

## **BILL ANALYSIS**

C.S.H.B. 3790  
By: Perry  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Court Reporters Certification Board, the Guardianship Certification Board, and the process server review board all exist as separate regulatory entities. The licensed court interpreter advisory board is currently an advisory board to the Texas Commission of Licensing and Regulation. Interested parties observe that since these boards all function to assist with the certification of judicial agents or those individuals who assist the court, efficiencies could be realized through a consolidation of efforts.

C.S.H.B. 3790 seeks to provide greater efficiency and remove the duplication of efforts by consolidating the Court Reporters Certification Board, the Guardianship Certification Board, and the process server review board into an entity to be known as the Judicial Branch Certification Commission and also by moving oversight of the licensed court interpreter advisory board to this new entity.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Judicial Branch Certification Commission in SECTION 1.01 of this bill and to the Supreme Court of Texas in SECTIONS 1.01, 1.05, and 3.02 of this bill.

It is the committee's opinion that rulemaking authority previously granted to the Court Reporters Certification Board is transferred to the Judicial Branch Certification Commission in SECTION 1.04 of this bill.

It is the committee's opinion that rulemaking authority previously granted to the Texas Commission of Licensing and Regulation is transferred to the Judicial Branch Certification Commission in SECTION 1.08 of this bill.

### **ANALYSIS**

#### **Consolidation of Judicial Profession Regulation**

C.S.H.B. 3790 creates the Judicial Branch Certification Commission on September 1, 2014, and on that date abolishes the Court Reporters Certification Board, the Guardianship Certification Board, and the process server review board. The bill transfers the powers, duties, functions, programs, and activities of the abolished boards and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters to the Judicial Branch Certification Commission, an entity in the judicial branch of government, on September 1, 2014.

## **Creation of the Judicial Branch Certification Commission**

### *General Provisions*

C.S.H.B. 3790 amends the Government Code to establish the Judicial Branch Certification Commission to oversee the regulatory programs assigned to it by state law or by the Supreme Court of Texas. The bill establishes that the commission is subject to the Texas Sunset Act, but is not abolished under that act. The bill requires the commission to be reviewed during the period in which state agencies abolished in 2025 and every 12th year after 2025 are reviewed. The bill sets out provisions relating to the composition of the nine-member commission appointed by the supreme court. The bill sets out certain nondiscrimination criteria for member appointment and requires an appointee to be knowledgeable about the professions certified by the commission. The bill sets out provisions relating to conflicts of interest, training for commission members, member term lengths, commission vacancies, grounds for removal of commission members, designation of a presiding officer, member compensation and reimbursement, commission meeting frequency, and public testimony.

### *Commission Administration*

C.S.H.B. 3790 authorizes the supreme court to adopt rules consistent with the bill's provisions governing court professions regulation and authorizes the supreme court to authorize the commission to adopt rules as the supreme court considers appropriate or as otherwise specified by the bill. The bill sets out restrictions regarding the adoption of rules that restrict advertising or competitive bidding.

C.S.H.B. 3790 establishes that the commission is administratively attached to the Office of Court Administration of the Texas Judicial System and requires the office to perform certain specified duties relating to the operation of the commission. The bill requires the administrative director of the office to perform any duty assigned by the commission and other duties specified by law and to administer and enforce the commission's programs. The bill requires the commission to develop and implement certain policies relating to the division of responsibilities between the commission and the director and the staff of the office and to implement a specified policy relating to the use of technology by the commission. The bill requires the director or the director's designee to provide to commission members and to office employees, as often as necessary, information regarding the requirements for service or employment under the provisions governing court professions regulation, including certain standard of conduct information.

C.S.H.B. 3790 requires the commission to prepare information of public interest describing the functions of the commission and the procedure by which complaints are filed and resolved and to make the information available to the public and appropriate state agencies. The bill sets out requirements for the commission with respect to complaints filed with the commission about regulated persons, including requirements relating to the provision of contact information to consumers for the purpose of directing complaints; requirements to maintain a file on each written complaint filed with the commission; and requirements to provide certain information and notifications to each person filing a complaint, including by telephone, and to each person who is a subject of the complaint. The bill provides for the dismissal of certain complaints by office employees. The bill requires the commission to develop and implement alternative dispute resolution procedures that conform to certain guidelines.

### *Powers and Duties*

C.S.H.B. 3790 requires the commission to administer and enforce provisions regarding the court professions subject to regulation by the commission; in consultation with appropriate advisory boards, to develop and recommend rules to the supreme court; in consultation with appropriate

advisory boards, to develop and recommend to the supreme court a code of ethics for each profession regulated by the commission; to set fees in amounts reasonable and necessary to cover the costs of administering the programs or activities administered by the commission; and in consultation with appropriate advisory boards, to establish qualifications for certification, registration, and licensing for the professions regulated by the commission. The bill authorizes the commission to require applicants for certification, registration, or licensing to pass an examination that is developed and administered by the commission, or by the commission in conjunction with a person with whom the commission contracts to develop and administer the examination, and charge fees for the examination. The bill also authorizes the commission to require regulated persons to obtain continuing education and to appoint necessary committees.

C.S.H.B. 3790 authorizes the commission to establish advisory boards in addition to the advisory boards specifically established by the bill to advise the commission on policy and persons regulated by the commission. The bill sets out provisions relating to the frequency of advisory board meetings. The bill requires any advisory board established under the bill's provisions to develop and recommend rules to the commission and authorizes an advisory board to establish subcommittees to fulfill those duties. The bill establishes that an advisory board member serves without compensation and provides for the reimbursement of advisory board member expenses.

#### *Certification, Registration, and Licensing Requirements*

C.S.H.B. 3790 sets out requirements relating to deadlines for notifying a person who takes an examination issued by the commission of the examination results. The bill authorizes the commission to require a testing service to notify a person of the results of the person's examination or to collect a fee for administering an examination from a person taking the examination. The bill requires the commission, if requested in writing by a person who fails an examination, to furnish the person with an analysis of the person's performance on the examination.

C.S.H.B. 3790 authorizes the commission to waive any prerequisite to obtaining a certification, registration, or license for certain applicants that hold a certification, registration, or license by another jurisdiction under certain circumstances. The bill requires the supreme court to adopt rules on applicants' ineligibility for certification, registration, or licensing based on the person's criminal history or other information that indicates the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license.

C.S.H.B. 3790 authorizes the supreme court to authorize and the commission by rule to require continuing professional education for persons regulated by the commission and authorizes those rules to include certain standards relating to continuing education reporting, course content, and number of hours required. The bill authorizes the commission by rule to exempt certain persons from all or a portion of the continuing education requirements.

C.S.H.B. 3790 requires the commission to develop and recommend to the supreme court for adoption by rule a code of ethics for persons regulated by the commission and requires the commission, in developing the code of ethics, to use the codes of ethics adopted by state or national associations as models. The bill requires the commission to publish the code of ethics after adoption by the supreme court and, after such publication, to propose to the supreme court a rule stating that a person who violates the code of ethics is subject to an administrative penalty under the bill. The bill requires the commission to update the code of ethics as necessary to reflect changes in technology or other factors affecting a regulated profession.

#### **Commission Enforcement**

C.S.H.B. 3790 authorizes the commission to conduct investigations as necessary to enforce the laws administered by the commission and sets out provisions relating to the issuance and

enforcement of subpoenas. The bill authorizes the administrative director of the Office of Court Administration to issue a cease and desist order on determining that the action is necessary to prevent certain violations relating to the regulation of court professions by the commission and authorizes the commission to deny, revoke, suspend, or refuse to renew a certification, registration, or license or to reprimand a regulated person for such violations. The bill authorizes the commission to place on probation a person whose certification, registration, or license is suspended, and to require the person to comply with certain requirements. The bill sets out provisions relating to the commission obtaining an injunction against a violation of the bill's provisions.

C.S.H.B. 3790 authorizes the commission to impose an administrative penalty on a regulated court professional who violates applicable bill provisions or a rule or standard adopted or order issued under those provisions. The bill authorizes a proceeding to impose an administrative penalty to be combined with a proceeding to impose an administrative sanction otherwise imposed under the provisions relating to court professions regulation, and in the event that a sanction is imposed, applies the requirements of its administrative penalty and administrative sanction provisions to the imposition of the sanction. The bill sets out provisions relating to the amount of an administrative penalty; the commission's duty to determine whether a violation occurred and make recommendations regarding the imposition of a penalty or sanction; notice of the commission's determination and recommendations; penalty payment, sanction acceptance, and hearing procedures; options following the commission's decision in a hearing; penalty collection; appeals of commission decisions; and remittance of the penalty and interest. The bill authorizes the commission, on approval of the supreme court, to adopt rules governing such hearings and requires the supreme court to adopt rules governing appeals of commission decisions.

### **Court Reporters Certification and Shorthand Reporting Firms Registration**

C.S.H.B. 3790 amends provisions of the Government Code relating to the certification and registration of court reporters, shorthand reporters, and court reporting and shorthand reporting firms to reflect the abolishment of the Court Reporters Certification Board, the transfer of the board's functions to the Judicial Branch Certification Commission, and the general procedures and enforcement provisions established under the bill's provisions for the commission's regulation of court professions.

C.S.H.B. 3790 establishes the Court Reporters Certification Advisory Board as an advisory board to the commission that is composed of at least seven members appointed by the supreme court and sets out the composition of the advisory board. The bill establishes certain nondiscrimination requirements with respect to the appointment of advisory board members, provides for the designation of a presiding officer, and establishes that a majority of the advisory board constitutes a quorum. The bill provides for the term length of advisory board members and sets out the procedure for filling an advisory board vacancy. The bill establishes that an advisory board member serves without compensation and provides for the reimbursement of advisory board member expenses. The bill provides for advisory board member training. The bill authorizes an advisory board member to recommend to the commission a complaint to be filed against a certified shorthand reporter or a shorthand reporting firm or affiliated office registered with the commission.

### **Guardianship Certification**

C.S.H.B. 3790 amends provisions of the Government Code relating to the regulation of guardians to reflect the abolishment of the Guardianship Certification Board, the transfer of the board's functions to the Judicial Branch Certification Commission, and the general procedures and enforcement provisions established under the bill's provisions for the commission's regulation of court professions.

C.S.H.B. 3790 establishes the Guardianship Certification Advisory Board as an advisory board to the commission that is composed of at least five members appointed by the supreme court. The bill establishes certain nondiscrimination requirements with respect to the appointment of advisory board members, provides for the appointment of a presiding officer, and establishes that a majority of the advisory board constitutes a quorum. The bill provides for the term length of advisory board members and establishes that members serve without compensation but are entitled to certain expense reimbursement. The bill provides for advisory board member training.

### **Process Server Certification**

C.S.H.B. 3790 amends the Government Code provisions relating to the collection of fees for the certification of process servers to reflect the abolishment of the process server review board and the transfer of the board's functions to the Judicial Branch Certification Commission.

C.S.H.B. 3790 establishes the Process Server Certification Advisory Board as an advisory board to the Judicial Branch Certification Commission that is composed of at least five members appointed by the supreme court. The bill sets out certain nondiscrimination criteria for member appointment, provides for the appointment of a presiding officer, and establishes that a majority of the advisory board constitutes a quorum. The bill provides for the term lengths of advisory board members, sets out the manner in which vacancies on the advisory board are filled, and establishes that an advisory board member serves without compensation but is entitled to certain expense reimbursement.

### **Court Interpreters Licensing**

C.S.H.B. 3790 amends provisions of the Government Code relating to the licensure of court interpreters for individuals who can hear but who do not comprehend English or communicate in English to reflect the transfer of the functions of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to such licenses to the Judicial Branch Certification Commission.

