

By: Shapleigh S.B. No. 273
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COMMITTEE SUBSTITUTE FOR S.B. No. 273 By: Armbrister

A BILL TO BE ENTITLED
AN ACT

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

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

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

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

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

Sec. 52.003. RULES REGARDING ADVERTISING OR COMPETITIVE
BIDDING. (a) Subject to Sections 52.021(i), 52.029, 52.0295, and
52.034 and any rules related to ethics or professional conduct
promulgated by the supreme court, the supreme court may not adopt
rules restricting advertising or competitive bidding by a
certification or registration holder except to prohibit false,
misleading, or deceptive practices.

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

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

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

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

(4) restricts the certification or registration
holder's advertisement under a trade name.

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

SUBCHAPTER B. COURT REPORTERS CERTIFICATION BOARD;
ADMINISTRATIVE PROVISIONS

SECTION 4. Subsections (a) through (e), Section 52.011,
Government Code, are amended to read as follows:

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

(1) one active district judge who serves as chairman;

(2) two active attorneys licensed in this state who
have been practicing members of the State Bar for more than the five
years immediately preceding their appointment to the board;

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

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

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

(6) one representative of a shorthand reporting firm
that is owned by a certified shorthand reporter and that has
operated as a shorthand reporting firm in this state for more than
the three years immediately preceding the representative's

2-1 appointment to the board; and

2-2 (7) four ~~[public]~~ members who are representatives of
 2-3 the general public ~~[citizens of this state]~~.

2-4 (b) Appointments ~~[It is the intent of the legislature that~~
 2-5 ~~the membership of the board reflect the historical and cultural~~
 2-6 ~~diversity of the inhabitants of this state. Therefore,~~
 2-7 ~~appointments]~~ to the board shall ~~[should]~~ be made without regard to
 2-8 the ~~[discrimination based on]~~ race, color, disability ~~[creed]~~, sex,
 2-9 religion, age, or national origin~~[, or geographical distribution]~~
 2-10 of the appointees.

2-11 (c) A person may not be a member of the board or act as the
 2-12 general counsel to the board if the person ~~[who]~~ is:

2-13 (1) required to register as a lobbyist under Chapter
 2-14 305~~[, Government Code,]~~ because of the person's activities for
 2-15 compensation ~~[in or]~~ on behalf of a profession related to the
 2-16 operation of the board;~~[,]~~ or

2-17 (2) ~~[a person who is]~~ an owner, officer, or employee of
 2-18 a school or institution engaged in instructing persons in shorthand
 2-19 reporting skills ~~[may not serve as a member of the board or act as~~
 2-20 ~~the general counsel to the board]~~.

2-21 (d) In this subsection, "Texas trade association" means a
 2-22 cooperative and voluntarily joined statewide association of
 2-23 business or professional competitors in this state designed to
 2-24 assist its members and its industry or profession in dealing with
 2-25 mutual business or professional problems and in promoting their
 2-26 common interest. A person may not be a member of the board and may
 2-27 not be a board employee employed in a "bona fide executive,
 2-28 administrative, or professional capacity," as that phrase is used
 2-29 for purposes of establishing an exemption to the overtime
 2-30 provisions of the federal Fair Labor Standards Act of 1938 (29
 2-31 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

2-32 (1) the person is ~~[A member or employee of the board~~
 2-33 ~~may not be]~~ an officer, employee, or paid consultant of a Texas
 2-34 trade association in the field of shorthand reporting; or

2-35 (2) the person's spouse ~~[industry. A member or~~
 2-36 ~~employee of the board may not be related within the second degree by~~
 2-37 ~~affinity or consanguinity, as determined under Chapter 573, to a~~
 2-38 ~~person who]~~ is an officer, manager ~~[employee]~~, or paid consultant
 2-39 of a Texas trade association in the field of shorthand reporting
 2-40 [industry].

2-41 (e) A person may not be ~~[is not eligible for appointment as]~~
 2-42 a public member of the board if the person or the person's spouse
 2-43 ~~[is]~~:

2-44 (1) is a judge;

2-45 (2) is licensed to practice law in this state;

2-46 (3) is registered or certified by the board ~~[a~~
 2-47 ~~shorthand reporter]~~;

2-48 (4) is an elected public official; ~~[or]~~

2-49 (5) is a full-time governmental employee;

2-50 (6) is employed by or participates in the management
 2-51 of a business entity or other organization regulated by or
 2-52 receiving money from the board;

2-53 (7) owns or controls, directly or indirectly, more
 2-54 than a 10 percent interest in a business entity or other
 2-55 organization regulated by or receiving money from the board; or

2-56 (8) uses or receives a substantial amount of tangible
 2-57 goods, services, or money from the board other than compensation or
 2-58 reimbursement authorized by law for board membership, attendance,
 2-59 or expenses.

