

BILL ANALYSIS

Senate Research Center

S.B. 966
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Jurisprudence
7/23/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Office of Court Administration of the Texas Judicial System (OCA) operates under the direction and supervision of the Supreme Court of Texas and serves as a resource for several judicial branch regulatory boards. Currently, OCA oversees the Court Reporters Certification Board, the Guardianship Certification Board, and the Process Server Review Board. The Licensed Court Reporter Interpretation Advisory Board is currently within the Department of Licensing and Regulation (TDLR). 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.

S.B. 966 seeks to provide greater efficiency and eliminate 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 (JBCC). It also moves oversight of the Licensed Court Reporter Interpretation Advisory Board to this new entity.

The purpose of JBCC will be to oversee the regulatory policies and certification of the professionals under its jurisdiction on behalf of OCA and the Supreme Court of Texas. S.B. 966 outlines processes for the appointment and eligibility of members, training, reimbursement, and general powers and duties of JBCC; authorizes the Texas Supreme Court to adopt rules for JBCC; appoints advisory boards consisting of representatives of each profession; and establishes a process for appeals of board decisions.

S.B. 966 amends current law relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation, imposes penalties, and authorizes fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas (supreme court) in SECTION 1.01 (Sections 152.101, 152.203, 152.205, 153.058, and 154.002, Government Code), SECTION 1.04 (Sections 154.110 and 154.111, Government Code), and SECTION 3.02 of this bill.

Rulemaking authority granted to the supreme court is restricted in SECTION 1 (Section 152.102, Government Code) of this bill.

Rulemaking authority is expressly granted to the Judicial Branch Certification Commission (JBCC) in SECTION 1.01 (Sections 152.204 and 153.055, Government Code) and SECTION 1.04 (Section 154.110, Government Code) of this bill.

Rulemaking authority previously granted to the supreme court is rescinded in SECTION 1.04 (Section 154.101, Government Code) and Section 3.01 (Sections 52.002 and 52.003, Government Code) of this bill.

Rulemaking authority previously granted to the Texas Commission of Licensing and Regulation (TCLR) is rescinded in SECTION 1.08 (Section 57.045, Government Code) of this bill.

Rulemaking authority previously granted to the supreme court is modified in SECTION 1.05 (Section 155.102, Government Code) of this bill.

Rulemaking authority previously granted to TCLR is transferred to JBCC and modified in SECTION 1.08 (Section 157.101, Government Code) of this bill.

Rulemaking authority previously granted to the Court Reporters Certification Board is rescinded in SECTION 3.01 (Sections 52.015 and 52.016, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1.01. Amends Title 2, Government Code, by adding Subtitle K, as follows:

SUBTITLE K. COURT PROFESSIONS REGULATION

CHAPTER 151. GENERAL PROVISIONS

Sec. 151.001. **DEFINITIONS.** Defines "certification," "commission," "director," "license," "office," "registration," and "regulated person" in this subtitle.

CHAPTER 152. JUDICIAL BRANCH CERTIFICATION COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 152.001. **SUNSET PROVISION.** Provides that the Judicial Branch Certification Commission (JBCC) is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. Requires JBCC to be reviewed during the period in which state agencies abolished in 2019 and every 12th year after 2019 are reviewed.

SUBCHAPTER B. COMMISSION

Sec. 152.051. **ESTABLISHMENT OF COMMISSION.** Establishes the JBCC to oversee the regulatory programs assigned to it by state law or by the Supreme Court of Texas (supreme court).

Sec. 152.052. **APPOINTMENT OF COMMISSION.** (a) Sets forth the composition of JBCC as appointed by the supreme court.

(b) Provides that public members of JBCC, subject to Subsection (d), 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;

(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) Authorizes the supreme court, in making an appointment under Subsection (b), to 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) Authorizes the supreme court to appoint to JBCC 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) Requires that appointments to JBCC be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(f) Requires a member appointed to JBCC to be knowledgeable about the professions certified by JBCC.

Sec. 152.053. CONFLICT PROVISIONS. (a) Defines "Texas trade association" in this section.

(b) Provides that a person is not eligible for appointment as a member of JBCC if the person or the person's spouse is employed by or participates in the management of a business entity or other organization receiving funds from JBCC, owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from JBCC; or uses or receives a substantial amount of tangible goods, services, or funds from JBCC, other than compensation or reimbursement authorized by law for JBCC membership, attendance, or expenses.

(c) Prohibits a person from serving as a member of JBCC or acting as the general counsel to JBCC if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) because of the person's activities for compensation on behalf of a profession related to the operation of JBCC.

(d) Prohibits a person from being a member of JBCC and from being a JBCC 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.), if the person is an officer, employee, or paid consultant of a Texas trade association in the legal profession or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the legal profession.

Sec. 152.054. TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of JBCC from voting, deliberating, or being counted as a member in attendance at a meeting of JBCC until the person completes a training program that complies with this section.

(b) Requires that the training program provide the person with certain information.

(c) Entitles a person appointed to JBCC to reimbursement, as provided by the General Appropriations Act (GAA), 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) Provides that members of JBCC serve staggered six-year terms. Provides that the terms of three members expire on February 1 of each odd-numbered year.

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

(c) Authorizes the supreme court to remove a member of JBCC for inefficiency or neglect of duty in office.

Sec. 152.056. **PRESIDING OFFICER.** Requires the supreme court to designate a member of JBCC as presiding officer of JBCC to serve in that capacity at the pleasure of the supreme court.

Sec. 152.057. **COMPENSATION; REIMBURSEMENT.** (a) Prohibits a JBCC member from receiving compensation for service on JBCC.

(b) Entitles a JBCC member to reimbursement for travel expenses and other actual and necessary expenses incurred in performing functions as a JBCC member, subject to any applicable limitation on reimbursement provided by GAA.

Sec. 152.058. **MEETINGS.** (a) Requires JBCC to meet at least once in each quarter of the fiscal year.

(b) Authorizes JBCC to meet at other times at the call of the presiding officer or as provided by JBCC rules.

Sec. 152.059. **PUBLIC TESTIMONY.** Requires JBCC to develop and implement policies that provide the public with a reasonable opportunity to appear before JBCC and to speak on any issue under the jurisdiction of JBCC.