C.S.H.B. 3790 establishes that the licensed court interpreter advisory board is an advisory board to the Judicial Branch Certification Commission, rather than the Texas Commission of Licensing and Regulation. The bill specifies that the advisory board is composed of at least five members appointed by the supreme court, rather than nine members appointed by the presiding officer of the Texas Commission of Licensing and Regulation, and removes provisions setting out the composition of the board. The bill transfers duties relating to the appointment of the board's presiding officer and board member removal from the presiding officer of the Texas Commission of Licensing and Regulation to the supreme court. The bill revises provisions relating to member term lengths, nondiscrimination criteria for member appointment, and expense reimbursement to conform to provisions applicable to other advisory boards established under the bill. The bill removes provisions relating to board vacancies and board meeting frequency. The bill removes a provision making the advisory board subject to review and abolishment under the Texas Sunset Act. The bill requires rules adopted by the Judicial Branch Certification Commission relating to licensing of court interpreters to be approved by the supreme court.

### **Conforming Changes**

C.S.H.B. 3790 amends the Code of Criminal Procedure, Education Code, Estates Code, Government Code, Human Resources Code, and Tax Code to make conforming changes.

### **Transition Provisions**

C.S.H.B. 3790, in provisions effective September 1, 2013, requires the Supreme Court of Texas,

in appointing the initial members of the Judicial Branch Certification Commission, to appoint three members to terms expiring February 1, 2017, three members to terms expiring February 1, 2019, and three members to terms expiring February 1, 2021. The bill requires the supreme court to adopt rules, procedures, and forms the supreme court determines are necessary to implement the bill's provisions regarding the regulation of court professions not later than September 1, 2014.

C.S.H.B. 3790 provides that an employee of the Court Reporters Certification Board, Guardianship Certification Board, or process server review board becomes an employee of the Office of Court Administration on September 1, 2014. The bill transfers to the Office of Court Administration on that date all obligations, contracts, property, and records of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters. The bill transfers to the Judicial Branch Certification Commission on September 1, 2014, all complaints, investigations, or contested cases that are pending before the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters. The bill establishes that a rule, form, or fee adopted by the Supreme Court of Texas or the Texas Commission of Licensing and Regulation related to a court profession regulated by the Judicial Branch Certification Commission under the bill's provisions remains in effect until altered by the supreme court.

C.S.H.B. 3790 establishes that except as otherwise provided by the bill, a reference in law to the Court Reporters Certification Board, Guardianship Certification Board, or process server review board means the Judicial Branch Certification Commission. The bill establishes that a license, certification, or registration in effect that was issued by the Court Reporters Certification Board, Guardianship Certification Board, process server review board, or Texas Department of Licensing and Regulation related to the court professions regulated under the bill is continued in effect as a license, certification, or registration of the Judicial Branch Certification Commission. The bill establishes that the board abolitions and transfers provided under the bill's provisions do not affect or impair an act done, any obligation, right, order, permit, certificate, rule, criterion, standard, or requirement existing, or any penalty accrued under former law, and that the law remains in effect for any action concerning those matters.

### **Repealed Laws**

C.S.H.B. 3790 repeals the following provisions of the Government Code:

- Sections 52.001(a)(1), (2), (2-a), and (7)
- Sections 52.002, 52.003, 52.0112, 52.012, 52.0121, 52.013, 52.0131, 52.014, 52.015, 52.016, 52.0165, 52.017, 52.0175, 52.018, and 52.0185
- the heading to Subchapter B, Chapter 52
- Section 57.001(5)
- Section 72.013
- Subchapter F, Chapter 72
- Section 411.1403

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2014.

## COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3790 may differ from the original in minor or nonsubstantive ways and to make technical corrections, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

### INTRODUCED

#### ARTICLE 1. JUDICIAL BRANCH CERTIFICATION COMMISSION

SECTION 1.01. Title 2, Government Code, is amended by adding Subtitle K to read as follows:

#### SUBTITLE K. COURT PROFESSIONS REGULATION

#### CHAPTER 151. GENERAL PROVISIONS

Sec. 151.001. DEFINITIONS.

#### CHAPTER 152. JUDICIAL BRANCH CERTIFICATION COMMISSION

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 152.001. SUNSET PROVISION.

#### SUBCHAPTER B. COMMISSION

Sec. 152.051. ESTABLISHMENT OF  
COMMISSION.

Sec. 152.052. APPOINTMENT OF  
COMMISSION. (a) The commission  
consists of nine members appointed by the  
supreme court as follows:

(1) five judges; and

(2) four public members.

### HOUSE COMMITTEE SUBSTITUTE

ARTICLE 1. Same as introduced version.

SECTION 1.01. Title 2, Government Code, is amended by adding Subtitle K to read as follows:

#### SUBTITLE K. COURT PROFESSIONS REGULATION

#### CHAPTER 151. GENERAL PROVISIONS

Sec. 151.001. DEFINITIONS.

#### CHAPTER 152. JUDICIAL BRANCH CERTIFICATION COMMISSION

#### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 152.001. SUNSET PROVISION.

#### SUBCHAPTER B. COMMISSION

Sec. 152.051. ESTABLISHMENT OF  
COMMISSION.

Sec. 152.052. APPOINTMENT OF  
COMMISSION. (a) The commission  
consists of nine members appointed by the  
supreme court as follows:

(1) five judges, at least three of whom must  
be active judges who preside over a court  
that employs an official court reporter; and

(2) four public members.

(b) Subject to Subsection (d), public  
members of the commission are appointed  
as follows:

(1) one member selected by the supreme  
court from a list of nominees submitted by  
the Court Reporters Certification Advisory  
Board established under Section 154.051 to  
represent that advisory board;

(2) one member selected by the supreme  
court from a list of nominees submitted by  
the Guardianship Certification Advisory  
Board established under Section 155.051 to  
represent that advisory board;

(b) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(c) A member appointed to the commission must be knowledgeable about the professions certified by the commission.

Sec. 152.053. CONFLICT PROVISIONS.

Sec. 152.054. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

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

(1) this subtitle;

(3) one member selected by the supreme court from a list of nominees submitted by the Process Server Certification Advisory Board established under Section 156.051 to represent that advisory board; and

(4) one member selected by the supreme court from a list of nominees submitted by the licensed court interpreter advisory board established under Section 157.051 to represent that advisory board.

(c) In making an appointment under Subsection (b), the supreme court may reject one or more of the nominees included on a list submitted by an advisory board and request a new list of nominees that does not include any nominees in the previous list.

(d) The supreme court may appoint to the commission a public member selected by the supreme court if:

(1) an advisory board fails to provide the list of nominees in the time required by the supreme court; or

(2) a selected nominee does not otherwise meet the qualifications required by this chapter.

(e) Appointments to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(f) A member appointed to the commission must be knowledgeable about the professions certified by the commission.

Sec. 152.053. CONFLICT PROVISIONS.

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

(1) this subtitle and the rules of the commission, with an emphasis on the rules that relate to the commission's disciplinary and investigatory authority;

(2) rules of ethics, codes of conduct, and other rules adopted by the supreme court that are applicable to each profession regulated or subject to oversight by the commission;



- (2) the role and functions of the commission;
- (3) the current budget for the commission;
- (4) the results of the most recent formal audit of the commission; and
- (5) any applicable ethics policies adopted by the commission or supreme court.

(c) A person appointed to the commission 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. 152.055. TERMS; VACANCY; REMOVAL. (a) Members of the commission serve staggered six-year terms. The terms of three members expire on February 1 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the supreme court shall appoint a replacement to fill the unexpired term.

(c) The supreme court may remove a member of the commission for inefficiency or neglect of duty in office.

Sec. 152.056. PRESIDING OFFICER.

Sec. 152.057. COMPENSATION; REIMBURSEMENT. (a) A commission member may not receive compensation for service on the commission.

(b) A commission member is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a commission member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Sec. 152.058. MEETINGS.

Sec. 152.059. PUBLIC TESTIMONY.

#### SUBCHAPTER C. ADMINISTRATION

Sec. 152.101. RULES. The supreme court may adopt rules consistent with this subtitle, including rules governing the certification, registration, licensing, and conduct of persons regulated under this subtitle.

- (3) the role and functions of the commission;
- (4) the current budget for the commission;
- (5) the results of the most recent formal audit of the commission; and
- (6) any ethics policies applicable to the commission and adopted by the commission or supreme court.

(c) A person appointed to the commission 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. 152.055. TERMS; VACANCY; REMOVAL. (a) Members of the commission serve staggered six-year terms. The terms of three members expire on February 1 of each odd-numbered year.

(b) If a vacancy occurs during a member's term, the supreme court shall appoint a similarly qualified person to fill the unexpired term.

(c) The supreme court may remove a member of the commission for inefficiency or neglect of duty in office.

Sec. 152.056. PRESIDING OFFICER.

Sec. 152.057. COMPENSATION; REIMBURSEMENT. (a) A commission member may not receive compensation for service on the commission.

(b) A commission member is entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in performing functions as a commission member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

Sec. 152.058. MEETINGS.

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#### SUBCHAPTER C. ADMINISTRATION

Sec. 152.101. RULES. The supreme court may adopt rules consistent with this subtitle, including rules governing the certification, registration, licensing, and conduct of persons regulated under this subtitle. The

Sec. 152.102. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING.

Sec. 152.103. ADMINISTRATIVE ATTACHMENT.

Sec. 152.104. DIRECTOR.

Sec. 152.105. DIVISION OF RESPONSIBILITIES.

Sec. 152.106. USE OF TECHNOLOGY.

Sec. 152.107. INFORMATION ON STANDARDS OF CONDUCT. The director or the director's designee shall provide to members of the commission and to office employees, as often as necessary, information regarding the requirements for service 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. 152.108. PUBLIC INTEREST INFORMATION. (a) The commission shall prepare information of public interest describing the functions of the commission under this chapter and the procedure by which complaints are filed and resolved under this chapter.

(b) The commission shall make the information available to the public and appropriate state agencies.

Sec. 152.109. COMPLAINTS.

Sec. 152.110. RECORDS OF COMPLAINTS.

Sec. 152.111. COMPLAINT DISMISSAL.

Sec. 152.112. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

SUBCHAPTER D. POWERS AND DUTIES

supreme court may authorize the commission to adopt rules as the supreme court considers appropriate or as otherwise specified under this subtitle.

Sec. 152.102. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING.

Sec. 152.103. ADMINISTRATIVE ATTACHMENT.

Sec. 152.104. DIRECTOR.

Sec. 152.105. DIVISION OF RESPONSIBILITIES.

Sec. 152.106. USE OF TECHNOLOGY.

Sec. 152.107. INFORMATION ON STANDARDS OF CONDUCT. The director or the director's designee shall provide to members of the commission and to office employees, as often as necessary, information regarding the requirements for service or employment under this subtitle, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 152.108. PUBLIC INTEREST INFORMATION. (a) The commission shall prepare information of public interest describing the functions of the commission under this subtitle and the procedure by which complaints are filed and resolved under this subtitle.

(b) The commission shall make the information available to the public and appropriate state agencies.

Sec. 152.109. COMPLAINTS.

Sec. 152.110. RECORDS OF COMPLAINTS.

Sec. 152.111. COMPLAINT DISMISSAL.

Sec. 152.112. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 152.151. GENERAL POWERS AND DUTIES. (a) The commission shall:

(1) administer and enforce this subtitle;  
(2) develop and recommend rules to the supreme court;

(3) develop and recommend to the supreme court a code of ethics for each profession regulated under this subtitle;

(4) set fees in amounts reasonable and necessary to cover the costs of administering the programs or activities administered by the commission, including examinations and issuance and renewal of certifications, registrations, and licenses; and

(5) in consultation with appropriate advisory boards, establish qualifications for certification, registration, and licensing under this subtitle.