2-60 SECTION 5. Subsections (b) and (c), Sections 52.013,
 2-61 Government Code, are amended to read as follows:

2-62 (b) The board may:

2-63 (1) appoint any necessary or proper subcommittee;

2-64 (2) designate a board employee to serve as director
 2-65 ~~[hire necessary employees];~~

2-66 (3) ~~[pay all reasonable expenses from available funds,~~
 2-67 ~~[4]]~~ approve curriculum for court reporter proprietary
 2-68 schools as provided by Section 132.055, Education Code;

2-69 (4) ~~[45]]~~ approve court reporter programs in technical

institutes and public community colleges for purposes of certification under Section 61.051, Education Code; and
 (5) ~~[(6)]~~ approve continuing professional education courses for persons certified as court reporters.

(c) The board shall maintain:

- (1) a complete record of each board proceeding;
- (2) a complete record of each certification issued, renewed, or revoked; and
- (3) a complete record of each registration issued, renewed, or revoked~~[-, and~~
- ~~[(4) a detailed statement of receipts and disbursements].~~

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

Sec. 52.0111. BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

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

- (1) the legislation that created the board;
- (2) the programs operated by the board;
- (3) the role and functions of the board;
- (4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the board;
- (6) the results of the most recent formal audit of the board;

(7) the requirements of:
(A) the open meetings law, Chapter 551;
(B) the public information law, Chapter 552;
(C) the administrative procedure law, Chapter 2001; and

(D) other laws relating to public officials, including conflict-of-interest laws; and
(8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(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.

Sec. 52.0112. REMOVAL OF BOARD MEMBER. (a) It is a ground for removal from the board that a member:

- (1) does not have at the time of taking office the qualifications required by Section 52.011;
- (2) does not maintain during service on the board the qualifications required by Section 52.011;
- (3) is ineligible for membership under Section 52.011(e);
- (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

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

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

(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 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 supreme court that a

4-1 potential ground for removal exists.

4-2 Sec. 52.0121. PUBLIC PARTICIPATION. The board shall
 4-3 develop and implement policies that provide the public with a
 4-4 reasonable opportunity to appear before the board and to speak on
 4-5 any issue under the jurisdiction of the board.

4-6 SECTION 7. Subchapter B, Chapter 52, Government Code, is
 4-7 amended by adding Section 52.0131 to read as follows:

4-8 Sec. 52.0131. ADMINISTRATIVE ATTACHMENT. (a) The board is
 4-9 administratively attached to the Office of Court Administration of
 4-10 the Texas Judicial System.

4-11 (b) Notwithstanding any other law, the Office of Court
 4-12 Administration of the Texas Judicial System shall:

4-13 (1) provide administrative assistance and services to
 4-14 the board, including budget planning and purchasing;

4-15 (2) accept, deposit, and disburse money made available
 4-16 to the board;

4-17 (3) pay the salaries and benefits of the director and
 4-18 employees of the board; and

4-19 (4) provide the board with adequate computer equipment
 4-20 and support.

4-21 SECTION 8. Section 52.014, Government Code, is amended to
 4-22 read as follows:

4-23 Sec. 52.014. SUNSET PROVISION. The Court Reporters
 4-24 Certification Board is subject to Chapter 325 (Texas Sunset Act).
 4-25 Unless continued in existence as provided by that chapter, the
 4-26 board is abolished September 1, 2015 [2003].

4-27 SECTION 9. Subchapter B, Chapter 52, Government Code, is
 4-28 amended by adding Sections 52.016, 52.0165, 52.017, 52.0175,
 4-29 52.018, 52.0185, and 52.019 to read as follows:

4-30 Sec. 52.016. CODE OF ETHICS. (a) The board shall develop
 4-31 and recommend to the supreme court for adoption by rule a code of
 4-32 ethics for certification or registration holders under this
 4-33 chapter. In developing the code of ethics, the board may use the
 4-34 codes of ethics adopted by state or national court reporters'
 4-35 associations as models.

4-36 (b) The board shall publish the code of ethics after
 4-37 adoption by the supreme court.