SUBCHAPTER C. ADMINISTRATION

Sec. 152.101. **RULES.** Authorizes the supreme court to adopt rules consistent with this subtitle, including rules governing the certification, registration, licensing, and conduct of persons regulated under this subtitle. Authorizes the supreme court to authorize JBCC 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.**

(a) Prohibits the supreme court from adopting rules restricting advertising or competitive bidding by a holder of a certification, registration, or license except to prohibit false, misleading, or deceptive practices, subject to any rules related to ethics or professional conduct promulgated by the supreme court.

(b) Prohibits the supreme court, in its rules to prohibit false, misleading, or deceptive practices, from including a rule that:

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

(2) restricts the use of a regulated person's personal appearance or voice in an advertisement;

(3) relates to the size or duration of an advertisement by the regulated person; or

(4) restricts the regulated person's advertisement under a trade name.

Sec. 152.103. **ADMINISTRATIVE ATTACHMENT.** (a) Provides that JBCC is administratively attached to the Office of Court Administration of the Texas Judicial System (OCA).

(b) Requires OCA, notwithstanding any other law, to:

(1) provide administrative assistance, services, and materials to JBCC, including budget planning and purchasing;

(2) accept, deposit, and disburse money made available to JBCC;

(3) reimburse the travel expenses and other actual and necessary expenses of JBCC members incurred in the performance of official JBCC duties, as provided by GAA; and

(4) provide JBCC with adequate computer equipment and support.

Sec. 152.104. DIRECTOR. Requires the administrative director of OCA (director) to perform any duty assigned by JBCC and other duties specified by law, and administer and enforce JBCC's programs.

Sec. 152.105. DIVISION OF RESPONSIBILITIES. Requires JBCC to develop and implement policies that clearly separate the policy-making responsibilities of JBCC and the management responsibilities of the director and the staff of OCA.

Sec. 152.106. USE OF TECHNOLOGY. Requires JBCC to implement a policy requiring JBCC to use appropriate technological solutions to improve JBCC's ability to perform its functions. Requires that the policy ensure that the public is able to interact with JBCC on the Internet.

Sec. 152.107. INFORMATION ON STANDARDS OF CONDUCT. Requires the director or the director's designee to provide to members of JBCC and to OCA 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) Requires JBCC to prepare information of public interest describing the functions of JBCC under this subtitle and the procedure by which complaints are filed and resolved under this subtitle.

(b) Requires JBCC to make the information available to the public and appropriate state agencies.

Sec. 152.109. COMPLAINTS. (a) Requires JBCC to establish methods by which consumers are notified of the name, mailing address, and telephone number of JBCC for the purpose of directing complaints about persons regulated under this subtitle to JBCC.

(b) Requires JBCC to list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a person regulated under this subtitle.

Sec. 152.110. RECORDS OF COMPLAINTS. (a) Requires JBCC to maintain a file on each written complaint filed with JBCC under this subtitle. Requires that the file include:

(1) the name of the person who filed the complaint;

(2) the date the complaint is received by JBCC;

(3) the subject matter of the complaint;

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

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

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

(b) Requires JBCC to provide to the person filing the complaint and to each person who is a subject of the complaint a copy of JBCC's policies and procedures relating to complaint investigation and resolution. Requires a person who reports a complaint by telephone to be given information on how to file a written complaint.

(c) Requires JBCC, at least quarterly and until final disposition of each complaint, to notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an ongoing investigation.

Sec. 152.111. COMPLAINT DISMISSAL. (a) Authorizes JBCC to adopt a policy allowing office employees to dismiss complaints that clearly do not allege misconduct or are not within JBCC's jurisdiction.

(b) Requires office employees to inform JBCC of all dismissals made under this section.

(c) Authorizes a person who files a complaint that is dismissed under this section to request that JBCC reconsider the complaint.

Sec. 152.112. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) Requires JBCC to develop and implement a policy to encourage the use of appropriate alternative dispute resolution procedures to assist in the resolution of internal and external disputes under JBCC's jurisdiction.

(b) Requires that the procedures relating to alternative dispute resolution under this section conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings (SOAH) for the use of alternative dispute resolution by state agencies.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 152.151. GENERAL POWERS AND DUTIES. (a) Requires JBCC to:

(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 JBCC, 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) Authorizes JBCC to:

- (1) require applicants for certification, registration, or licensing under this subtitle to pass an examination that is developed and administered by JBCC, or by JBCC in conjunction with a person with whom JBCC 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) Authorizes JBCC to establish other advisory boards, in addition to the advisory boards specifically established under this subtitle, to advise JBCC on policy and persons regulated under this subtitle.

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

(c) Requires that an advisory board established under this subtitle, including under this section, assist JBCC by developing and recommending rules to JBCC. Authorizes the advisory board to establish subcommittees to fulfill the duties imposed under this subsection.

(d) Provides that an advisory board member serves without compensation but is entitled to 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 GAA.

SUBCHAPTER E. CERTIFICATION, REGISTRATION, AND LICENSING REQUIREMENTS

Sec. 152.201. EXAMINATIONS. (a) Requires JBCC, not later than the 30th day after the date a person takes an examination, to notify the person of the results of the examination.

(b) Provides that if the examination is graded or reviewed by a testing service:

(1) JBCC is required to notify the person of the results of the examination not later than the 30th day after the date JBCC receives the results from the testing service; and

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

(c) Authorizes JBCC to require a testing service to notify a person of the results of the person's examination or collect a fee for administering an examination from a person taking the examination.

(d) Requires JBCC, 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.

Sec. 152.202. ENDORSEMENT; RECIPROCITY. (a) Authorizes JBCC to 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) Authorizes JBCC to waive any prerequisite to obtaining a certification registration, or license issued by another jurisdiction with which this state has a reciprocity agreement. Authorizes JBCC to 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. Requires the supreme court to adopt rules on applicants' ineligibility for certification, registration, or licensing under this subtitle 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.

Sec. 152.204. CONTINUING EDUCATION. (a) Authorizes the supreme court to authorize and authorizes JBCC by rule to require continuing professional education for persons regulated under this subtitle.

(b) Authorizes the rules for continuing professional education adopted by JBCC to include standards relating to reporting by regulated persons or by providers of continuing professional education, continuing professional education course content, and the minimum number of continuing professional education hours required.

(c) Authorizes JBCC by rule to 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. (a) Requires JBCC to develop and recommend to the supreme court for adoption by rule a code of ethics for persons regulated under this subtitle. Authorizes JBCC, in developing the code of ethics, to use the codes of ethics adopted by state or national associations as models.