(b) The commission may:

(1) require applicants for certification, registration, or licensing under this subtitle to pass an examination that is developed and administered by the commission or with a person the commission contracts with to develop and administer the examination and charge fees for the examination;

(2) require regulated persons to obtain continuing education; and

(3) appoint necessary committees.

Sec. 152.152. ADVISORY BOARDS. (a) The commission may establish advisory boards to advise the commission on policy and persons regulated under this subtitle.

(b) An advisory board appointed under this section shall meet at least once each year and on the call of the presiding officer.

(c) An advisory board member serves without compensation but is entitled to

Sec. 152.151. GENERAL POWERS AND DUTIES. (a) The commission shall:

(1) administer and enforce this subtitle;  
(2) in consultation with appropriate advisory boards, develop and recommend rules to the supreme court;

(3) in consultation with appropriate advisory boards, develop and recommend to the supreme court a code of ethics for each profession regulated under this subtitle;

(4) set fees in amounts reasonable and necessary to cover the costs of administering the programs or activities administered by the commission, including examinations and issuance and renewal of certifications, registrations, and licenses; and

(5) in consultation with appropriate advisory boards, establish qualifications for certification, registration, and licensing under this subtitle.

(b) The commission may:

(1) require applicants for certification, registration, or licensing under this subtitle to pass an examination that is developed and administered by the commission, or by the commission in conjunction with a person with whom the commission contracts to develop and administer the examination, and charge fees for the examination;

(2) require regulated persons to obtain continuing education; and

(3) appoint necessary committees.

Sec. 152.152. ADVISORY BOARDS. (a) In addition to the advisory boards specifically established under this subtitle, the commission may establish other advisory boards to advise the commission on policy and persons regulated under this subtitle.

(b) An advisory board established under this subtitle, including under this section, shall meet at least once each year and at the call of the presiding officer.

(c) An advisory board established under this subtitle, including under this section, shall assist the commission by developing and recommending rules to the commission. The advisory board may establish subcommittees to fulfill the duties imposed under this subsection.

(d) An advisory board member serves without compensation but is entitled to

reimbursement for actual and necessary expenses incurred in performing functions as an advisory board member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

SUBCHAPTER E. CERTIFICATION, REGISTRATION, AND LICENSING REQUIREMENTS

Sec. 152.201. EXAMINATIONS.

Sec. 152.202. ENDORSEMENT; RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a certification, registration, or license for an applicant after reviewing the applicant's credentials and determining that the applicant holds a certification, registration, or license issued by another jurisdiction that has certification, registration, or licensing requirements substantially equivalent to those of this state.

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

Sec. 152.203. RULES ON INELIGIBILITY.

Sec. 152.204. CONTINUING EDUCATION. (a) The supreme court may authorize and the commission by rule may require continuing professional education for persons regulated under this subtitle.

(b) The rules for continuing professional education adopted by the commission may include standards relating to:

- (1) annual reporting by regulated persons or by providers of continuing professional education;
- (2) continuing professional education course content; and
- (3) the minimum number of hours of continuing professional education required annually.

reimbursement for travel expenses and other actual and necessary expenses incurred in performing functions as an advisory board member, subject to any applicable limitation on reimbursement provided by the General Appropriations Act.

SUBCHAPTER E. CERTIFICATION, REGISTRATION, AND LICENSING REQUIREMENTS

Sec. 152.201. EXAMINATIONS.

Sec. 152.202. ENDORSEMENT; RECIPROCITY. (a) The commission may waive any prerequisite to obtaining a certification, registration, or license for an applicant after reviewing the applicant's credentials and determining that the applicant holds a certification, registration, or license issued by another jurisdiction that has certification, registration, or licensing requirements substantially equivalent to those of this state.

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

Sec. 152.203. RULES ON INELIGIBILITY.

Sec. 152.204. CONTINUING EDUCATION. (a) The supreme court may authorize and the commission by rule may require continuing professional education for persons regulated under this subtitle.

(b) The rules for continuing professional education adopted by the commission may include standards relating to:

- (1) reporting by regulated persons or by providers of continuing professional education;
- (2) continuing professional education course content; and
- (3) the minimum number of continuing professional education hours required.

(c) The commission by rule may exempt certain persons, including retired persons and persons with disabilities, from all or a portion of the continuing education requirements.

Sec. 152.205. CODE OF ETHICS.

CHAPTER 153. COMMISSION ENFORCEMENT

SUBCHAPTER A. GENERAL ENFORCEMENT PROVISIONS

Sec. 153.001. INVESTIGATIONS.

Sec. 153.002. SUBPOENAS. (a) The commission may issue a subpoena as provided by this section.

(b) The commission may request and, if necessary, compel by subpoena:

(1) the production for inspection and copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this subtitle, a law establishing a regulatory program administered by the commission, a rule adopted by the supreme court under this subtitle, or an order issued by the commission or director; and

(2) the attendance of a witness for examination under oath.

(c) A subpoena under this section may be issued throughout this state and may be served by any person designated by the commission or the director.

(d) The commission, acting through the attorney general, may bring an action to enforce a subpoena issued under this section against a person who fails to comply with the subpoena.

(e) Venue for an action brought under this section is in a district court in:

(1) Travis County; or

(2) any county in which the commission may hold a hearing.

(f) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 153.003. CEASE AND DESIST ORDER. The director may issue a cease and desist order if the director determines that the action is necessary to prevent a

(c) The commission by rule may exempt certain persons, including retired persons and persons with disabilities, from all or a portion of the continuing education requirements.

Sec. 152.205. CODE OF ETHICS.

CHAPTER 153. COMMISSION ENFORCEMENT

SUBCHAPTER A. GENERAL ENFORCEMENT PROVISIONS

Sec. 153.001. INVESTIGATIONS.

Sec. 153.002. SUBPOENAS. (a) The commission may issue a subpoena as provided by this section.

(b) The commission may request and, if necessary, compel by subpoena:

(1) the production for inspection and copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this subtitle, a law establishing a regulatory program administered by the commission, a rule adopted under this subtitle, or an order issued by the commission or director; and

(2) the attendance of a witness for examination under oath.

(c) A subpoena under this section may be issued throughout this state and may be served by any person designated by the commission or the director.

(d) The commission, acting through the attorney general, may bring an action to enforce a subpoena issued under this section against a person who fails to comply with the subpoena.

(e) Venue for an action brought under this section is in a district court in:

(1) Travis County; or

(2) any county in which the commission may hold a hearing.

(f) The court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena.

Sec. 153.003. CEASE AND DESIST ORDER. The director may issue a cease and desist order if the director determines that the action is necessary to prevent a

violation of:

- (1) this subtitle;
- (2) a law establishing a regulatory program administered by the commission; or
- (3) a rule adopted by the supreme court under this subtitle or order issued by the commission or the director.

Sec. 153.004. DENIAL, REVOCATION, SUSPENSION, OR REFUSAL TO RENEW; REPRIMAND; PROBATION. (a) The commission may deny, revoke, suspend, or refuse to renew a certification, registration, or license or may reprimand a regulated person for a violation of this subtitle, a law establishing a regulatory program administered by the commission, a rule adopted by the supreme court under this subtitle, or an order issued by the commission or director.

(b) The commission may place on probation a person whose certification, registration, or license is suspended. If a certification, registration, or license suspension is probated, the commission may require the person to:

- (1) report regularly to the commission on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the commission; or
- (3) continue or renew professional education until the person attains a degree of skill satisfactory to the commission in those areas that are the basis for the probation.

Sec. 153.005. INJUNCTION.

SUBCHAPTER B. ADMINISTRATIVE PENALTY

Sec. 153.051. IMPOSITION OF PENALTY.

Sec. 153.052. AMOUNT OF PENALTY.

Sec. 153.053. REPORT AND NOTICE OF VIOLATION AND PENALTY.

(a) If the commission initially determines that a violation occurred, the commission shall give written notice of the report by certified mail to the person.

violation of:

- (1) this subtitle;
- (2) a law establishing a regulatory program administered by the commission; or
- (3) a rule adopted under this subtitle or order issued by the commission or the director.

Sec. 153.004. DENIAL, REVOCATION, SUSPENSION, OR REFUSAL TO RENEW; REPRIMAND; PROBATION. (a) The commission may deny, revoke, suspend, or refuse to renew a certification, registration, or license or may reprimand a regulated person for a violation of this subtitle, a law establishing a regulatory program administered by the commission, a rule adopted under this subtitle, or an order issued by the commission or director.

(b) The commission may place on probation a person whose certification, registration, or license is suspended. If a certification, registration, or license suspension is probated, the commission may require the person to:

- (1) report regularly to the commission on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the commission; or
- (3) continue or review professional education until the person attains a degree of skill satisfactory to the commission in those areas that are the basis for the probation.

Sec. 153.005. INJUNCTION.

SUBCHAPTER B. ADMINISTRATIVE PENALTY; ADMINISTRATIVE SANCTION

Sec. 153.051. Substantially the same as introduced version.

Sec. 153.052. Substantially the same as introduced version.

Sec. 153.053. REPORT AND NOTICE OF VIOLATION, PENALTY, AND SANCTION.

(a) The commission shall:  
(1) appoint a committee of advisory board members to review a complaint, make the initial determination on whether a violation

(b) The commission may appoint committees of advisory board members to review complaints, initially determine whether a violation occurred, and give written notice of the report by certified mail to the person.

(c) The notice required under Subsections (a) and (b) must:

(1) include a brief summary of the alleged violation;

(2) state the amount of the recommended penalty; and

(3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

Sec. 153.054. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice sent under Section 153.053, the person in writing may:

(1) accept the determination and recommended penalty of the commission; or

(2) make a request for a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b) If the person accepts the determination and recommended penalty or if the person fails to respond to the notice, the commission by order shall approve the determination and impose the recommended penalty.

Sec. 153.055. NOTICE; HEARING. (a) If the person requests a hearing, the commission shall give to the person written notice of the hearing that includes the time, place, legal authority, and jurisdiction under which the hearing is held and the laws and rules related to the violation.

(b) The person may appear, present evidence, and respond to questions from the commission at the hearing.

occurred, and recommend the imposition of a penalty, a sanction, or both for violations;

(2) review the determination and recommendation of the committee and accept or revise as necessary the determination and recommendation; and

(3) give to the person who is the subject of the complaint written notice by certified mail of the commission's determination on whether a violation occurred and each recommended penalty or sanction, if any.

(b) The notice required under Subsection (a) must:

(1) include a brief summary of the alleged violation;

(2) state the amount of any recommended penalty;

(3) state any recommended sanction; and

(4) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, the imposition of the sanction, or any combination.

Sec. 153.054. PENALTY PAID, SANCTION ACCEPTED, OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice sent under Section 153.053, the person in writing may:

(1) accept the determination of the commission and recommended penalty or sanction; or

(2) make a request for a hearing on the occurrence of the violation, the imposition or amount of the penalty, the imposition of the sanction, or any combination.

(b) If the person accepts the determination and recommended penalty or sanction or if the person fails to respond to the notice, the commission by order shall approve the determination and impose the recommended penalty or sanction.

Sec. 153.055. NOTICE; HEARING. (a) If the person requests a hearing, the commission shall give to the person written notice of the hearing that includes the time, place, legal authority, and jurisdiction under which the hearing is held and the laws and rules related to the violation.

(b) The person may appear, present evidence, and respond to questions from the commission at the hearing.

