrepresentation in obtaining
11 certification;

12 (6) a final conviction of a felony or misdemeanor that
13 directly relates to the duties and responsibilities of a certified
14 court reporter, as determined by rules adopted under Section
15 52.0211 ~~[criminal offense involving moral turpitude that indicates~~
16 ~~a clear and rational likelihood that the reporter will not properly~~
17 ~~discharge the responsibilities of a certified shorthand reporter];~~

18 (7) engaging in the practice of shorthand reporting
19 using a method for which the reporter is not certified;

20 (8) engaging in the practice of shorthand reporting
21 while certification is suspended;

22 (9) unprofessional conduct, including giving directly
23 or indirectly, benefiting from, or being employed as a result of any
24 gift, incentive, reward, or anything of value to attorneys,
25 clients, or their representatives or agents, except for nominal
26 items that do not exceed \$100 in the aggregate for each recipient
27 each year;

1 (10) entering into or providing services under a
2 prohibited contract described by Section 52.034; [~~or~~]

3 (11) committing any other act that violates this
4 chapter or a rule or provision of the code of ethics adopted under
5 this chapter; or

6 (12) other sufficient cause.

7 (f) The board may place on probation a person whose
8 certification is suspended. If a certification suspension is
9 probated, the board may require the person to:

10 (1) report regularly to the board on matters that are
11 the basis of the probation;

12 (2) limit practice to the areas prescribed by the
13 board; or

14 (3) continue or review professional education until
15 the person attains a degree of skill satisfactory to the board in
16 those areas that are the basis of the probation.

17 SECTION 15. Section 52.0295, Government Code, is amended by
18 amending Subsection (a) and adding Subsection (f) to read as
19 follows:

20 (a) After receiving a verified complaint and giving the
21 shorthand reporting firm or affiliate office notice and an
22 opportunity for a hearing as prescribed by Section 52.028, the
23 board shall [~~may~~] reprimand, assess a reasonable fine against, or
24 suspend, [~~or~~] revoke, or refuse to renew the registration of a
25 shorthand reporting firm or affiliate office for:

26 (1) fraud or corruption;

27 (2) dishonesty;

1 (3) conduct on the part of an officer, director, or
2 managerial employee of the shorthand reporting firm or affiliate
3 office if the officer, director, or managerial employee orders,
4 encourages, or permits conduct that the officer, director, or
5 managerial employee knows or should have known violates this
6 chapter;

7 (4) conduct on the part of an officer, director, or
8 managerial employee or agent of the shorthand reporting firm or
9 affiliate office who has direct supervisory authority over a person
10 for whom the officer, director, employee, or agent knows or should
11 have known violated this chapter and knowingly fails to take
12 reasonable remedial action to avoid or mitigate the consequences of
13 the person's actions;

14 (5) fraud or misrepresentation in obtaining
15 registration;

16 (6) a final conviction of an officer, director, or
17 managerial employee of a shorthand reporting firm or affiliate
18 office for a felony or misdemeanor that is directly related to the
19 provision of court reporting services, as determined by rules
20 adopted under Section 52.0211;

21 (7) engaging the services of a reporter that the
22 shorthand reporting firm or affiliate office knew or should have
23 known was using a method for which the reporter is not certified;

24 (8) knowingly providing court reporting services
25 while the shorthand reporting firm's or affiliate office's
26 registration is suspended or engaging the services of a shorthand
27 reporter whose certification the shorthand reporting firm or

1 affiliate office knew or should have known was suspended;

2 (9) unprofessional conduct, including a pattern of
3 giving directly or indirectly or benefiting from or being employed
4 as a result of giving any gift, incentive, reward, or anything of
5 value to attorneys, clients, or their representatives or agents,
6 except for nominal items that do not exceed \$100 in the aggregate
7 for each recipient each year;

8 (10) entering into or providing services under a
9 prohibited contract described by Section 52.034; ~~or~~

10 (11) committing any other act that violates this
11 chapter or a rule or provision of the code of ethics adopted under
12 this chapter; or

13 (12) other sufficient cause.