4-38 (c) After publishing the code of ethics, the board shall
 4-39 propose to the supreme court a rule stating that a person who
 4-40 violates the code of ethics is subject to an administrative penalty
 4-41 assessed under Section 52.0321.

4-42 (d) The board shall update the code of ethics as necessary
 4-43 to reflect changes in technology or other factors affecting the
 4-44 field of shorthand reporting.

4-45 Sec. 52.0165. INFORMATION ON COMPLAINTS. (a) The board
 4-46 shall maintain a file on each written complaint filed with the
 4-47 board. The file must include:

4-48 (1) the name of the person who filed the complaint;

4-49 (2) the date the complaint is received by the board;

4-50 (3) the subject matter of the complaint;

4-51 (4) the name of each person contacted in relation to
 4-52 the complaint;

4-53 (5) a summary of the results of the review or
 4-54 investigation of the complaint; and

4-55 (6) an explanation of the reason the file was closed,
 4-56 if the board closed the file without taking action other than to
 4-57 investigate the complaint.

4-58 (b) The board shall provide to the person filing the
 4-59 complaint and to each person who is a subject of the complaint a
 4-60 copy of the board's policies and procedures relating to complaint
 4-61 investigation and resolution.

4-62 (c) The board, at least quarterly until final disposition of
 4-63 the complaint, shall notify the person filing the complaint and
 4-64 each person who is a subject of the complaint of the status of the
 4-65 investigation unless the notice would jeopardize an undercover
 4-66 investigation.

4-67 Sec. 52.017. USE OF TECHNOLOGY. The Office of Court
 4-68 Administration of the Texas Judicial System shall research and
 4-69 propose appropriate technological solutions to improve the board's

ability to perform its functions. The technological solutions must:

(1) ensure that the public is able to easily find information about the board on the Internet;

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

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

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

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

Sec. 52.0175. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) The board shall develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the board's jurisdiction.

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

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

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

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

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

Sec. 52.018. EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a) The Office of Court Administration of the Texas Judicial System shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

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

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

(c) The policy statement must:

(1) be updated annually;

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

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

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

Sec. 52.019. STATE EMPLOYEE INCENTIVE PROGRAM. The director or the director's designee shall provide to board employees information and training on the benefits and methods of participation in the state employee incentive program.

SECTION 10. Subchapter C, Chapter 52, Government Code, is amended by adding Sections 52.0211, 52.0231, and 52.0241 to read as follows:

Sec. 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.

(a) Chapter 53, Occupations Code, applies to an applicant for or a holder of a certification or registration under this chapter, notwithstanding Section 53.002, Occupations Code.

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

Sec. 52.0231. EXAMINATION RESULTS. (a) Not later than the

30th day after the date a person takes an examination under this chapter, the board shall notify the person of the results of the examination.

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

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

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

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

(d) If requested in writing by a person who fails an examination administered under this chapter, the board shall furnish the person with an analysis of the person's performance on the examination.

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

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

SECTION 11. Section 52.026, Government Code, is amended by amending Subsections (c), (d), and (e) and adding Subsections (f), (g), and (h) to read as follows:

(c) A person who is otherwise eligible to renew a certification or registration may renew an unexpired certification or registration by paying the required renewal fee to the board before the expiration date of the certification or registration. A person whose certification or registration has expired may not engage in activities that require a certification or registration until the certification or registration has been renewed [~~To renew a certification or registration, the shorthand reporter or shorthand reporting firm or affiliate office must pay the renewal fee on or before the expiration date of the certification or registration~~].

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

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

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

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

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

SECTION 12. Subchapter C, Chapter 52, Government Code, is amended by adding Section 52.0261 to read as follows:

Sec. 52.0261. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION. The supreme court by rule may adopt a system under which certifications or registrations expire on various dates during the year. For the year in which the certification or registration expiration date is changed, the board shall prorate certification or registration fees on a monthly basis so that each certification or registration holder pays only that portion of the certification or registration fee that is allocable to the number of months during which the certification or registration is valid. On renewal of the certification or registration on the new expiration date, the total certification or registration renewal fee is payable.

SECTION 13. The heading to Section 52.027, Government Code, is amended to read as follows:

Sec. 52.027. ~~[VERIFIED]~~ COMPLAINT.

SECTION 14. Subsection (a), Section 52.027, Government Code, is amended to read as follows:

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

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

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

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

- (1) clearly do not allege misconduct; or
 - (2) are not within the board's jurisdiction.
- (b) Board employees shall inform the board of all dismissals made under this section.