(c) The commission shall make findings of fact and conclusions of law and promptly issue a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty.

(d) On approval of the supreme court, the commission may adopt rules governing the hearing, including rules on appearance by telephone.

(e) The presiding officer of the commission may hold prehearing conferences.

(f) The notice of the commission's order under Subsection (a) that is sent to the person in accordance with Chapter 2001 must include a statement of the right of the person to judicial review of the order.

(c) The commission shall make findings of fact and conclusions of law and promptly issue an order on the occurrence of the violation, the amount of any penalty imposed, and the imposition of any sanction. The commission shall give the person notice of the order.

(d) On approval of the supreme court, the commission may adopt rules governing the hearing, including rules on appearance by telephone.

(e) The presiding officer of the commission may hold prehearing conferences.

(f) The notice of the commission's order under Subsection (c) must include a statement of the right of the person to appeal the order under Section 153.058.

(g) On request of the commission, at least one member of the applicable advisory board committee shall attend the hearing to consult with the commission on the reasons for the advisory board committee's recommendations under Section 153.053(a).

(h) At the hearing, the commission shall apply the general rules of evidence applicable in a district court, except that the commission may admit and consider any information the commission determines is relevant, trustworthy, and necessary for a full and fair adjudication and determination of fact or law.

Sec. 153.056. DECISION BY COMMISSION. Based on the findings of fact, conclusions of law, and proposal for a decision, the commission by order may:

(1) find that a violation occurred and impose a penalty; or

(2) find that a violation did not occur.

Sec. 153.057. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. Not later than the 30th day after the date the order of the commission imposing an administrative penalty under Section 153.056 becomes final, the person shall:

(1) pay the penalty; or

(2) file a petition for judicial review of the commission's order contesting the occurrence of the violation, the amount of the penalty, or both.

Sec. 153.056. OPTIONS FOLLOWING DECISION: PAY, ACCEPT, OR APPEAL. Not later than the 30th day after the date the order of the commission imposing an administrative penalty or sanction under Section 153.055 becomes final, the person shall:

(1) pay the penalty or accept the sanction; or

(2) file an appeal of the commission's order contesting the occurrence of the violation, the imposition or amount of the penalty, the imposition of the sanction, or any combination.



Sec. 153.058. COLLECTION OF PENALTY.

Sec. 153.059. APPEAL OF DECISION.

(a) The supreme court shall adopt rules governing appeals under this subchapter.

(b) The rules must require the appeal to be made to a special committee consisting of three regional presiding judges. If the alleged violation involves a certified guardian, the committee must consist of two regional presiding judges and the presiding judge of the statutory probate courts.

(c) An appeal must be filed not later than the 30th day after the date the commission's order is issued.

(d) The special committee shall consider the appeal under an abuse of discretion standard of review for all issues except issues involving questions of law. The standard of review for issues involving questions of law is de novo.

(e) If the special committee sustains the finding that a violation occurred, the special committee may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty.

(f) If the special committee does not sustain the finding that a violation occurred, the special committee shall order that a penalty is not owed.

Sec. 153.060. REMITTANCE OF PENALTY AND INTEREST.

Sec. 153.061. RELEASE OF BOND. (a) If the person gave a supersedeas bond and the penalty is not upheld by the special committee, the special committee shall

Sec. 153.057. COLLECTION OF PENALTY.

Sec. 153.058. APPEAL OF DECISION.

(a) The supreme court shall adopt rules governing appeals under this subchapter.

(b) The rules must require the appeal to be made to a special committee consisting of three regional presiding judges. If the alleged violation involves a certified guardian, the committee must consist of two regional presiding judges and the presiding judge of the statutory probate courts.

(c) An appeal must be filed not later than the 30th day after the date the commission's order is issued.

(d) The special committee shall consider the appeal under an abuse of discretion standard of review for all issues except issues involving questions of law. The standard of review for issues involving questions of law is de novo.

(e) The special committee may confer in writing with a certification, registration, or license holder who is in the same profession as the person appealing the commission's order if the special committee provides to the person:

(1) notice of the special committee's request for information; and

(2) a copy of the certification, registration, or license holder's response.

(f) If the special committee sustains the finding that a violation occurred, the special committee may:

(1) uphold or reduce the amount of any penalty and order the person to pay the full or reduced amount of the penalty; and

(2) uphold or reduce any sanction and order the imposition of the sanction.

(g) If the special committee does not sustain the finding that a violation occurred, the special committee shall order that a penalty is not owed and that a sanction may not be imposed.

Sec. 153.059. REMITTANCE OF PENALTY AND INTEREST.

order the release of the bond.

(b) If the person gave a supersedeas bond and the amount of the penalty is reduced, the special committee shall order the release of the bond after the person pays the reduced amount.

CHAPTER 154. COURT REPORTERS  
CERTIFICATION AND SHORTHAND  
REPORTING FIRMS REGISTRATION

SUBCHAPTER A. GENERAL  
PROVISIONS

Sec. 154.001. DEFINITIONS.

Sec. 154.002. RULES. The supreme court may adopt rules consistent with this ~~chapter~~, including rules governing:

(1) the certification and conduct of official and deputy court reporters and shorthand reporters; and

(2) the registration and conduct of court reporting and shorthand reporting firms.

SECTION 1.02. Chapter 154, Government Code, as added by this Act, is amended.

SECTION 1.03. Sections 52.011 and 52.0111, Government Code, are transferred to Subchapter B, Chapter 154, Government Code, as added by this Act, redesignated as Sections 154.051 and 154.052, Government Code, and amended to read as follows:

Sec. 154.051 ~~[52.011]~~. ORGANIZATION.

(a) The Court Reporters Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least ~~five~~ members 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~~

CHAPTER 154. COURT REPORTERS  
CERTIFICATION AND SHORTHAND  
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PROVISIONS

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Sec. 154.002. RULES. The supreme court may adopt rules consistent with this ~~chapter~~, including rules governing:

(1) the certification and conduct of official and deputy court reporters and shorthand reporters; and

(2) the registration and conduct of court reporting and shorthand reporting firms.

SECTION 1.02. Same as introduced version.

SECTION 1.03. Sections 52.011 and 52.0111, Government Code, are transferred to Subchapter B, Chapter 154, Government Code, as added by this Act, redesignated as Sections 154.051 and 154.052, Government Code, and amended to read as follows:

Sec. 154.051 ~~[52.011]~~. ORGANIZATION.

(a) The Court Reporters Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least ~~five~~ ~~members~~ appointed by the supreme court ~~as follows~~ ~~[and is composed of:]~~

(1) one active district judge presiding over a court that employs an official court reporter ~~[who serves as chairman];~~

(2) one ~~[two]~~ active attorney ~~[attorneys]~~ licensed in this state who ~~has~~ ~~[have]~~ been a practicing ~~member~~ ~~[members]~~ of the State Bar for more than the five years immediately preceding the attorney's ~~[their]~~ appointment to the advisory 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 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 appointment to the board; and~~

~~[(7) four members who are representatives of the general public].~~

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) The supreme court shall appoint a presiding officer of the advisory board from among its members to serve for two years.

[A person may not be a member of the board or act as the general counsel to the board if the person is:

~~[(1) required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board; or~~

~~[(2) an owner, officer, or employee of a school or institution engaged in instructing persons in shorthand reporting skills.]~~

(d) A majority of the advisory board constitutes a quorum. [In this subsection, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. A person may not be a member of the board and may not be a board employee

have practiced shorthand reporting in this state for more than the five years immediately preceding their appointment to the advisory board;

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

(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 advisory 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 appointment to the board; and~~

~~[(7) four members who are representatives of the general public].~~

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) The advisory board member appointed under Subsection (a)(1) serves as presiding officer of the advisory board. [A person may not be a member of the board or act as the general counsel to the board if the person is:

~~[(1) required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the board; or~~

~~[(2) an owner, officer, or employee of a school or institution engaged in instructing persons in shorthand reporting skills.]~~

(d) A majority of the advisory board constitutes a quorum. [In this subsection, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest. A person may not be a member of the board and may not be a board employee

employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

~~[(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of shorthand reporting; or~~

~~[(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of shorthand reporting.]~~

(e) Advisory board [A person may not be a public member of the board if the person or the person's spouse:

~~[(1) is a judge;~~

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

~~[(3) is registered or certified by the board;~~

~~[(4) is an elected public official;~~

~~[(5) is a full-time governmental employee;~~

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

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

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

~~[(f) Board] members serve staggered six-year terms of office, with the terms of one or two ~~[or three]~~ members expiring on December 31 of each year.~~

(f) An advisory board ~~[(g) A] member holds office until that member's successor is appointed and has qualified for office. An advisory [A] board member may not be appointed to an immediately succeeding term unless the member has served less than three consecutive years.~~

~~[(g) [(h)]~~ If a vacancy occurs on the advisory board, the supreme court shall appoint a similarly qualified person to serve the remainder of the term.

~~[(i) Board members serve without compensation but are entitled to~~

employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

~~[(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of shorthand reporting; or~~

~~[(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of shorthand reporting.]~~

(e) Advisory board [A person may not be a public member of the board if the person or the person's spouse:

~~[(1) is a judge;~~

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

~~[(3) is registered or certified by the board;~~

~~[(4) is an elected public official;~~

~~[(5) is a full-time governmental employee;~~

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

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

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

~~[(f) Board] members serve staggered six-year terms of office as ordered by the supreme court ~~[, with the terms of two or three members expiring on December 31 of each year].~~~~

(f) ~~[(g) A member holds office until that member's successor is appointed and has qualified for office. A board member may not be appointed to an immediately succeeding term unless the member has served less than three consecutive years.~~

~~[(h)]~~ If a vacancy occurs on the advisory board, the supreme court shall appoint a similarly qualified person to serve the remainder of the term.

~~[(g) Advisory board [(i) Board] members serve without compensation but are entitled~~

~~reimbursement for actual and necessary expenses incurred in traveling and performing official board duties.]~~

Sec. 154.052 [52.0114]. ADVISORY BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory 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) this chapter ~~[the legislation that created the board];~~

(2) ~~[the programs operated by the board;~~ (3) the role and functions of the advisory board;

~~(3) [(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 advisory board;~~

~~(4) [(6) the results of the most recent formal audit of the advisory board; and~~

~~(5) [(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 commission [board or the Texas Ethics Commission].~~

(c) A person appointed to the advisory 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.

SECTION 1.04. Subchapter C, Chapter 52, Government Code, is transferred to Chapter 154, Government Code, as added by this

to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory ~~[traveling and performing official]~~ board duties, as provided by the General Appropriations Act.

Sec. 154.052 [52.0114]. ADVISORY BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory 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) this chapter ~~[the legislation that created the board];~~

(2) ~~[the programs operated by the board;~~ (3) the role and functions of the advisory board;

~~(3) [(4) the rules of the commission [board], with an emphasis on the rules that relate to disciplinary and investigatory authority; and~~

~~(4) [(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 commission [board or the Texas Ethics Commission].~~

(c) A person appointed to the advisory 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.

SECTION 1.04. Subchapter C, Chapter 52, Government Code, is transferred to Chapter 154, Government Code, as added by this

Act, redesignated as Subchapter C, Chapter 154, Government Code, and amended to read as follows:

SUBCHAPTER C. CERTIFICATION AND REGISTRATION

Sec. 154.101 [~~52.024~~]. CERTIFICATION OF REPORTERS.

[~~Sec. 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.~~]

Sec. 154.102 [~~52.022~~]. APPLICATION FOR EXAMINATION.

Sec. 154.103 [~~52.023~~]. EXAMINATION.