(b) Requires JBCC to publish the code of ethics after adoption by the supreme court.

(c) Requires JBCC, after publishing the code of ethics, to propose to the supreme court a rule stating that a person who violates the code of ethics is subject to an administrative penalty assessed under Chapter 153.

(d) Requires JBCC to update the code of ethics as necessary to reflect changes in technology or other factors affecting a profession regulated under this subtitle.

CHAPTER 153. COMMISSION ENFORCEMENT

SUBCHAPTER A. GENERAL ENFORCEMENT PROVISIONS

Sec. 153.001. INVESTIGATIONS. Authorizes JBCC to conduct investigations as necessary to enforce the laws administered by JBCC.

Sec. 153.002. SUBPOENAS. (a) Authorizes JBCC to issue a subpoena as provided by this section.

(b) Authorizes JBCC to 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 JBCC, a rule adopted under this subtitle, or an order issued by JBCC or the director; and

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

(c) Authorizes a subpoena under this section to be issued throughout this state and to be served by any person designated by JBCC or the director.

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

(e) Provides that venue for an action brought under this section is in a district court in Travis County or any county in which JBCC is authorized to hold a hearing.

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

Sec. 153.003. CEASE AND DESIST ORDER. Authorizes the director to issue a cease and desist order if the director determines that the action is necessary to prevent a violation of this subtitle, a law establishing a regulatory program administered by JBCC, or a rule adopted under this subtitle or order issued by JBCC or the director.

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

(b) Authorizes JBCC to place on probation a person whose certification, registration, or license is suspended. Authorizes JBCC, if a certification, registration, or license suspension is probated, to require the person to report regularly to JBCC on matters that are the basis of the probation, limit practice to the areas prescribed by JBCC, or continue or review professional education until the person attains a degree of skill satisfactory to JBCC in those areas that are the basis for the probation.

Sec. 153.005. INJUNCTION. (a) Authorizes JBCC to apply to a district court in any county for an injunction to restrain a violation of this subtitle or a rule adopted under this subtitle by a person.

(b) Requires the attorney general, at the request of JBCC, to initiate and conduct an action in a district court in the state's name to obtain an injunction under this section.

(c) Authorizes the attorney general, if the state prevails in a suit under this section, to recover on behalf of the state reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

SUBCHAPTER B. ADMINISTRATIVE PENALTY; ADMINISTRATIVE SANCTION

Sec. 153.051. IMPOSITION OF PENALTY. (a) Authorizes JBCC to impose an administrative penalty on a person regulated under this subtitle who violates this subtitle or a rule or standard adopted or order issued under this subtitle.

(b) Authorizes a proceeding under this subchapter imposing an administrative penalty to be combined with a proceeding to impose an administrative sanction, otherwise imposed under this subtitle. Provides that if an administrative sanction is imposed in a proceeding under this subchapter, the requirements of this subchapter apply to the imposition of the sanction.

Sec. 153.052. AMOUNT OF PENALTY. (a) Prohibits the amount of an administrative penalty from exceeding \$500 for each violation, and provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) Requires that the amount be based on:

- (1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;
- (2) the threat to health or safety caused by the violation;
- (3) any previous violations;
- (4) the amount necessary to deter a future violation;
- (5) whether the violator demonstrated good faith, including when applicable whether the violator made good faith efforts to correct the violation; and
- (6) any other matter that justice may require.

Sec. 153.053. REPORT AND NOTICE OF VIOLATION, PENALTY, AND SANCTION. (a) Requires JBCC to:

- (1) appoint a committee of advisory board members to review a complaint, make the initial determination on whether a violation 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 JBCC's determination on whether a violation occurred and each recommended penalty or sanction, if any.

(b) Requires that the notice required under Subsection (a):

- (1) include a brief summary of the alleged violation;
- (2) state the amount of the 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) Authorizes the person, not later than the 20th day after the date the person receives the notice sent under Section 153.053, in writing, to accept the determination of JBCC and recommended penalty or sanction or 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) Requires JBCC by order to approve the determination and impose the recommended penalty or sanction if the person accepts the determination and recommended penalty or sanction or if the person fails to respond to the notice.

Sec. 153.055. NOTICE; HEARING. (a) Requires JBCC to 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 if the person requests a hearing.

(b) Authorizes the person to appear, present evidence, and respond to questions from JBCC at the hearing.

(c) Requires JBCC to 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. Requires JBCC to give the person notice of the order.

(d) Authorizes JBCC, on approval of the supreme court, to adopt rules governing the hearing, including rules on appearance by telephone.

(e) Authorizes the presiding officer of JBCC to hold prehearing conferences.

(f) Requires that the notice of JBCC's order under Subsection (c) include a statement of the right of the person to appeal the order under Section 153.058.

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

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

Sec. 153.056. OPTIONS FOLLOWING DECISION: PAY, ACCEPT, OR APPEAL. Requires the person, not later than the 30th day after the date the order of JBCC imposing an administrative penalty or sanction under Section 153.055 becomes final, to pay the penalty or accept the sanction or file an appeal of JBCC's order contesting the occurrence of the violation, the imposition or amount of the penalty, the imposition of the sanction, or any combination.

Sec. 153.057. COLLECTION OF PENALTY. (a) Authorizes the penalty to be collected if the person does not pay the penalty and the enforcement of the penalty is not stayed in accordance with supreme court rules.

(b) Authorizes the attorney general to sue to collect the penalty and to recover reasonable expenses, including attorney's fees, incurred in recovering the penalty.

(c) Requires that a penalty collected under this subchapter be deposited in the state treasury in the general revenue fund.

Sec. 153.058. APPEAL OF DECISION. (a) Requires the supreme court to adopt rules governing appeals under this subchapter.

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

(c) Requires that an appeal be filed not later than the 30th day after the date JBCC's order is issued.

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

(e) Authorizes the special committee to confer in writing with a certification, registration, or license holder who is in the same profession as the person appealing JBCC'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) Authorizes the special committee, if the special committee sustains the finding that a violation occurred, to:

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

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

(g) Requires the special committee to order that a penalty is not owed and that a sanction is prohibited from being imposed if the special committee does not sustain the finding that a violation occurred.

Sec. 153.059. REMITTANCE OF PENALTY AND INTEREST. (a) Requires the special committee to order that the appropriate amount plus accrued interest be remitted to the person not later than the 30th day after the date the judgment of the special committee becomes final if the person paid the penalty and if the amount of the penalty is reduced or the penalty is not upheld by the special committee.