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

SECTION 16. Section 52.029, Government Code, is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

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

- (1) fraud or corruption;
- (2) dishonesty;
- (3) wilful or negligent violation or failure of duty;
- (4) incompetence;
- (5) fraud or misrepresentation in obtaining certification;
- (6) a final conviction of a felony or misdemeanor that

8-1 directly relates to the duties and responsibilities of a certified
 8-2 court reporter, as determined by rules adopted under Section
 8-3 52.0211 [~~criminal offense involving moral turpitude that indicates~~
 8-4 ~~a clear and rational likelihood that the reporter will not properly~~
 8-5 ~~discharge the responsibilities of a certified shorthand reporter];~~

8-6 (7) engaging in the practice of shorthand reporting
 8-7 using a method for which the reporter is not certified;

8-8 (8) engaging in the practice of shorthand reporting
 8-9 while certification is suspended;

8-10 (9) unprofessional conduct, including giving directly
 8-11 or indirectly, benefiting from, or being employed as a result of any
 8-12 gift, incentive, reward, or anything of value to attorneys,
 8-13 clients, or their representatives or agents, except for nominal
 8-14 items that do not exceed \$100 in the aggregate for each recipient
 8-15 each year;

8-16 (10) entering into or providing services under a
 8-17 prohibited contract described by Section 52.034; [~~or~~]

8-18 (11) committing any other act that violates this
 8-19 chapter or a rule or provision of the code of ethics adopted under
 8-20 this chapter; or

8-21 (12) other sufficient cause.

8-22 (f) The board may place on probation a person whose
 8-23 certification is suspended. If a certification suspension is
 8-24 probated, the board may require the person to:

8-25 (1) report regularly to the board on matters that are
 8-26 the basis of the probation;

8-27 (2) limit practice to the areas prescribed by the
 8-28 board; or

8-29 (3) continue or review professional education until
 8-30 the person attains a degree of skill satisfactory to the board in
 8-31 those areas that are the basis of the probation.

8-32 SECTION 17. Section 52.0295, Government Code, is amended by
 8-33 amending Subsection (a) and adding Subsection (f) to read as
 8-34 follows:

8-35 (a) After receiving a [~~verified~~] complaint and giving the
 8-36 shorthand reporting firm or affiliate office notice and an
 8-37 opportunity for a hearing as prescribed by Section 52.028, the
 8-38 board shall [~~may~~] reprimand, assess a reasonable fine against, or
 8-39 suspend, [~~or~~] revoke, or refuse to renew the registration of a
 8-40 shorthand reporting firm or affiliate office for:

8-41 (1) fraud or corruption;

8-42 (2) dishonesty;

8-43 (3) conduct on the part of an officer, director, or
 8-44 managerial employee of the shorthand reporting firm or affiliate
 8-45 office if the officer, director, or managerial employee orders,
 8-46 encourages, or permits conduct that the officer, director, or
 8-47 managerial employee knows or should have known violates this
 8-48 chapter;

8-49 (4) conduct on the part of an officer, director, or
 8-50 managerial employee or agent of the shorthand reporting firm or
 8-51 affiliate office who has direct supervisory authority over a person
 8-52 for whom the officer, director, employee, or agent knows or should
 8-53 have known violated this chapter and knowingly fails to take
 8-54 reasonable remedial action to avoid or mitigate the consequences of
 8-55 the person's actions;

8-56 (5) fraud or misrepresentation in obtaining
 8-57 registration;

8-58 (6) a final conviction of an officer, director, or
 8-59 managerial employee of a shorthand reporting firm or affiliate
 8-60 office for a felony or misdemeanor that is directly related to the
 8-61 provision of court reporting services, as determined by rules
 8-62 adopted under Section 52.0211;

8-63 (7) engaging the services of a reporter that the
 8-64 shorthand reporting firm or affiliate office knew or should have
 8-65 known was using a method for which the reporter is not certified;

8-66 (8) knowingly providing court reporting services
 8-67 while the shorthand reporting firm's or affiliate office's
 8-68 registration is suspended or engaging the services of a shorthand
 8-69 reporter whose certification the shorthand reporting firm or

9-1 affiliate office knew or should have known was suspended;

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

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

9-10 (11) committing any other act that violates this
9-11 chapter or a rule or provision of the code of ethics adopted under
9-12 this chapter; or

9-13 (12) other sufficient cause.