[~~Sec. 52.0231. EXAMINATION RESULTS.~~]

Sec. 154.104 [~~52.024~~]. CERTIFICATION TO SUPREME COURT.

[~~Sec. 52.0241. RECIPROCAL CERTIFICATION OR CERTIFICATION BY ENDORSEMENT.~~]

Sec. 154.105 [~~52.025~~]. TITLE; OATHS.

Sec. 154.106 [~~52.0255~~]. FIRM REGISTRATION.

Sec. 154.107 [~~52.026~~]. CERTIFICATION AND REGISTRATION FEE AND RENEWAL.

Sec. 154.108 [~~52.0264~~]. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION.

Sec. 154.109 [~~52.027~~]. COMPLAINT. (a) To file a complaint against a certified shorthand reporter or a shorthand reporting firm or affiliate office registered with the commission [~~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; and
- (4) attach any pertinent documentary evidence to the form.

Act, redesignated as Subchapter C, Chapter 154, Government Code, and amended to read as follows:

SUBCHAPTER C. CERTIFICATION AND REGISTRATION

Sec. 154.101 [~~52.024~~]. CERTIFICATION OF REPORTERS.

[~~Sec. 52.0211. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.~~]

Sec. 154.102 [~~52.022~~]. APPLICATION FOR EXAMINATION.

Sec. 154.103 [~~52.023~~]. EXAMINATION.

[~~Sec. 52.0231. EXAMINATION RESULTS.~~]

Sec. 154.104 [~~52.024~~]. CERTIFICATION TO SUPREME COURT.

[~~Sec. 52.0241. RECIPROCAL CERTIFICATION OR CERTIFICATION BY ENDORSEMENT.~~]

Sec. 154.105 [~~52.025~~]. TITLE; OATHS.

Sec. 154.106. Substantially the same as introduced version.

Sec. 154.107. Substantially the same as introduced version, but makes a technical correction.

Sec. 154.108 [~~52.0264~~]. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION.

Sec. 154.109 [~~52.027~~]. COMPLAINT. (a) To file a complaint against a certified shorthand reporter or a shorthand reporting firm or affiliate office registered with the commission [~~board~~], a person must:

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

(b) On receipt of a properly executed complaint, the commission [~~board~~] shall furnish a copy of the complaint and any attachments to the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint.

(c) This section does not preclude the commission [~~board~~] or a court of this state from filing a complaint against a certified shorthand reporter or a shorthand reporting firm.

[Sec. ~~52.0271.~~ COMPLAINT DISMISSAL.]

[Sec. ~~52.028.~~ NOTICE AND HEARING.]

Sec. 154.110 [~~52.029~~]. DISCIPLINARY ACTIONS AGAINST COURT REPORTERS. (a) After receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Chapter 153 [~~Section 52.028~~], the commission [~~board~~] shall revoke, 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 directly relates to the duties and responsibilities of a certified court reporter, as determined by supreme court rules [~~adopted under Section 52.0211~~];
- (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
- (8) engaging in the practice of shorthand reporting while certification is suspended;
- (9) unprofessional conduct, including giving directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value

(b) On receipt of a properly executed complaint, the commission [~~board~~] shall furnish a copy of the complaint and any attachments to the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint.

(c) This section does not preclude the commission [~~board~~] or a court of this state from filing a complaint against a certified shorthand reporter or a shorthand reporting firm. An advisory board member may recommend to the commission a complaint to be filed against a certified shorthand reporter or a shorthand reporting firm or affiliated office registered with the commission.

[Sec. ~~52.0271.~~ COMPLAINT DISMISSAL.]

[Sec. ~~52.028.~~ NOTICE AND HEARING.]

Sec. 154.110 [~~52.029~~]. DISCIPLINARY ACTIONS AGAINST COURT REPORTERS. (a) After receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153 [~~Section 52.028~~], the commission [~~board~~] shall revoke, 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 directly relates to the duties and responsibilities of a certified court reporter, as determined by supreme court rules [~~adopted under Section 52.0211~~];
- (7) engaging in the practice of shorthand reporting using a method for which the reporter is not certified;
- (8) engaging in the practice of shorthand reporting while certification is suspended;
- (9) unprofessional conduct, including giving directly or indirectly, benefiting from, or being employed as a result of any gift, incentive, reward, or anything of value

to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;

(10) entering into or providing services under a prohibited contract described by Section 154.115 [52.034];

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

(12) other sufficient cause.

(b) The commission [~~board~~] may suspend the certification:

(1) for a designated period of time not to exceed 12 months;

(2) until the person corrects the deficiencies that were the grounds for the suspension; or

(3) until the person complies with any conditions imposed by the commission [~~board~~] to ensure the person's future performance as a shorthand reporter.

(c) A suspended shorthand reporter may apply for reinstatement by presenting proof that:

(1) the designated time has expired;

(2) the person has corrected the deficiencies; or

(3) the person has complied with the conditions imposed by the commission [~~board~~].

(d) On its own motion, the commission [~~board~~] may conduct a hearing to inquire into a suspension. If the commission [~~board~~] finds that a person has not corrected the deficiencies that were the grounds of the suspension or has not complied with the conditions imposed by the commission [~~board~~], the commission [~~board~~] may revoke the person's certification.

(e) The supreme court may authorize and the commission [~~board~~] may adopt rules relating to the nonrenewal of the certification of a court reporter who is in default on a loan guaranteed under Chapter 57, Education Code, by the Texas Guaranteed Student Loan Corporation.

(f) The commission [~~board~~] may place on probation a person whose certification is suspended. If a certification suspension is probated, the commission [~~board~~] may require the person to:

(1) report regularly to the commission [~~board~~] on matters that are the basis of the

to attorneys, clients, or their representatives or agents, except for nominal items that do not exceed \$100 in the aggregate for each recipient each year;

(10) entering into or providing services under a prohibited contract described by Section 154.115 [52.034];

(11) committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle [~~chapter~~]; or

(12) other sufficient cause.

(b) The commission [~~board~~] may suspend the certification:

(1) for a designated period of time not to exceed 12 months;

(2) until the person corrects the deficiencies that were the grounds for the suspension; or

(3) until the person complies with any conditions imposed by the commission [~~board~~] to ensure the person's future performance as a shorthand reporter.

(c) A suspended shorthand reporter may apply for reinstatement by presenting proof that:

(1) the designated time has expired;

(2) the person has corrected the deficiencies; or

(3) the person has complied with the conditions imposed by the commission [~~board~~].

(d) On its own motion, the commission [~~board~~] may conduct a hearing to inquire into a suspension. If the commission [~~board~~] finds that a person has not corrected the deficiencies that were the grounds of the suspension or has not complied with the conditions imposed by the commission [~~board~~], the commission [~~board~~] may revoke the person's certification.

(e) The supreme court may authorize and the commission [~~board~~] may adopt rules relating to the nonrenewal of the certification of a court reporter who is in default on a loan guaranteed under Chapter 57, Education Code, by the Texas Guaranteed Student Loan Corporation.

(f) The commission [~~board~~] may place on probation a person whose certification is suspended. If a certification suspension is probated, the commission [~~board~~] may require the person to:

(1) report regularly to the commission [~~board~~] on matters that are the basis of the



probation;

(2) limit practice to the areas prescribed by the commission [~~board~~]; or

(3) continue or review professional education until the person attains a degree of skill satisfactory to the commission [~~board~~] in those areas that are the basis of the probation.

Sec. 154.111 [~~52.0295~~]. DISCIPLINARY ACTIONS AGAINST FIRMS. (a) After receiving a complaint and giving the shorthand reporting firm or affiliate office notice and an opportunity for a hearing as prescribed by supreme court rules [~~Section 52.028~~], the commission [~~board~~] shall reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:

(1) fraud or corruption;

(2) dishonesty;

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

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

(5) fraud or misrepresentation in obtaining registration;

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

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

probation;

(2) limit practice to the areas prescribed by the commission [~~board~~]; or

(3) continue or review professional education until the person attains a degree of skill satisfactory to the commission [~~board~~] in those areas that are the basis of the probation.

Sec. 154.111 [~~52.0295~~]. DISCIPLINARY ACTIONS AGAINST FIRMS. (a) After receiving a complaint and giving the shorthand reporting firm or affiliate office notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153 [~~Section 52.028~~], the commission [~~board~~] shall reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for:

(1) fraud or corruption;

(2) dishonesty;

(3) conduct on the part of an officer, director, or managerial employee of the shorthand reporting firm or affiliate office if the officer, director, or managerial employee orders, encourages, or permits conduct that the officer, director, or managerial employee knows or should have known violates this subtitle [~~chapter~~];

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

(5) fraud or misrepresentation in obtaining registration;

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

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

(8) knowingly providing court reporting services while the shorthand reporting firm's or affiliate office's registration is suspended or engaging the services of a shorthand reporter whose certification the shorthand reporting firm or affiliate office knew or should have known was suspended;

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

(10) entering into or providing services under a prohibited contract described by Section 154.115 [~~52.034~~];

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

(12) other sufficient cause.

(b) Nothing in Subsection (a)(9) shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.

(c) The commission [~~board~~] may suspend the registration of a shorthand reporting firm or affiliate office:

(1) for a designated period of time;

(2) until the shorthand reporting firm or affiliate office corrects the deficiencies that were the grounds for the suspension; or

(3) until the shorthand reporting firm or affiliate office complies with any conditions imposed by the commission [~~board~~] to ensure the shorthand reporting firm's or affiliate office's future performance.

(d) A shorthand reporting firm or affiliate office whose registration is suspended may apply for reinstatement by presenting proof that:

(1) the designated time has expired;

(2) the shorthand reporting firm or affiliate office has corrected the deficiencies; or

(3) the shorthand reporting firm or affiliate office has complied with the conditions imposed by the commission [~~board~~].

(e) On its own motion, the commission [~~board~~] may conduct a hearing to inquire into a suspension. If the commission

(8) knowingly providing court reporting services while the shorthand reporting firm's or affiliate office's registration is suspended or engaging the services of a shorthand reporter whose certification the shorthand reporting firm or affiliate office knew or should have known was suspended;

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

(10) entering into or providing services under a prohibited contract described by Section 154.115 [~~52.034~~];

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

(12) other sufficient cause.

(b) Nothing in Subsection (a)(9) shall be construed to define providing value-added business services, including long-term volume discounts, such as the pricing of products and services, as prohibited gifts, incentives, or rewards.

(c) The commission [~~board~~] may suspend the registration of a shorthand reporting firm or affiliate office:

(1) for a designated period of time;

(2) until the shorthand reporting firm or affiliate office corrects the deficiencies that were the grounds for the suspension; or

(3) until the shorthand reporting firm or affiliate office complies with any conditions imposed by the commission [~~board~~] to ensure the shorthand reporting firm's or affiliate office's future performance.

(d) A shorthand reporting firm or affiliate office whose registration is suspended may apply for reinstatement by presenting proof that:

(1) the designated time has expired;

(2) the shorthand reporting firm or affiliate office has corrected the deficiencies; or

(3) the shorthand reporting firm or affiliate office has complied with the conditions imposed by the commission [~~board~~].

(e) On its own motion, the commission [~~board~~] may conduct a hearing to inquire into a suspension. If the commission

[board] finds that a shorthand reporting firm or affiliate office has not corrected the deficiencies that were the grounds for the suspension or has not complied with the conditions imposed by the commission [board], the commission [board] may revoke the registration of the shorthand reporting firm or affiliate office.

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

- (1) report regularly to the commission [board] on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the commission [board]; or
- (3) through its officers, directors, managerial employees, or agents, continue or review professional education until those persons attain a degree of skill satisfactory to the commission [board] in those areas that are the basis of the probation.