(b) Provides that the interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank.

(c) Requires that the interest be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

CHAPTER 154. COURT REPORTERS CERTIFICATION AND SHORTHAND REPORTING FIRMS REGISTRATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 154.001. DEFINITIONS. (a) Defines "advisory board," "certification," "official court reporter," "shorthand reporter," "court reporter," "shorthand reporting," "court reporting," "shorthand reporting firm," "court reporting firm," and "affiliate office" in this chapter.

(b) Provides that for purposes of Subsection (a)(6) (defining "shorthand reporting firm," "court reporting firm," and "affiliate office"), a court reporting firm, shorthand reporting firm, or affiliate office is considered to be providing court reporting or other related services in this state if:

(1) any act that constitutes a court reporting service or shorthand reporting service occurs wholly or partly in this state;

(2) the firm or affiliate office recruits a resident of this state through an intermediary located inside or outside of this state to provide court reporting services, shorthand reporting services, or other related services in this state; or

(3) the firm or affiliate office contracts with a resident of this state by mail or otherwise and either party is to perform court reporting services, shorthand reporting services, or other related services wholly or partly in this state.

Sec. 154.002. RULES. Authorizes the supreme court to adopt rules consistent with this subtitle, including rules governing the certification and conduct of official and deputy court reporters and shorthand reporters and the registration and conduct of court reporting and shorthand reporting firms.

SECTION 1.02. Amends Chapter 154, Government Code, as added by this Act, by adding Subchapter B and by adding a heading for Subchapter B, to read as follows:

SUBCHAPTER B. COURT REPORTERS CERTIFICATION ADVISORY BOARD

SECTION 1.03. Transfers Sections 52.011 and 52.0111, Government Code, to Subchapter B, Chapter 154, Government Code, as added by this Act, redesignates them as Sections 154.051 and 154.052, Government Code, and amends them as follows:

Sec. 154.051. ORGANIZATION. Redesignates existing Section 52.011 as Section 154.051. (a) Changes references to the Court Reporters Certification Board (CRCB) to the Court Reporters Certification Advisory Board. Establishes the Court Reporters Certification Advisory Board (advisory board) as an advisory board to JBCC. Provides that the advisory board is composed of at least seven members appointed by the supreme court. Sets forth the composition of the advisory board.

(b) Changes a reference to CRCB to the advisory board.

(c) Provides that the advisory board member appointed under Subsection (a)(1) (relating to providing that one member of the advisory board is an active district judge presiding over a court that employs an official court reporter) serves as presiding officer of the advisory board. Deletes existing text prohibiting a person from being a member of CRCB or acting as the general counsel to CRCB if the person is required to register as a lobbyist under Chapter 30 because of certain activities or is an owner, officer, or employee of certain schools or institutions.

(d) Provides that a majority of the advisory board constitutes a quorum. Deletes existing text defining "Texas trade association;" prohibiting a person from being a member of CRCB and being a CRCB employee employed in a "bona fide executive, administrative, or professional capacity;" if the person is an officer, employee, or paid consultant of a Texas trade association in the field of shorthand reporting; or the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of shorthand reporting.

(e) Provides that advisory board members serve staggered six-year terms of office, as ordered by the supreme court. Deletes existing text prohibiting a person from being a public member of CRCB if the person or the person's spouse meets certain conditions; 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 CRCB; or uses or receives a substantial amount of tangible goods, services, or money from CRCB other than compensation or reimbursement authorized by law for CRCB membership, attendance, or expenses.

Deletes existing Subsection (f) designation and existing text providing that the terms of two or three CRCB members expire on December 31 of each year; transfers remaining text to existing Subsection (e).

(f) Redesignates existing Subsection (h) as Subsection (f). Requires the supreme court to appoint a similarly qualified person to serve the remainder of the term if a vacancy occurs on the advisory board.

Deletes existing Subsection (g) providing that a member holds office until that member's successor is appointed and has qualified for office and prohibiting a CRCB member from being appointed to an immediately succeeding term unless the member has served less than three consecutive years.

(g) Redesignates existing Subsection (i) as Subsection (g). Provides that 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, rather than traveling and performing official, advisory board duties, as provided by GAA.

Sec. 154.052. New heading: ADVISORY BOARD MEMBER TRAINING. Redesignates existing Section 52.0111 as Section 154.052. (a) Changes references to CRCB to the advisory board.

(b) Requires that the training program provide a person appointed to the advisory board with information regarding this chapter, the role and functions of the advisory board, the rules of JBCC, with an emphasis on rules that relate to disciplinary and investigatory authority, and any applicable ethics policies adopted by JBCC. Deletes existing text requiring that the training program provide a person appointed to CRCB with information regarding the legislation that created CRCB, the programs operated by CRCB, the current budget for CRCB, the results of the most recent formal audit of CRCB, the requirement of certain laws, and any applicable ethics policies adopted by CRCB or the Texas Ethics Commission. Makes conforming changes.

(c) Makes a conforming change.

SECTION 1.04. Transfers Subchapter C, Chapter 52, Government Code, to Chapter 154, Government Code, as added by this Act, redesignates it as Subchapter C, Chapter 154, Government Code, and amends it as follows:

SUBCHAPTER C. CERTIFICATION AND REGISTRATION

Sec. 154.101. CERTIFICATION OF REPORTERS. Redesignates existing Section 52.021 as Section 154.101. (a)-(c) Makes no change to these subsections.

(d) Authorizes a person certified under state law as a court reporter, rather than a person certified under this chapter, before September 1, 1983, to retain a general certification authorizing the person to use any authorized method of shorthand reporting.

(e) Makes no change to this subsection.

(f) Requires that all depositions conducted in this state be recorded by a certified shorthand reporter, except as provided by Section 154.112, rather than Section 52.031, and Section 20.001 (Persons Who May Take a Deposition), Civil Practice and Remedies Code.

(g) Changes references to CRCB to JBCC.

(h)-(i) Makes conforming changes.

Deletes existing Section 52.0211 (Rules on Consequences of Criminal Conviction), Government Code.

Sec. 154.102. APPLICATION FOR EXAMINATION. Redesignates existing Section 52.022 as Section 154.102. Changes references to CRCB to JBCC.