14 (f) The board may place on probation a shorthand reporting
15 firm or affiliate office whose registration is suspended. If a
16 registration suspension is probated, the board may require the firm
17 or office to:

18 (1) report regularly to the board on matters that are
19 the basis of the probation;

20 (2) limit practice to the areas prescribed by the
21 board; or

22 (3) through its officers, directors, managerial
23 employees, or agents, continue or review professional education
24 until those persons attain a degree of skill satisfactory to the
25 board in those areas that are the basis of the probation.

26 SECTION 16. The heading to Section 52.032, Government Code,
27 is amended to read as follows:

1 Sec. 52.032. CRIMINAL PENALTY.

2 SECTION 17. Subchapter C, Chapter 52, Government Code, is
3 amended by adding Section 52.0321 to read as follows:

4 Sec. 52.0321. ADMINISTRATIVE PENALTY. (a) The board may
5 assess an administrative penalty against a person who violates this
6 chapter or a rule or provision of the code of ethics adopted under
7 this chapter.

8 (b) In determining the amount of an administrative penalty
9 assessed under this section, the board shall consider:

10 (1) the seriousness of the violation;

11 (2) the history of previous violations;

12 (3) the amount necessary to deter future violations;

13 (4) efforts made to correct the violation; and

14 (5) any other matters that justice may require.

15 SECTION 18. Section 52.024(b), Government Code, is
16 repealed.

17 SECTION 19. The Court Reporters Certification Board shall
18 develop and recommend to the Supreme Court of Texas a code of ethics
19 as required by Section 52.016, Government Code, as added by this
20 Act, not later than September 1, 2004.

21 SECTION 20. (a) The changes in law made by this Act in the
22 prohibitions or qualifications applying to members of the Court
23 Reporters Certification Board do not affect the entitlement of a
24 member serving on the board immediately before September 1, 2003,
25 to continue to serve and function as a member of the board for the
26 remainder of the member's term. Those changes in law apply only to
27 a member appointed on or after September 1, 2003.

1 (b) Section 52.0165, Government Code, as added by this Act,
2 applies only to a complaint filed with the Court Reporters
3 Certification Board on or after the effective date of this Act,
4 regardless of whether the conduct or act that is the subject of the
5 complaint occurred or was committed before, on, or after the
6 effective date of this Act.

7 (c) Rules adopted under Section 52.0211, Government Code,
8 as added by this Act, apply only to an offense committed on or after
9 the effective date of this Act. An offense committed before the
10 effective date of this Act is governed by the law in effect on the
11 date the offense was committed, and the former law is continued in
12 effect for that purpose. For purposes of this subsection, an
13 offense was committed before the effective date of this Act if any
14 element of the offense occurred before that date.

15 (d) Section 52.0231, Government Code, as added by this Act,
16 applies only to an examination administered on or after the
17 effective date of this Act. An examination administered before the
18 effective date of this Act is governed by the law in effect on the
19 date the examination was administered, and the former law is
20 continued in effect for that purpose.

21 (e) Section 52.026, Government Code, as amended by this Act,
22 applies to renewal fees for renewal of a certification or
23 registration that become due on or after the effective date of this
24 Act. Renewal fees for renewal of a certification or registration
25 that became due before the effective date of this Act are governed
26 by the law in effect on the date the renewal fees became due, and the
27 former law is continued in effect for that purpose.

1 (f) Section 52.027, Government Code, as amended by this Act,
2 and Section 52.0271, Government Code, as added by this Act, apply
3 only to a complaint pending or filed on or after the effective date
4 of this Act.

5 (g) Sections 52.029 and 52.0295, Government Code, as
6 amended by this Act, and Section 52.0321, Government Code, as added
7 by this Act, apply only to conduct that occurs on or after the
8 effective date of this Act. Conduct that occurs before the
9 effective date of this Act is governed by the law in effect on the
10 date the conduct occurred, and the former law is continued in effect
11 for that purpose.

12 SECTION 21. This Act takes effect September 1, 2003.