~~[Sec. 52.030. APPEAL OF DISCIPLINARY ACTION.]~~

Sec. 154.112 [52.031]. EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS.

Sec. 154.113 [52.032]. CRIMINAL PENALTY.

~~[Sec. 52.0321. ADMINISTRATIVE PENALTY.]~~

Sec. 154.114 [52.033]. EXEMPTIONS.

Sec. 154.115 [52.034]. PROHIBITED CONTRACTS.

SECTION 1.05. Chapter 111, Government Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 155, Government Code, and amended to read as follows:

CHAPTER 155 [44]. GUARDIANSHIP CERTIFICATION [BOARD]

[board] finds that a shorthand reporting firm or affiliate office has not corrected the deficiencies that were the grounds for the suspension or has not complied with the conditions imposed by the commission [board], the commission [board] may revoke the registration of the shorthand reporting firm or affiliate office.

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

- (1) report regularly to the commission [board] on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the commission [board]; or
- (3) through its officers, directors, managerial employees, or agents, continue or review professional education until those persons attain a degree of skill satisfactory to the commission [board] in those areas that are the basis of the probation.

~~[Sec. 52.030. APPEAL OF DISCIPLINARY ACTION.]~~

Sec. 154.112 [52.031]. EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS.

Sec. 154.113 [52.032]. CRIMINAL PENALTY.

~~[Sec. 52.0321. ADMINISTRATIVE PENALTY.]~~

Sec. 154.114 [52.033]. EXEMPTIONS.

Sec. 154.115 [52.034]. PROHIBITED CONTRACTS.

SECTION 1.05. Chapter 111, Government Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 155, Government Code, and amended to read as follows:

CHAPTER 155 [44]. GUARDIANSHIP CERTIFICATION [BOARD]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 155.001 [~~111.001~~]. DEFINITIONS.

Sec. 155.002 [~~111.002~~]. RULES.

~~[Sec. 111.003. SUNSET PROVISION.]~~

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 155.051 [~~111.011~~]. ADVISORY BOARD. (a) The Guardianship Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least five members appointed by the supreme court[:

~~[(1) 11 members appointed by the supreme court; and~~

~~[(2) four public members appointed by the supreme court from a list of nominees submitted by the governor].~~

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

~~[(c) In making an appointment under Subsection (a)(2), the supreme court may reject one or more of the nominees on a list submitted by the governor and request a new list of different nominees.~~

~~[(d) To be eligible for appointment to the board other than as a public member, an individual must have demonstrated experience working with:~~

~~[(1) a guardianship program;~~

~~[(2) an organization that advocates on behalf of or in the interest of elderly individuals;~~

~~[(3) an organization that advocates on behalf of or in the interest of individuals with mental illness or mental retardation or individuals with physical disabilities; or~~

~~[(4) incapacitated individuals.~~

~~[(e) The public members of the board must be:~~

~~[(1) caretakers of individuals with mental illness or mental retardation or individuals with physical disabilities; or~~

~~[(2) persons who advocate on behalf of or in the interest of individuals with mental illness or mental retardation or individuals with physical disabilities.~~

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 155.001 [~~111.001~~]. DEFINITIONS.

Sec. 155.002 [~~111.002~~]. RULES.

~~[Sec. 111.003. SUNSET PROVISION.]~~

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 155.051 [~~111.011~~]. ADVISORY BOARD. (a) The Guardianship Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least five members appointed by the supreme court[:

~~[(1) 11 members appointed by the supreme court; and~~

~~[(2) four public members appointed by the supreme court from a list of nominees submitted by the governor].~~

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

~~[(c) In making an appointment under Subsection (a)(2), the supreme court may reject one or more of the nominees on a list submitted by the governor and request a new list of different nominees.~~

~~[(d) To be eligible for appointment to the board other than as a public member, an individual must have demonstrated experience working with:~~

~~[(1) a guardianship program;~~

~~[(2) an organization that advocates on behalf of or in the interest of elderly individuals;~~

~~[(3) an organization that advocates on behalf of or in the interest of individuals with mental illness or mental retardation or individuals with physical disabilities; or~~

~~[(4) incapacitated individuals.~~

~~[(e) The public members of the board must be:~~

~~[(1) caretakers of individuals with mental illness or mental retardation or individuals with physical disabilities; or~~

~~[(2) persons who advocate on behalf of or in the interest of individuals with mental illness or mental retardation or individuals with physical disabilities.~~

~~[(f)]~~ Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

~~(c)~~ The supreme court shall appoint a presiding officer of the advisory board from among its members to serve for two years.

~~(d)~~ A majority of the advisory board constitutes a quorum.

~~(e)~~ Advisory board ~~[(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. Advisory board ~~[Board]~~ members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official board duties, as provided by the General Appropriations Act.

~~[(h) The board shall elect from among its members a presiding officer and other officers considered necessary.~~

~~[(i) The board shall meet at least quarterly at the call of the presiding officer.~~

~~[(j) Any action taken by the board must be approved by a majority vote of the members present.~~

~~[Sec. 111.012. ADMINISTRATIVE ATTACHMENT.]~~

~~[Sec. 111.013. ELIGIBILITY OF PUBLIC MEMBERS.]~~

~~[Sec. 111.014. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.]~~

~~[Sec. 111.015. GROUNDS FOR REMOVAL FROM BOARD.]~~

~~[Sec. 111.016. POWERS AND DUTIES OF BOARD.]~~

Sec. 155.052 ~~[444.017]~~. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory board until the person completes a training program that complies with this section.

~~[(f)]~~ Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

~~(c)~~ The supreme court shall appoint a presiding officer of the advisory board from among the advisory board members to serve for two years.

~~(d)~~ A majority of the advisory board constitutes a quorum.

~~(e)~~ Advisory board ~~[(g) The] members [of the board]~~ serve for staggered six-year terms as ordered by the supreme court~~[-with the terms of one-third of the members expiring on February 1 of each odd-numbered year].~~ Advisory board ~~[Board]~~ members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory board duties, as provided by the General Appropriations Act.

~~[(h) The board shall elect from among its members a presiding officer and other officers considered necessary.~~

~~[(i) The board shall meet at least quarterly at the call of the presiding officer.~~

~~[(j) Any action taken by the board must be approved by a majority vote of the members present.~~

~~[Sec. 111.012. ADMINISTRATIVE ATTACHMENT.]~~

~~[Sec. 111.013. ELIGIBILITY OF PUBLIC MEMBERS.]~~

~~[Sec. 111.014. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.]~~

~~[Sec. 111.015. GROUNDS FOR REMOVAL FROM BOARD.]~~

~~[Sec. 111.016. POWERS AND DUTIES OF BOARD.]~~

Sec. 155.052 ~~[444.017]~~. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the advisory board may not vote, deliberate, or be counted as a member in attendance at a meeting of the advisory 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) this chapter;
  - (2) the role and functions of the advisory board;
  - (3) the current budget for the advisory board;
  - (4) the results of the most recent formal audit of the advisory board; and
  - (5) any applicable ethics policies adopted by the advisory board.

~~[Sec. 111.018. USE OF TECHNOLOGY.]~~

~~[Sec. 111.019. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.]~~

~~[Sec. 111.020. PUBLIC ACCESS.]~~

~~[Sec. 111.021. DIRECTOR.]~~

~~[Sec. 111.022. DIVISION OF RESPONSIBILITIES.]~~

~~[Sec. 111.023. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION.]~~

#### SUBCHAPTER C. REGULATION OF CERTAIN GUARDIANS

Sec. 155.101 ~~[411.041]~~. STANDARDS FOR CERTAIN GUARDIANSHIPS AND ALTERNATIVES TO GUARDIANSHIP.

Sec. 155.102 ~~[411.042]~~. CERTIFICATION REQUIRED FOR CERTAIN GUARDIANS.

Sec. 155.103 ~~[411.0424]~~. PROVISIONAL CERTIFICATE.

Sec. 155.104 ~~[411.043]~~. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS.

Sec. 155.105 ~~[411.044]~~. ANNUAL DISCLOSURE.

SECTION 1.06. Subtitle K, Title 2, Government Code, as added by this Act, is amended by adding Chapter 156, and a heading is added to that chapter to read as

- (b) The training program must provide the person with information regarding:
- (1) this chapter;
  - (2) the role and functions of the advisory board; and
  - (3) ~~the current budget for the board~~;
  - ~~the results of the most recent formal audit of the board~~; and
  - ~~any applicable ethics policies adopted by the commission board~~.

~~[Sec. 111.018. USE OF TECHNOLOGY.]~~

~~[Sec. 111.019. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.]~~

~~[Sec. 111.020. PUBLIC ACCESS.]~~

~~[Sec. 111.021. DIRECTOR.]~~

~~[Sec. 111.022. DIVISION OF RESPONSIBILITIES.]~~

~~[Sec. 111.023. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION.]~~

#### SUBCHAPTER C. REGULATION OF CERTAIN GUARDIANS

Sec. 155.101 ~~[411.041]~~. STANDARDS FOR CERTAIN GUARDIANSHIPS AND ALTERNATIVES TO GUARDIANSHIP.

Sec. 155.102. Substantially the same as introduced version, but makes a technical correction.

Sec. 155.103 ~~[411.0424]~~. PROVISIONAL CERTIFICATE.

Sec. 155.104 ~~[411.043]~~. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS.

Sec. 155.105 ~~[411.044]~~. ANNUAL DISCLOSURE.

SECTION 1.06. Subtitle K, Title 2, Government Code, as added by this Act, is amended by adding Chapter 156 to read as follows:

follows:

CHAPTER 156. PROCESS SERVER  
CERTIFICATION

CHAPTER 156. PROCESS SERVER  
CERTIFICATION

SUBCHAPTER A. GENERAL  
PROVISIONS

Sec. 156.001. DEFINITION. In this chapter, "advisory board" means the Process Server Certification Advisory Board.

SUBCHAPTER B. PROCESS SERVER  
CERTIFICATION ADVISORY BOARD

Sec. 156.051. ORGANIZATION. (a) The Process Server Certification Advisory Board is established as an advisory board to the commission. The advisory board is composed of at least five members appointed by the supreme court.

(b) Appointments to the advisory board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) The supreme court shall appoint a presiding officer of the advisory board from among the advisory board members to serve for two years.

(d) A majority of the advisory board constitutes a quorum.

(e) Advisory board members serve staggered six-year terms as ordered by the supreme court.

(f) If a vacancy occurs on the advisory board, the supreme court shall appoint a person to serve the remainder of the term.

(g) Advisory board members serve without compensation but are entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in the performance of official advisory board duties, as provided by the General Appropriations Act.

SECTION 1.07. Section 51.008, Government Code, is transferred to Chapter 156, Government Code, as added by this Act, redesignated as Section 156.001, Government Code, and amended.

SECTION 1.07. Substantially the same as introduced version.

SECTION 1.08. Subchapter C, Chapter 57, Government Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 157, Government Code, and amended to read as follows:

SECTION 1.08. Subchapter C, Chapter 57, Government Code, is transferred to Subtitle K, Title 2, Government Code, as added by this Act, redesignated as Chapter 157, Government Code, and amended to read as follows:

CHAPTER 157 [SUBCHAPTER C].  
COURT INTERPRETERS LICENSING  
[FOR INDIVIDUALS WHO DO NOT  
COMMUNICATE IN ENGLISH]

SUBCHAPTER A. GENERAL  
PROVISIONS

Sec. 157.001 [57.041]. DEFINITIONS.