Sec. 154.103. EXAMINATION. Redesignates existing Section 52.023 as Section 154.103. Makes no further changes to this section.

Deletes existing Section 52.0231 (Examination Results), Government Code.

Sec. 154.104. CERTIFICATION TO SUPREME COURT. Redesignates existing Section 52.024 as Section 154.104. Deletes existing Subsection (a) designation. Makes a conforming change.

Deletes existing Section 52.0241 (Reciprocal Certification or Certification by Endorsement), Government Code.

Sec. 154.105. TITLE; OATHS. Redesignates existing Section 52.025 as Section 154.105. Makes no further changes to this section.

Sec. 154.106. FIRM REGISTRATION. Redesignates existing Section 52.0255 as Section 154.106. (a) Changes references to CRCB to JBCC. Prohibits a shorthand reporting firm from assuming or using the title or designation "court recording firm," "court reporting firm," or "shorthand reporting firm" or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the firm is a court reporting firm or shorthand reporting firm, or offering services as a court reporting firm or shorthand reporting firm, unless the firm and its affiliate offices are registered with JBCC on a form prescribed by JBCC as required by this subchapter, rather than chapter.

(b) Makes a conforming change.

Sec. 154.107. CERTIFICATION AND REGISTRATION FEE AND RENEWAL. Redesignates existing Section 52.026 as Section 154.107. (a)-(h) Changes references to CRCB to JBCC.

Sec. 154.108. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION. Redesignates existing Section 52.0261 as Section 154.108. Changes references to CRCB to JBCC.

Sec. 154.109. COMPLAINT. Redesignates existing Section 52.027 as Section 154.109. (a)-(b) Changes references to CRCB to JBCC.

(c) Authorizes an advisory board member to recommend to JBCC a complaint to be filed against a certified shorthand reporter or a shorthand reporting firm or affiliated office registered with JBCC. Makes a conforming change.

Deletes existing Section 52.0271 (Complaint Dismissal), Government Code.

Deletes existing Section 52.028 (Notice and Hearing), Government Code.

Sec. 154.110. DISCIPLINARY ACTIONS AGAINST COURT REPORTERS. Redesignates existing Section 52.029 as Section 154.110. (a) Requires JBCC, after receiving a complaint and giving the certified shorthand reporter notice and an opportunity for a hearing as prescribed by Subchapter B, Chapter 153, to revoke, suspend, or refuse to renew the shorthand reporter's certification or issue a reprimand to the reporter for, among certain conduct, committing any other act that violates this chapter or a rule or provision of the code of ethics adopted under this subtitle, rather than chapter. Makes conforming changes.

(b)-(f) Makes conforming changes.

Sec. 154.111. DISCIPLINARY ACTIONS AGAINST FIRMS. Redesignates existing Section 52.0295 as Section 154.111. (a) Changes references to chapter to subtitle. Requires JBCC, rather than CRCB, 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, rather than as prescribed by Section 52.028, to reprimand, assess a reasonable fine against, or suspend, revoke, or refuse to renew the registration of a shorthand reporting firm or affiliate office for certain conduct, including 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, rather than as determined by rules adopted under Section 52.0211. Makes conforming changes.

(b) Makes no change to this subsection.

(c)-(f) Changes references to CRCB to JBCC.

Deletes existing Section 52.030 (Appeal of Disciplinary Action), Government Code.

Sec. 154.112. EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS. Redesignates existing Section 52.031 as Section 154.112. Makes no further changes to this section.

Sec. 154.113. CRIMINAL PENALTY. Redesignates existing Section 52.032 as Section 154.113. Makes conforming changes.

Deletes existing Section 52.0321 (Administrative Penalty), Government Code.

Sec. 154.114. EXEMPTIONS. Redesignates existing Section 52.033 as Section 154.114. Makes no further changes to this section.

Sec. 154.115. PROHIBITED CONTRACTS. Redesignates existing Section 52.034 as Section 154.115. Makes no further changes to this section.

SECTION 1.05. Transfers Chapter 111, Government Code, to Subtitle K, Title 2, Government Code, as added by this Act, redesignates it as Chapter 155, Government Code, and amends it as follows:

CHAPTER 155. New heading: GUARDIANSHIP CERTIFICATION
Redesignates existing Chapter 111 as Chapter 155.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 155.001. DEFINITIONS. Redesignates existing Section 111.001 as Section 155.001. Defines "advisory board" in this chapter. Deletes existing definitions of "administrative director," "board," "director," and "office of court administration" in this chapter.

Sec. 155.002. RULES. Redesignates existing Section 111.002 as Section 155.002. Makes no further changes to this section.

Deletes existing Section 111.003 (Sunset Provision), Government Code.

SUBCHAPTER B. ADMINISTRATIVE PROVISIONS

Sec. 155.051. New heading: ADVISORY BOARD. Redesignates existing Section 111.011 as Section 155.051. (a) Changes references to GCB to the Guardianship Certification Advisory Board (guardianship advisory board). Establishes the guardianship advisory board as an advisory board to JBCC. Provides that the guardianship advisory board is composed of at least five members appointed by the supreme court. Deletes existing text setting forth the composition of GCB.

(b) Deletes existing Subsection (b) requiring the supreme court to appoint members under Subsection (a)(1) from the different geographical areas of this state. Redesignates existing text of Subsection (f) as Subsection (b). Changes references to GCB to the guardianship advisory board.

Deletes existing Subsection (c) authorizing the supreme court, in making an appointment under Subsection (a)(2), to reject one or more of the nominees on a list submitted by the governor and request a new list of different nominees.

Deletes existing Subsection (d) requiring an individual, to be eligible for appointment to GCB other than as a public member, to have demonstrated experience working with certain programs, organizations, and individuals.

Deletes existing Subsection (e) setting forth certain qualifications public members of GCB are required to possess.

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

(d) Provides that a majority of the guardianship advisory board constitutes a quorum.

(e) Creates this subsection from existing text. Sets forth the terms for guardianship advisory board members, as ordered by the supreme court. Provides that guardianship 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 guardianship advisory board duties, as provided by GAA. Makes conforming changes.

Deletes existing Subsection (h) requiring GCB to elect from among its members a presiding officer and other officers considered necessary.

Deletes existing Subsection (i) requiring GCB to meet at least quarterly at the call of the presiding officer.

Deletes existing Subsection (j) requiring any action taken by GCB to be approved by a majority vote of the members present.

Deletes existing Section 111.012 (Administrative Attachment), Government Code.

