

1-1 By: Uresti S.B. No. 506
1-2 (In the Senate - Filed February 7, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 22, 2007, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 22, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to provisional certification for certain guardians.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsections (b) and (d), Section 111.016,
1-11 Government Code, are amended to read as follows:

1-12 (b) The board shall:

1-13 (1) administer and enforce this chapter;

1-14 (2) develop and recommend proposed rules and
1-15 procedures to the supreme court as necessary to implement this
1-16 chapter;

1-17 (3) set the amount of each fee prescribed by Section
1-18 111.042, subject to the approval of the supreme court;

1-19 (4) establish the qualifications for obtaining:

1-20 (A) certification or recertification under
1-21 Section 111.042; and

1-22 (B) provisional certification under Section
1-23 111.0421;

1-24 (5) issue certificates to:

1-25 (A) individuals who meet the certification
1-26 requirements of Section 111.042; and

1-27 (B) individuals who meet the provisional
1-28 certification requirements of Section 111.0421; and

1-29 (6) perform any other duty required by this chapter or
1-30 other law.

1-31 (d) The board shall maintain:

1-32 (1) a complete record of each board proceeding; and

1-33 (2) a complete record of each certification, including
1-34 a provisional certificate, issued, renewed, suspended, or revoked
1-35 under this chapter [Section 111.042].

1-36 SECTION 2. Subchapter C, Chapter 111, Government Code, is
1-37 amended by adding Section 111.0421 to read as follows:

1-38 Sec. 111.0421. PROVISIONAL CERTIFICATE. (a) Notwithstanding
1-39 Section 111.042(a), the board may issue a provisional certificate
1-40 to an individual who:

1-41 (1) does not meet the qualifications for obtaining
1-42 certification under Section 111.042; and

1-43 (2) possesses the qualifications for provisional
1-44 certification required by rules adopted by the supreme court.

1-45 (b) An individual who holds a provisional certificate may
1-46 provide guardianship services in this state only under the
1-47 supervision of an individual certified under Section 111.042.

1-48 (c) The supreme court may adopt rules and procedures for
1-49 issuing a provisional certificate under this section that, at a
1-50 minimum, must:

1-51 (1) ensure compliance with the standards adopted under
1-52 Section 111.041; and

1-53 (2) provide that the board establishes qualifications
1-54 for obtaining and maintaining the certification.

1-55 SECTION 3. Section 697B, Texas Probate Code, is amended by
1-56 adding Subsection (e) to read as follows:

1-57 (e) In this section, "certified" includes holding a
1-58 provisional certificate under Section 111.0421, Government Code.

1-59 SECTION 4. This Act takes effect immediately if it receives
1-60 a vote of two-thirds of all the members elected to each house, as
1-61 provided by Section 39, Article III, Texas Constitution. If this
1-62 Act does not receive the vote necessary for immediate effect, this
1-63 Act takes effect September 1, 2007.

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