SUBCHAPTER B. LICENSED COURT  
INTERPRETER ADVISORY BOARD

Sec. 157.051 [57.042]. LICENSED  
COURT INTERPRETER ADVISORY  
BOARD. (a) The licensed court interpreter  
advisory board is established as an advisory  
board to the commission. The advisory  
board is composed of nine members  
appointed by the [~~presiding officer of the~~]  
commission [~~, with the commission's~~  
approval]. Members of the advisory board  
serve staggered six-year terms, with the  
terms of one-third of the members expiring  
on February 1 of each odd-numbered year.

- (b) The advisory board is composed of:
- (1) an active district, county, or statutory county court judge who has been a judge for at least the three years preceding the date of appointment;
  - (2) an active court administrator who has been a court administrator for at least the three years preceding the date of appointment;
  - (3) an active attorney who has been a practicing member of the state bar for at least the three years preceding the date of appointment;
  - (4) three active licensed court interpreters; and
  - (5) three public members who are residents of this state.
- (c) The [~~presiding officer of the~~]  
commission [~~, with the commission's~~  
approval], shall select from the advisory  
board members a presiding officer of the  
advisory board to serve for two years.
- (d) Members shall be appointed without regard to race, color, disability, sex, religion, age, or national [~~ethnic~~] origin. The membership of the advisory board must reflect the geographical and cultural

CHAPTER 157 [SUBCHAPTER C].  
COURT INTERPRETERS LICENSING  
[FOR INDIVIDUALS WHO DO NOT  
COMMUNICATE IN ENGLISH]

SUBCHAPTER A. GENERAL  
PROVISIONS

Sec. 157.001 [57.041]. DEFINITIONS.

SUBCHAPTER B. LICENSED COURT  
INTERPRETER ADVISORY BOARD

Sec. 157.051 [57.042]. LICENSED  
COURT INTERPRETER ADVISORY  
BOARD. (a) The licensed court interpreter  
advisory board is established as an advisory  
board to the commission. The advisory  
board is composed of at least five [~~nine~~]  
members appointed by the supreme court  
[~~presiding officer of the commission, with~~  
the commission's approval]. Members of the  
advisory board serve staggered six-year  
terms as ordered by the supreme court [~~, with~~  
the terms of one-third of the members  
expiring on February 1 of each odd-  
numbered year].

- (b) [The advisory board is composed of:
- [(1) an active district, county, or statutory county court judge who has been a judge for at least the three years preceding the date of appointment;
  - [(2) an active court administrator who has been a court administrator for at least the three years preceding the date of appointment;
  - [(3) an active attorney who has been a practicing member of the state bar for at least the three years preceding the date of appointment;
  - [(4) three active licensed court interpreters; and
  - [(5) three public members who are residents of this state.
- [(e)] The supreme court [~~presiding officer~~  
of the commission, with the commission's  
approval], shall select from the advisory  
board members a presiding officer of the  
advisory board to serve for two years.
- (c) [(d)] Members shall be appointed without regard to race, color, disability, sex, religion, age, or national [~~ethnic~~] origin. The membership of the advisory board must reflect the geographical and cultural



diversity of the state.

(e) The ~~[presiding officer of the] commission~~, ~~with the commission's approval,~~ may remove a member of the advisory board for inefficiency or neglect of duty in office. ~~If a vacancy occurs on the advisory board, [the presiding officer of] the commission~~, ~~with the commission's approval,~~ shall appoint a member who represents the same interests as the former member to serve the unexpired term.

(f) The advisory board shall meet at least twice a year at the call of the commission ~~[presiding officer at a place designated by the presiding officer].~~ A majority of the advisory board constitutes a quorum.

(g) The advisory board shall advise the commission regarding the adoption of rules and the design of a licensing examination.

(h) An advisory [A] board member is entitled to reimbursement for expenses incurred in attending meetings of the advisory board in the amount of the per diem set by the General Appropriations Act. A member may not receive compensation for the member's services as an advisory [a] board member. ~~Service on the advisory board by a member appointed under Subsection (b)(1) is an additional duty required by the member's other official capacity, and that service on the advisory board is not a dual office holding.~~

SUBCHAPTER C. LICENSE ISSUANCE  
Sec. 157.101 ~~[57.043]~~. ISSUANCE OF LICENSE; TERM.

Sec. 157.102 ~~[57.044]~~. COURT INTERPRETER LICENSE.

~~[Sec. 57.045. FEES.]~~

Sec. 157.103 ~~[57.046]~~. EXAMINATIONS.

Sec. 157.104 ~~[57.047]~~. COMMISSION [DEPARTMENT] DUTIES; INSPECTIONS.

Sec. 157.105 ~~[57.048]~~. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE.

diversity of the state.

(d) ~~[(e)]~~ The supreme court ~~[presiding officer of the commission, with the commission's approval,~~ may remove a member of the advisory board for inefficiency or neglect of duty in office. ~~If a vacancy occurs on the board, the presiding officer of the commission, with the commission's approval, shall appoint a member who represents the same interests as the former member to serve the unexpired term].~~

~~(e) [(f)]~~ The board shall meet at least twice a year at the call of the ~~presiding officer at a place designated by the presiding officer.~~ A majority of the advisory board constitutes a quorum.

~~(f) [(g)]~~ The advisory board shall advise the commission regarding the adoption of rules and the design of a licensing examination.

~~(g) An advisory [(h) A] board member~~ is entitled to reimbursement for travel expenses and other actual and necessary expenses incurred in attending meetings of the advisory board in the amount of the per diem set by the General Appropriations Act. A member may not receive compensation for the member's services as an advisory [a] board member. ~~Service on the board by a member appointed under Subsection (b)(1) is an additional duty required by the member's other official capacity, and that service on the board is not a dual office holding.]~~

SUBCHAPTER C. LICENSE ISSUANCE  
Sec. 157.101 ~~[57.043]~~. ISSUANCE OF LICENSE; TERM.

Sec. 157.102 ~~[57.044]~~. COURT INTERPRETER LICENSE.

~~[Sec. 57.045. FEES.]~~

Sec. 157.103 ~~[57.046]~~. EXAMINATIONS.

Sec. 157.104 ~~[57.047]~~. COMMISSION [DEPARTMENT] DUTIES; INSPECTIONS.

Sec. 157.105 ~~[57.048]~~. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE.

Sec. 157.106 [~~57.049~~]. PROHIBITED ACTS.

Sec. 157.106 [~~57.049~~]. PROHIBITED ACTS.

Sec. 157.107 [~~57.050~~]. OFFENSE; ADMINISTRATIVE PENALTY.

Sec. 157.107 [~~57.050~~]. OFFENSE; ADMINISTRATIVE PENALTY.

[~~Sec. 57.051. SUNSET.~~]

[~~Sec. 57.051. SUNSET.~~]

ARTICLE 2. CONFORMING CHANGES

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Article 38.30(a-1), Code of Criminal Procedure, is amended.

SECTION 2.01. Same as introduced version.

SECTION 2.02. Section 61.0513, Education Code, is amended.

SECTION 2.02. Substantially the same as introduced version.

SECTION 2.03. Section 132.055(b)(1), Education Code, is.

SECTION 2.03. Same as introduced version.

SECTION 2.04. Section 1002.014, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.04. Same as introduced version.

SECTION 2.05. Section 1002.016, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.05. Same as introduced version.

SECTION 2.06. Section 1002.025, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.06. Same as introduced version.

SECTION 2.07. Section 1101.001(b), Estates Code, as effective January 1, 2014, is amended.

SECTION 2.07. Same as introduced version.

SECTION 2.08. Section 1104.251(a), Estates Code, as effective January 1, 2014, is amended.

SECTION 2.08. Same as introduced version.

SECTION 2.09. Section 1104.252, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.09. Same as introduced version.

SECTION 2.10. Section 1104.253, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.10. Same as introduced version.

SECTION 2.11. Section 1104.255, Estates Code, as effective January 1, 2014, is

SECTION 2.11. Same as introduced version.

amended.

SECTION 2.12. Section 1104.256, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.12. Same as introduced version.

SECTION 2.13. Section 1104.257, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.13. Same as introduced version.

SECTION 2.14. Section 1104.258, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.14. Same as introduced version.

SECTION 2.15. Section 1104.303(a), Estates Code, as effective January 1, 2014, is amended.

SECTION 2.15. Same as introduced version.

SECTION 2.16. Section 1104.306, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.16. Same as introduced version.

SECTION 2.17. Section 1104.404(a), Estates Code, as effective January 1, 2014, is amended.

SECTION 2.17. Same as introduced version.

SECTION 2.18. Section 1104.407, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.18. Substantially the same as introduced version, but makes a technical correction.

SECTION 2.19. Section 1104.408, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.19. Same as introduced version.

SECTION 2.20. Section 1104.410, Estates Code, as effective January 1, 2014, is amended.

SECTION 2.20. Same as introduced version.

SECTION 2.21. Section 1203.052(b), Estates Code, as effective January 1, 2014, is amended.

SECTION 2.21. Same as introduced version.

SECTION 2.22. Section 1251.003(b), Estates Code, as effective January 1, 2014, is.

SECTION 2.22. Same as introduced version.

SECTION 2.23. Sections 57.001(1), (2), and (3), Government Code, are amended to read as follows:

No equivalent provision.

(1) "Certified court interpreter" means an individual who is a qualified interpreter as defined in Article 38.31, Code of Criminal Procedure, or Section 21.003, Civil Practice

and Remedies Code, or certified under Subchapter B by the Department of Aging and Disability [~~Assistive and Rehabilitative~~] Services to interpret court proceedings for a hearing-impaired individual.

(2) "Department" means the Department of Aging and Disability [~~Assistive and Rehabilitative~~] Services.

(3) "Commissioner" means the commissioner of the department [~~Department of Assistive and Rehabilitative Services~~].

SECTION 2.24. Section 411.081(i), Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Juvenile Justice Department [~~Youth Commission~~];
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Texas Board of Nursing;
- (16) a safe house providing shelter to children in harmful situations;

SECTION 2.23. Section 411.081(i), Government Code, is amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

- (1) the State Board for Educator Certification;
- (2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;
- (3) the Texas Medical Board;
- (4) the Texas School for the Blind and Visually Impaired;
- (5) the Board of Law Examiners;
- (6) the State Bar of Texas;
- (7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;
- (8) the Texas School for the Deaf;
- (9) the Department of Family and Protective Services;
- (10) the Texas Juvenile Justice Department [~~Youth Commission~~];
- (11) the Department of Assistive and Rehabilitative Services;
- (12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;
- (13) the Texas Private Security Board;
- (14) a municipal or volunteer fire department;
- (15) the Texas Board of Nursing;
- (16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district;

(18) ~~[the Texas Juvenile Probation Commission];~~

~~[(19)]~~ the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

~~(19)~~ ~~[(20)]~~ the Texas State Board of Public Accountancy;

~~(20)~~ ~~[(21)]~~ the Texas Department of Licensing and Regulation;

~~(21)~~ ~~[(22)]~~ the Health and Human Services Commission;

~~(22)~~ ~~[(23)]~~ the Department of Aging and Disability Services;

~~(23)~~ ~~[(24)]~~ the Texas Education Agency;

~~(24)~~ ~~the guardianship certification program of the Judicial Branch Certification Commission~~ ~~[(25)]~~ ~~the Guardianship Certification Board~~];

~~(25)~~ ~~[(26)]~~ a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

~~(26)~~ ~~[(27)]~~ the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information Resources;

~~(27)~~ ~~[(28)]~~ ~~the Court Reporters Certification Board~~;

~~[(29)]~~ the Texas Department of Insurance; and

~~(28)~~ ~~[(30)]~~ the Teacher Retirement System of Texas.

SECTION 2.25. Sections 411.1386(a-4), (a-6), (d), and (f), Government Code, are amended.