Deletes existing Section 111.013 (Eligibility of Public Members), Government Code.

Deletes existing Section 111.014 (Membership and Employee Restrictions), Government Code.

Deletes existing Section 111.015 (Grounds for Removal from Board), Government Code.

Deletes existing Section 111.016 (Powers and Duties of Board), Government Code.

Sec. 155.052. TRAINING. Redesignates existing Section 111.017 as Section 155.052.
(a) Changes references to GCB to guardianship advisory board.

(b) Requires that the training program provide the person with information regarding this chapter, the role and functions of the guardianship advisory board and any applicable ethics policies adopted by JBCC, rather than regarding this chapter, the role and functions of GCB, the current budget for GCB, the results of the most recent formal audit of GCB, and any applicable ethics policies adopted by GCB.

Deletes existing Section 111.018 (Use of Technology), Government Code.

Deletes existing Section 111.019 (Alternative Dispute Resolution Procedures), Government Code.

Deletes existing Section 111.020 (Public Access), Government Code.

Deletes existing Section 111.021 (Director), Government Code.

Deletes existing Section 111.022 (Division of Responsibilities), Government Code.

Deletes existing Section 111.023 (Qualifications and Standards of Conduct Information), Government Code.

SUBCHAPTER C. REGULATION OF CERTAIN GUARDIANS

Sec. 155.101. STANDARDS FOR CERTAIN GUARDIANSHIPS AND ALTERNATIVES TO GUARDIANSHIP. Redesignates existing Section 111.041 as Section 155.101. (a) Changes references to GCB to JBCC.

(b) Changes references to GCB to JBCC and makes a conforming change.

Sec. 155.102. CERTIFICATION REQUIRED FOR CERTAIN GUARDIANS. Redesignates existing Section 111.042 as Section 155.102. (a) Makes no change to this subsection.

(b)-(e) Changes references to GCB to JBCC and makes a conforming change.

(f) Makes no change to this subsection.

(g) Makes a nonsubstantive change.

Deletes existing Subsection (h) requiring the Texas Department of Licensing and Regulation (TDLR) to advise and assist GCB as necessary in administering the certification process established under this section.

Sec. 155.103. PROVISIONAL CERTIFICATE. Redesignates existing Section 111.0421 as Section 155.103. Makes conforming changes.

Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS. Redesignates existing Section 111.043 as Section 155.104. Makes conforming changes.

Sec. 155.105. ANNUAL DISCLOSURE. Redesignates existing Section 111.044 as Section 155.105. Changes references to GCB to JBCC.

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

CHAPTER 156. PROCESS SERVER CERTIFICATION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 156.001. DEFINITION. Defines "advisory board" in this chapter.

SUBCHAPTER B. PROCESS SERVER CERTIFICATION ADVISORY BOARD

Sec. 156.051. ORGANIZATION. (a) Establishes the Process Server Certification Advisory Board (process server advisory board) as an advisory board to JBCC. Provides that the process server advisory board is composed of at least five members appointed by the supreme court.

(b) Requires that appointments to the process server advisory board be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

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

(d) Provides that a majority of the process server advisory board constitutes a quorum.

(e) Provides that process server advisory board members serve staggered six-year terms as ordered by the supreme court.

(f) Requires the supreme court to appoint a person to serve the remainder of the term if a vacancy occurs on the process server advisory board.

(g) Provides that process server 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 process server advisory board duties, as provided by GAA.

SECTION 1.07. Transfers Section 51.008, Government Code, to Subchapter B, Chapter 156, Government Code, as added by this Act, redesignates it as Chapter 156.052, Government Code, and amends it as follows:

Sec. 156.052. FEES FOR PROCESS SERVER CERTIFICATION. Redesignates existing Section 51.008 as Section 156.001. (a) Authorizes JBCC, rather than the process server review board established by supreme court order, to recommend to the supreme court the fees to be charged for process server certification and renewal of certification. Makes a conforming change.

(b) Makes no change to this subsection.

(c) Authorizes OCA to collect the fees recommended by JBCC and approved by the supreme court. Makes conforming and nonsubstantive changes.

(d) Makes a nonsubstantive change.

SECTION 1.08. Transfers Subchapter C, Chapter 57, to Subtitle K, Title 2, Government Code, as added by this Act, redesignates it as Chapter 157, Government Code, and amends it as follows:

CHAPTER 157. New heading: COURT INTERPRETERS LICENSING
Redesignates existing Subchapter C as Chapter 157.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 157.001. DEFINITIONS. Redesignates existing Section 57.041 as Section 157.001. Defines "advisory board" in this chapter, rather than subchapter. Deletes existing definitions of "board," "commission," "department," and "executive director" in this chapter. Redefines "licensed court interpreter" in this chapter.

SUBCHAPTER B. LICENSED COURT INTERPRETER ADVISORY BOARD

Sec. 157.051. LICENSED COURT INTERPRETER ADVISORY BOARD. Redesignates existing Section 57.042 as Section 157.051. (a) Establishes the licensed court interpreter advisory board (interpreter advisory board) as an advisory board to JBCC. Provides that the interpreter 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 (TCLR) with TCLR's approval. Provides that members of the interpreter advisory board serve staggered six-year terms as ordered by the supreme court, rather than providing that the terms of one-third of the members expire on February 1 of each odd-numbered year. Makes conforming changes.

(b) Deletes existing text setting forth the composition of the interpreter advisory board and existing Subsection (c) designation, and transfers Subsection (c) text. Requires the supreme court, rather than the presiding officer of TCLR, with TCLR's approval, to select from the interpreter advisory board members a presiding officer of the interpreter advisory board to serve for two years.

(c) Redesignates existing Subsection (d) as Subsection (c). Requires that members be appointed without regard to race, color, disability, sex, religion, age, or national origin, rather than ethnic origin. Makes a conforming change.

(d) Redesignates existing Subsection (e) as Subsection (d). Authorizes the supreme court, rather than the presiding officer of TCLR with TCLR's approval, to remove a member of the interpreter advisory board for inefficiency or neglect of duty in office. Deletes existing text requiring TCLR to appoint a member who represents the same interests as the former member to serve the unexpired term if a vacancy occurs on the interpreter advisory board.

(e) Redesignates existing Subsection (f) as Subsection (e). Deletes existing text requiring the interpreter advisory board to meet at least twice a year at the call of the presiding officer at a place designated by the presiding officer. Makes a conforming change.