9-14 (f) The board may place on probation a shorthand reporting
9-15 firm or affiliate office whose registration is suspended. If a
9-16 registration suspension is probated, the board may require the firm
9-17 or office to:

9-18 (1) report regularly to the board on matters that are
9-19 the basis of the probation;

9-20 (2) limit practice to the areas prescribed by the
9-21 board; or

9-22 (3) through its officers, directors, managerial
9-23 employees, or agents, continue or review professional education
9-24 until those persons attain a degree of skill satisfactory to the
9-25 board in those areas that are the basis of the probation.

9-26 SECTION 18. The heading to Section 52.032, Government Code,
9-27 is amended to read as follows:

9-28 Sec. 52.032. CRIMINAL PENALTY.

9-29 SECTION 19. Subchapter C, Chapter 52, Government Code, is
9-30 amended by adding Section 52.0321 to read as follows:

9-31 Sec. 52.0321. ADMINISTRATIVE PENALTY. (a) The board may
9-32 assess an administrative penalty against a person who violates this
9-33 chapter or a rule or provision of the code of ethics adopted under
9-34 this chapter.

9-35 (b) In determining the amount of an administrative penalty
9-36 assessed under this section, the board shall consider:

9-37 (1) the seriousness of the violation;

9-38 (2) the history of previous violations;

9-39 (3) the amount necessary to deter future violations;

9-40 (4) efforts made to correct the violation; and

9-41 (5) any other matters that justice may require.

9-42 SECTION 20. Subsection (b), Section 52.024, Government
9-43 Code, is repealed.

9-44 SECTION 21. The Court Reporters Certification Board shall
9-45 develop and recommend to the Supreme Court of Texas a code of ethics
9-46 as required by Section 52.016, Government Code, as added by this
9-47 Act, not later than September 1, 2004.

9-48 SECTION 22. (a) The changes in law made by this Act in the
9-49 prohibitions or qualifications applying to members of the Court
9-50 Reporters Certification Board do not affect the entitlement of a
9-51 member serving on the board immediately before September 1, 2003,
9-52 to continue to serve and function as a member of the board for the
9-53 remainder of the member's term. Those changes in law apply only to
9-54 a member appointed on or after September 1, 2003.

9-55 (b) Section 52.0165, Government Code, as added by this Act,
9-56 applies only to a complaint filed with the Court Reporters
9-57 Certification Board on or after the effective date of this Act,
9-58 regardless of whether the conduct or act that is the subject of the
9-59 complaint occurred or was committed before, on, or after the
9-60 effective date of this Act.

9-61 (c) Rules adopted under Section 52.0211, Government Code,
9-62 as added by this Act, apply only to an offense committed on or after
9-63 the effective date of this Act. An offense committed before the
9-64 effective date of this Act is governed by the law in effect on the
9-65 date the offense was committed, and the former law is continued in
9-66 effect for that purpose. For purposes of this subsection, an
9-67 offense was committed before the effective date of this Act if any
9-68 element of the offense occurred before that date.

9-69 (d) Section 52.0231, Government Code, as added by this Act,

10-1 applies only to an examination administered on or after the
10-2 effective date of this Act. An examination administered before the
10-3 effective date of this Act is governed by the law in effect on the
10-4 date the examination was administered, and the former law is
10-5 continued in effect for that purpose.

10-6 (e) Section 52.026, Government Code, as amended by this Act,
10-7 applies to renewal fees for renewal of a certification or
10-8 registration that become due on or after the effective date of this
10-9 Act. Renewal fees for renewal of a certification or registration
10-10 that became due before the effective date of this Act are governed
10-11 by the law in effect on the date the renewal fees became due, and the
10-12 former law is continued in effect for that purpose.

10-13 (f) Section 52.027, Government Code, as amended by this Act,
10-14 and Section 52.0271, Government Code, as added by this Act, apply
10-15 only to a complaint pending or filed on or after the effective date
10-16 of this Act.

10-17 (g) Sections 52.029 and 52.0295, Government Code, as
10-18 amended by this Act, and Section 52.0321, Government Code, as added
10-19 by this Act, apply only to conduct that occurs on or after the
10-20 effective date of this Act. Conduct that occurs before the
10-21 effective date of this Act is governed by the law in effect on the
10-22 date the conduct occurred, and the former law is continued in effect
10-23 for that purpose.

10-24 SECTION 23. This Act takes effect September 1, 2003.

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