SECTION 2.26. Section 411.1403, Government Code, is amended to read as follows:

Sec. 411.1403. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: JUDICIAL BRANCH [COURT

(17) a public or nonprofit hospital or hospital district;

(18) ~~[the Texas Juvenile Probation Commission];~~

~~[(19)]~~ the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

~~(19)~~ ~~[(20)]~~ the Texas State Board of Public Accountancy;

~~(20)~~ ~~[(21)]~~ the Texas Department of Licensing and Regulation;

~~(21)~~ ~~[(22)]~~ the Health and Human Services Commission;

~~(22)~~ ~~[(23)]~~ the Department of Aging and Disability Services;

~~(23)~~ ~~[(24)]~~ the Texas Education Agency;

~~(24)~~ ~~the Judicial Branch Certification Commission~~ ~~[(25)]~~ ~~the Guardianship Certification Board~~];

~~(25)~~ ~~[(26)]~~ a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII, Texas Probate Code;

~~(26)~~ ~~[(27)]~~ the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information Resources;

~~(27)~~ ~~[(28)]~~ ~~the Court Reporters Certification Board~~;

~~[(29)]~~ the Texas Department of Insurance; and

~~(28)~~ ~~[(30)]~~ the Teacher Retirement System of Texas.

SECTION 2.24. Same as introduced version.

**No equivalent provision.**

~~REPORTERS]~~ CERTIFICATION  
COMMISSION ~~[BOARD]~~. (a) In this  
section, "commission" [~~"board"~~] means the  
Judicial Branch ~~[Court—Reporters]~~  
Certification Commission ~~[Board]~~  
established under Chapter 152 ~~[52]~~.

(b) The commission ~~[board]~~ is entitled to  
obtain from the department criminal history  
record information maintained by the  
department that relates to a person who is an  
applicant for or the holder of a certification  
issued by the commission ~~[board]~~.

(c) Criminal history record information  
obtained by the commission ~~[board]~~ under  
Subsection (b):

(1) may be used by the commission ~~[board]~~  
for any purpose related to the issuance,  
denial, suspension, revocation, or renewal of  
a certification issued by the commission  
~~[board]~~;

(2) may not be released or disclosed to any  
person except on court order or with the  
consent of the person who is the subject of  
the information; and

(3) shall be destroyed by the commission  
~~[board]~~ after the information is used for the  
authorized purposes.

SECTION 2.27. Section 411.1408,  
Government Code, is amended to read as  
follows:

Sec. 411.1408. ACCESS TO CRIMINAL  
HISTORY RECORD INFORMATION:  
GUARDIANSHIP CERTIFICATION  
PROGRAM OF JUDICIAL BRANCH  
CERTIFICATION COMMISSION  
~~[BOARD]~~. (a) In this section,  
"commission" [~~"board"~~] means the  
guardianship certification program of the  
Judicial Branch Certification Commission  
~~[Guardianship—Certification—Board]~~  
established under Chapter 155 ~~[44]~~.

(b) The commission ~~[board]~~ is entitled to  
obtain from the department criminal history  
record information maintained by the  
department that relates to a person who is an  
applicant for or the holder of a certificate  
issued by the commission ~~[board]~~.

(c) Criminal history record information  
obtained by the commission ~~[board]~~ under  
Subsection (b):

SECTION 2.25. Section 411.1408,  
Government Code, is amended to read as  
follows:

Sec. 411.1408. ACCESS TO CRIMINAL  
HISTORY RECORD INFORMATION:  
JUDICIAL BRANCH CERTIFICATION  
COMMISSION ~~[GUARDIANSHIP  
CERTIFICATION BOARD]~~. (a) In this  
section, "commission" [~~"board"~~] means the  
Judicial Branch Certification Commission  
~~[Guardianship—Certification—Board]~~  
established under Chapter 152 ~~[44]~~.

(b) The commission ~~[board]~~ is entitled to  
obtain from the department criminal history  
record information maintained by the  
department that relates to a person who is an  
applicant for or the holder of a certificate,  
registration, or license issued by the  
commission ~~or otherwise under Subtitle K,~~  
Title 2 ~~[board]~~.

(c) Criminal history record information  
obtained by the commission ~~[board]~~ under  
Subsection (b):

(1) may be used by the commission [~~board~~] for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate issued by the commission [~~board~~];

(2) may not be released or disclosed to any person except:

(A) on court order;

(B) with the consent of the person who is the subject of the information; or

(C) as authorized by Section 411.1386(a-6) of this code or Section 698(a-6), Texas Probate Code; and

(3) shall be destroyed by the commission [~~board~~] after the information is used for the authorized purposes.

SECTION 2.28. Section 2054.352(a), Government Code, is amended.

SECTION 2.29. Section 161.114(c), Human Resources Code, is amended.

SECTION 2.30. Section 151.353(a), Tax Code, is amended.

### ARTICLE 3. REPEALER, TRANSITION, AND EFFECTIVE DATE

SECTION 3.01. The following provisions of the Government Code are repealed:

(1) Sections 52.001(a)(1), (2), (2-a), and (7);

(2) Sections 52.002, 52.003, 52.0112, 52.012, 52.0121, 52.013, 52.0131, 52.014, 52.015, 52.016, 52.0165, 52.017, 52.0175, 52.018, and 52.0185;

(3) the heading to Subchapter B, Chapter 52;

(4) Section 57.001(5);

(5) Sections 72.013 and 72.014; and

(6) Subchapter F, Chapter 72.

SECTION 3.02. (a) In appointing the initial members of the Judicial Branch Certification Commission created under Chapter 152, Government Code, as added by this Act, the Supreme Court of Texas shall appoint three members to terms expiring February 1, 2015, three members to terms expiring February 1, 2017, and three

(1) may be used by the commission [~~board~~] for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by the commission or otherwise under Subtitle K, Title 2 [~~board~~];

(2) may not be released or disclosed to any person except:

(A) on court order;

(B) with the consent of the person who is the subject of the information; or

(C) as authorized by Section 411.1386(a-6) of this code or Section 698(a-6), Texas Probate Code, if applicable; and

(3) shall be destroyed by the commission [~~board~~] after the information is used for the authorized purposes.

SECTION 2.26. Same as introduced version.

SECTION 2.27. Same as introduced version.

SECTION 2.28. Same as introduced version.

### ARTICLE 3. REPEALER, TRANSITION, AND EFFECTIVE DATE

SECTION 3.01. The following provisions of the Government Code are repealed:

(1) Sections 52.001(a)(1), (2), (2-a), and (7);

(2) Sections 52.002, 52.003, 52.0112, 52.012, 52.0121, 52.013, 52.0131, 52.014, 52.015, 52.016, 52.0165, 52.017, 52.0175, 52.018, and 52.0185;

(3) the heading to Subchapter B, Chapter 52;

(4) Section 57.001(5);

(5) Section 72.013;

(6) Subchapter F, Chapter 72; and

(7) Section 411.1403.

SECTION 3.02. (a) In appointing the initial members of the Judicial Branch Certification Commission created under Chapter 152, Government Code, as added by this Act, the Supreme Court of Texas shall appoint three members to terms expiring February 1, 2017, three members to terms expiring February 1, 2019, and three

members to terms expiring February 1, 2019.

(b) The Supreme Court of Texas shall adopt rules, procedures, and forms the supreme court determines are necessary to implement Subtitle K, Title 2, Government Code, as added by this Act, not later than January 1, 2014.

(c) On January 1, 2014:

(1) the Judicial Branch Certification Commission is created;

(2) the Court Reporters Certification Board, Guardianship Certification Board, and process server review board are abolished;

(3) the powers, duties, functions, programs, and activities of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred to the Judicial Branch Certification Commission;

(4) an employee of the Court Reporters Certification Board, Guardianship Certification Board, or process server review board becomes an employee of the **Judicial Branch Certification Commission**;

(5) all obligations and contracts of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred to the **Judicial Branch Certification Commission**;

(6) all property and records in the custody of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters shall be transferred to the **Judicial Branch Certification Commission**;

(7) all complaints, investigations, or contested cases that are pending before the Court Reporters Certification Board, Guardianship Certification Board, and

members to terms expiring February 1, 2021.

(b) The Supreme Court of Texas shall adopt rules, procedures, and forms the supreme court determines are necessary to implement Subtitle K, Title 2, Government Code, as added by this Act, not later than September 1, 2014.

(c) On September 1, 2014:

(1) the Judicial Branch Certification Commission is created;

(2) the Court Reporters Certification Board, Guardianship Certification Board, and process server review board are abolished;

(3) the powers, duties, functions, programs, and activities of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred to the Judicial Branch Certification Commission;

(4) an employee of the Court Reporters Certification Board, Guardianship Certification Board, or process server review board becomes an employee of the **Office of Court Administration of the Texas Judicial System**;

(5) all obligations and contracts of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred to the **Office of Court Administration of the Texas Judicial System**;

(6) all property and records in the custody of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters shall be transferred to the **Office of Court Administration of the Texas Judicial System**;

(7) all complaints, investigations, or contested cases that are pending before the Court Reporters Certification Board, Guardianship Certification Board, and



process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred without change in status to the Judicial Branch Certification Commission;

(8) a rule or form adopted by the Supreme Court of Texas or the Texas Commission of Licensing and Regulation related to a profession regulated under Subtitle K, Title 2, Government Code, as added by this Act, remains in effect until altered by the supreme court;

(9) except as otherwise provided by this Act, a reference in law to the Court Reporters Certification Board, Guardianship Certification Board, or process server review board means the Judicial Branch Certification Commission; and

(10) a license, certification, or registration in effect that was issued by the Court Reporters Certification Board, Guardianship Certification Board, process server review board, or Texas Department of Licensing and Regulation related to professions regulated under Subtitle K, Title 2, Government Code, as added by this Act, is continued in effect as a license, certification, or registration of the Judicial Branch Certification Commission.

(d) The abolition of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and the transfer of powers, duties, functions, programs, activities, obligations, rights, contracts, records, property, funds, and employees as provided by this Act do not affect or impair an act done, any obligation, right, order, permit, certificate, rule, criterion, standard, or requirement existing, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

(e) Subsections (a) and (b) of this section take effect September 1, 2013.

SECTION 3.03. Except as otherwise provided by this Act, this Act takes effect **January** 1, 2014.

process server review board and of the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation related to licensed court interpreters are transferred without change in status to the Judicial Branch Certification Commission;

(8) a rule, form, **or fee** adopted by the Supreme Court of Texas or the Texas Commission of Licensing and Regulation related to a profession regulated under Subtitle K, Title 2, Government Code, as added by this Act, remains in effect until altered by the supreme court;

(9) except as otherwise provided by this Act, a reference in law to the Court Reporters Certification Board, Guardianship Certification Board, or process server review board means the Judicial Branch Certification Commission; and

(10) a license, certification, or registration in effect that was issued by the Court Reporters Certification Board, Guardianship Certification Board, process server review board, or Texas Department of Licensing and Regulation related to professions regulated under Subtitle K, Title 2, Government Code, as added by this Act, is continued in effect as a license, certification, or registration of the Judicial Branch Certification Commission.

(d) The abolition of the Court Reporters Certification Board, Guardianship Certification Board, and process server review board and the transfer of powers, duties, functions, programs, activities, obligations, rights, contracts, records, property, funds, and employees as provided by this Act do not affect or impair an act done, any obligation, right, order, permit, certificate, rule, criterion, standard, or requirement existing, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

(e) Subsections (a) and (b) of this section take effect September 1, 2013.

SECTION 3.03. Except as otherwise provided by this Act, this Act takes effect **September** 1, 2014.