(f) Redesignates existing Subsection (g) as Subsection (f). Makes a conforming change.

(g) Redesignates existing Subsection (h) as Subsection (g). Entitle an interpreter advisory board member to reimbursement for travel expenses and other actual and necessary expenses incurred in attending meetings of the interpreter advisory board in the amount of the per diem set by GAA. Deletes existing text setting forth an additional duty of an interpreter advisory board member. Makes conforming changes.

SUBCHAPTER C. LICENSE ISSUANCE

Sec. 157.101. ISSUANCE OF LICENSE; TERM. Redesignates existing Section 57.043 as Section 157.101. (a) Changes references to this subchapter to this chapter. Requires the director, rather than the executive director of TDLR, to issue a court interpreter license to an applicant who possesses certain qualifications and passes the appropriate examination prescribed by JBCC, rather than prescribed by the executive director of TDLR, not earlier than two years before the date the director receives the applicant's application for a license. Makes a conforming change.

(b) Requires JBCC to adopt rules relating to licensing under this chapter. Requires that the rules be approved by the supreme court. Requires the director to prescribe all forms required under this chapter. Makes conforming changes.

(c)-(e) Makes conforming changes.

Sec. 157.102. COURT INTERPRETER LICENSE. Redesignates existing Section 57.044 as Section 157.102. Makes conforming changes.

Deletes existing Section 57.045 (Fees), Government Code.

Sec. 157.103. EXAMINATIONS. Redesignates existing Section 57.046 as Section 157.103. Makes conforming changes.

Sec. 157.104. New heading: COMMISSION DUTIES; INSPECTIONS. Redesignates existing Section 57.047 as Section 157.104. (a) Requires JBCC, rather than the executive director of TDLR, to enforce this subchapter.

(b) Requires JBCC, rather than TDLR, to investigate allegations of violations of this chapter. Makes a conforming change.

Sec. 157.105. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE. Redesignates existing Section 57.048 as Section 157.105. Makes conforming changes.

Sec. 157.106. PROHIBITED ACTS. Redesignates existing Section 57.049 as Section 157.106. Makes a conforming change.

Sec. 157.107. OFFENSE; ADMINISTRATIVE PENALTY. Redesignates existing Section 57.050 as Section 157.107. Makes conforming changes.

Deletes existing Section 57.051 (Sunset), Government Code.

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Amends Article 38.30(a-1), Code of Criminal Procedure, to redefine "qualified telephone interpreter" in this subsection.

SECTION 2.02. Amends Section 61.0513, Education Code, to change a reference to CRCB to JBCC and make a nonsubstantive change.

SECTION 2.03. Amends Section 132.055(b)(1), Education Code, to change a reference to CRCB to JBCC.

SECTION 2.04. Amends Section 1002.014, Estates Code, as effective January 1, 2014, as follows:

Sec. 1002.014. New heading: GUARDIANSHIP CERTIFICATION PROGRAM OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION. Defines "guardianship certification program of JBCC," and makes a conforming change. Deletes existing definition of "Guardianship Certification Board."

SECTION 2.05. Amends Section 1002.016, Estates Code, as effective January 1, 2014, to redefine "guardianship program."

SECTION 2.06. Amends Section 1002.025, Estates Code, as effective January 1, 2014, to redefine "private professional guardian."

SECTION 2.07. Amends Section 1101.001(b), Estates Code, as effective January 1, 2014, to require that the application for appointment of a guardian be sworn to by the applicant and state certain information, including if applicable, that the person whom the applicant seeks to have appointed as a guardian is a private professional guardian who is certified under Subchapter C, Chapter 155, rather than Chapter 111, Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

SECTION 2.08. Amends Section 1104.251(a), Estates Code, as effective January 1, 2014, to make a conforming change.

SECTION 2.09. Amends Section 1104.252, Estates Code, as effective January 1, 2014, to provide that for purposes of this subchapter (Certification Requirements for Certain Guardians), a person who holds a provisional certificate issued under Section 155.103, rather than Section 111.0421, Government Code, is considered to be certified.

SECTION 2.10. Amends Section 1104.253, Estates Code, as effective January 1, 2014, to make a conforming change.

SECTION 2.11. Amends Section 1104.255, Estates Code, as effective January 1, 2014, to make a conforming change.

SECTION 2.12. Amends Section 1104.256, Estates Code, as effective January 1, 2014, as follows:

Sec. 1104.256. FAILURE TO COMPLY; COURT'S DUTY TO NOTIFY. Requires the county court exercising its probate jurisdiction, the court created by statute and authorized to exercise original probate jurisdiction, or the district court exercising original probate jurisdiction in a contested matter, to notify the guardianship certification program of JBCC, rather than the Guardianship Certification Board, if the court becomes aware of a person who is not complying with certain terms, standards, and rules. Makes a conforming change.

SECTION 2.13. Amends Section 1104.257, Estates Code, as effective January 1, 2014, as follows:

Sec. 1104.257. INFORMATION REGARDING SERVICES PROVIDED BY GUARDIANSHIP PROGRAM. Requires each guardianship program operating in a county, not later than January 31 of each year, to submit to the county clerk a copy of the report submitted to the guardianship certification program of JBCC under Section 155.105, rather than the Guardianship Certification Board under Section 111.044, Government Code.

SECTION 2.14. Amends Section 1104.258, Estates Code, as effective January 1, 2014, to make conforming changes.

SECTION 2.15. Amends Section 1104.303(a), Estates Code, as effective January 1, 2014, to make conforming and nonsubstantive changes.

SECTION 2.16. Amends Section 1104.306, Estates Code, as effective January 1, 2014, to make a conforming change.

SECTION 2.17. Amends Section 1104.404(a), Estates Code, as effective January 1, 2014, as follows:

(a) Provides that the clerk described by Section 1104.402 is not required to obtain criminal history record information for a person who holds a certificate issued under Section 155.102, rather than Section 111.042, Government Code, or a provisional certificate issued under Section 155.103, rather than Section 111.0421, Government Code, if the guardianship certification program of JBCC conducted a criminal history check on the person before issuing or renewing a certificate. Makes a conforming change.

SECTION 2.18. Amends Section 1104.407, Estates Code, as effective January 1, 2014, as follows:

Sec. 1104.407. DUTY TO PROVIDE INFORMATION ON REQUEST. Requires the Department of Aging and Disability Services (DADS) to provide the information obtained under Section 1104.406(a) (relating to requiring DADS to obtain certain criminal history record information), rather than 1102.406(a), to the clerk of the county having venue of the guardianship proceeding at the court's request and the guardianship certification program of JBCC at JBCC's request. Makes conforming changes.

SECTION 2.19. Amends Section 1104.408, Estates Code, as effective January 1, 2014, as follows:

Sec. 1104.408. New heading: INFORMATION FOR EXCLUSIVE USE OF COURT OR GUARDIANSHIP CERTIFICATION PROGRAM OF JUDICIAL BRANCH CERTIFICATION COMMISSION. Makes conforming changes.

SECTION 2.20. Amends Section 1104.410, Estates Code, as effective January 1, 2014, as follows:

Sec. 1140.410. New heading: USE OF INFORMATION BY GUARDIANSHIP CERTIFICATION PROGRAM OF JUDICIAL BRANCH CERTIFICATION COMMISSION. Makes conforming changes.

SECTION 2.21. Amends Section 1203.052(b), Estates Code, as effective January 1, 2014, to make a conforming change.

SECTION 2.22. Amends Section 1251.003(b), Estates Code, as effective January 1, 2014, to make a conforming change.

SECTION 2.23. Amends Section 411.081(i), Government Code, to include in the list of agencies a criminal justice agency is authorized to disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) (relating to authorizing a person who is placed on deferred adjudication community supervision to petition the court that placed the defendant on deferred adjudication for an order of nondisclosure), the Texas Juvenile Justice Department, rather than the Texas Youth Commission, and JBCC, rather than the GCB; and to delete from the list of authorized entities the Texas Juvenile Probation Commission and CRCB.

SECTION 2.24. Amends Sections 411.1386(a-4), (a-6), (d), and (f), Government Code, to change references to GCB to the guardianship certification program of JBCC.

SECTION 2.25. Amends Section 411.1408, Government Code, as follows:

Sec. 411.1408. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: JUDICIAL BRANCH CERTIFICATION COMMISSION. (a) Defines "commission," in this section, rather than "board."

(b) Entitles JBCC, rather than GCB, to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for or the holder of a certificate, registration, or license issued by JBCC or otherwise under Subtitle K, Title 2, rather than by GCB.

(c) Provides that criminal history record information obtained by JBCC, rather than GCB, under Subsection (b):

(1) is authorized to be used by JBCC, rather than GCB, for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by JBCC or otherwise under Subtitle K, Title 2, rather than by GCB;

(2) is prohibited from being released or disclosed to any person except under certain conditions; and

(3) is required to be destroyed by JBCC, rather than GCB, after the information is used for the authorized purposes.

SECTION 2.26. Amends Section 2054.352(a), Government Code, to change references to CRCB to JBCC.

SECTION 2.27. Amends Section 161.114(c), Human Resources Code, to authorize a volunteer to provide life enrichment activities, companionship, transportation services, and other services to or for the ward in a guardianship, except the volunteer is prohibited from providing services that would require the volunteer to be certified under Section 155.102, rather than Section 111.042, Government Code.

SECTION 2.28. Amends Section 151.353(a), Tax Code, to provide that court reporting services relating to the preparation of a document or other record in a civil or criminal suit by a notary

public or a court reporter licensed by JBCC, rather than CRCB, are exempted from taxes imposed by this chapter (Limited Sales, Excise, and Use Tax) if the document fulfills certain conditions.

ARTICLE 3. REPEALER, TRANSITION, AND EFFECTIVE DATE

SECTION 3.01. Repealers: (1) Sections 52.001(a)(1) (defining "board"), (2) (defining "certification"), (2-a) (defining "director"), and (7) (defining "registration"), Government Code;

(2) Sections 52.002 (Rules), 52.003 (Rules Regarding Advertising or Competitive Bidding), 52.0112 (Removal of Board Member), 52.012 (Meetings), 52.0121 (Public Participation), 52.013 (Powers and Duties), 52.0131 (Administrative Attachment), 52.014 (Sunset Provision), 52.015 (Continuing Education), 52.016 (Code of Ethics), 52.0165 (Information on Complaints), 52.017 (Use of Technology), 52.0175 (Alternative Dispute Resolution Procedures), 52.018 (Equal Employment Opportunity Policy), and 52.0185 (Standards of Conduct), Government Code;

(3) the heading to Subchapter B (Court Reporters Certification Board, Administrative Provisions), Chapter 52 (Court Reporters and Shorthand Reporting Firms), Government Code;

(4) Section 57.001(5) (defining "licensed court interpreter"), Government Code;

(5) Sections 72.013 (Process Server Review Board), Government Code;

(6) Subchapter F (Process Server Review Board), Chapter 72 (Office of Court Administration), Government Code;

(7) Section 411.1403 (Access to Criminal History Record Information: Court Reporters Certification Board), Government Code.

SECTION 3.02. (a) Requires the supreme court, in appointing the initial members of JBCC created under Chapter 152, Government Code, as added by this Act, 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.

(b) Requires the supreme court to 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) Provides that on September 1, 2014:

(1) JBCC is created;

(2) CRCB, GCB, and the process server review board are abolished;

(3) the powers, duties, functions, programs, and activities of the CRCB, GCB, and the process server review board and of TCLR and TDLR related to licensed court interpreters are transferred to JBCC;

(4) an employee of CRCB, GCB, or the process server review board becomes an employee of OCA;

(5) all obligations and contracts of CRCB, GCB, and the process server review board and of TCLR and TDLR related to licensed court interpreters are transferred to OCA;

(6) all property and records in the custody of CRCB, GCB, and the process server review board and of TCLR and TDLR related to licensed court interpreters is required to be transferred to OCA;

(7) all complaints, investigations, or contested cases that are pending before CRCB, GCB, and the process server review board and of TCLR and TDLR relate to licensed court interpreters are transferred without change in status to JBCC;

(8) a rule, form, or fee adopted by the supreme court or TCLR 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 CRCB, GCB, or the process server review board means JBCC; and

(10) a license, certification, or registration in effect that was issued by CRCB, GCB, the process server review board, or TDLR 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 JBCC.

(d) Provides that the abolition of CRCB, GCB, and the 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) Effective date, Subsections (a) and (b) of this section: September 1, 2013.

SECTION 3.03. Effective date, except as otherwise provided by this Act: September 1, 2014.