

By: Thompson of Harris

H.B. No. 2103

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the continuation and functions of the Board of Law
3 Examiners.

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

5 SECTION 1. Section 82.001(b), Government Code, is amended
6 to read as follows:

7 (b) The supreme court shall appoint the members of the board
8 for staggered six-year terms, with the terms of one-third of the
9 members expiring May [~~August~~] 31 of each odd-numbered year. A
10 member is subject to removal by the supreme court as provided by
11 Section 82.0021.

12 SECTION 2. Section 82.006, Government Code, is amended to
13 read as follows:

14 Sec. 82.006. SUNSET PROVISION. The Board of Law Examiners
15 is subject to Chapter 325 (Texas Sunset Act). Unless continued in
16 existence as provided by that chapter, the board is abolished
17 September 1, 2029 [~~2017~~].

18 SECTION 3. Section 82.0073, Government Code, is amended to
19 read as follows:

20 Sec. 82.0073. SEPARATION OF RESPONSIBILITIES; DELEGATION.

21 (a) The Board of Law Examiners shall develop and implement
22 policies that clearly separate the policymaking responsibilities
23 of the board and the management responsibilities of the executive
24 director and the staff of the board.

1 (b) Subject to supreme court rules, the Board of Law
2 Examiners may delegate routine decisions to the executive director
3 of the board, including waiver requests.

4 SECTION 4. Section 82.010, Government Code, is amended by
5 amending Subsection (b) and adding Subsection (c) to read as
6 follows:

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

9 (1) the law governing board operations [~~legislation~~
10 ~~that created the board~~];

11 (2) the programs, functions, rules, and budget of
12 ~~operated by~~ the board;

13 (3) [~~the role and functions of the board,~~

14 [~~(4) the rules of the board, with an emphasis on the~~
15 ~~rules that relate to disciplinary and investigatory authority,~~

16 [~~(5) the current budget for the board,~~

17 [~~(6)~~] the results of the most recent formal audit of
18 the board;

19 (4) [~~(7)~~] the requirements of:

20 (A) laws relating to [~~the~~] open meetings, law,
21 ~~Chapter 551,~~

22 [~~(B) the~~] public information, law, Chapter 552,

23 [~~(C) the~~] administrative procedure, and
24 disclosing conflicts of interest [~~law, Chapter 2001~~]; and

25 (B) [~~(D)~~] other laws applicable to members of a
26 state policymaking body in performing their duties [~~relating to~~
27 ~~public officials, including conflict-of-interest laws~~]; and

1 (5) [~~(8)~~] any applicable ethics policies adopted by
2 the board or the Texas Ethics Commission.

3 (c) The executive director of the Board of Law Examiners
4 shall create a training manual that includes the information
5 required by Subsection (b). The executive director shall
6 distribute a copy of the training manual annually to each member of
7 the board. On receipt of the training manual, each member of the
8 board shall sign and submit to the executive director a statement
9 acknowledging receipt of the training manual.

10 SECTION 5. Section 82.023(c), Government Code, is amended
11 to read as follows:

12 (c) The board shall notify each first-year law student who
13 files the declaration not later than the date established by
14 supreme court rule [~~on or before January 1 of the year in which the~~
15 ~~student begins law school, not later than August 1 of the following~~
16 ~~year,~~] of the board's decision as to the student's acceptable
17 character and fitness. The board shall notify all other declarants
18 not later than the date established by supreme court rule [~~not later~~
19 ~~than the 270th day after the date the declaration was filed]~~ whether
20 or not it has determined that the declarant has acceptable
21 character and fitness.

22 SECTION 6. Sections 82.027(a), (b), and (c), Government
23 Code, are amended to read as follows:

24 (a) Each applicant to take a bar examination must file an
25 application with the Board of Law Examiners not later than the date
26 established by supreme court rule and pay the fee established by
27 supreme court rule [~~not later than the 180th day before the first~~

1 ~~day of the examination for which the person is applying].~~

2 (b) The application must include a statement certifying
3 ~~[consists of a verified affidavit stating]~~ that since the filing of
4 the applicant's original declaration of intention to study law, the
5 applicant:

6 (1) has not been formally charged with any violation
7 of law, excluding:

8 (A) cases that have been dismissed for reasons
9 other than technical defects in the charging instrument;

10 (B) cases in which the applicant has been found
11 not guilty;

12 (C) minor traffic violations;

13 (D) cases in which the record of arrest or
14 conviction was expunged by court order;

15 (E) pardoned offenses; and

16 (F) Class C misdemeanors;

17 (2) ~~[is not mentally ill],~~

18 ~~[(3)]~~ has not been charged with fraud in any legal
19 proceeding; and

20 (3) ~~[(4)]~~ has not been involved in civil litigation or
21 bankruptcy proceedings that reasonably bear on the applicant's
22 fitness to practice law.

23 (c) On a showing of good cause or to prevent hardship, the
24 board may permit an applicant to file an application with the board
25 not later than the date established by supreme court rule ~~[not later~~
26 ~~than the 60th day after the deadline prescribed by Subsection (a)]~~
27 on payment of applicable late fees established by supreme court

1 rule.

2 SECTION 7. Section 82.033(d), Government Code, is amended
3 to read as follows:

4 (d) The supreme court may set reasonable fees for additional
5 services provided by the board, but the fee for any single
6 additional service, other than the late fee for an examination
7 application, may not exceed \$150.

8 SECTION 8. Subchapter B, Chapter 82, Government Code, is
9 amended by adding Section 82.039 to read as follows:

10 Sec. 82.039. LICENSING GUIDELINES. (a) To assist the Board
11 of Law Examiners in making consistent and fair determinations
12 related to the licensing of attorneys in this state, the board shall
13 develop specific guidelines for:

14 (1) determining the moral character and fitness of
15 license applicants;

16 (2) overseeing probationary license holders; and

17 (3) granting waiver requests.

18 (b) The Board of Law Examiners shall develop the guidelines
19 required under Subsection (a) based on the board's past decisions
20 and on any other criteria the board considers necessary. The board
21 is not required to take any specific action provided in the
22 guidelines.

23 SECTION 9. Section 82.001, Government Code, as amended by
24 this Act, applies only to members appointed to the Board of Law
25 Examiners on or after September 1, 2017.

26 SECTION 10. (a) Except as provided by Subsection (b) of
27 this section, Section 82.010, Government Code, as amended by this

1 Act, applies to a member of the Board of Law Examiners appointed
2 before, on, or after the effective date of this Act.

3 (b) A member of the Board of Law Examiners who, before the
4 effective date of this Act, completed the training program required
5 by Section 82.010, Government Code, as that law existed before the
6 effective date of this Act, is required to complete additional
7 training only on subjects added by this Act to the training program
8 as required by Section 82.010, Government Code, as amended by this
9 Act. A board member described by this subsection may not vote,
10 deliberate, or be counted as a member in attendance at a meeting of
11 the board held on or after December 1, 2017, until the member
12 completes the additional training.

13 SECTION 11. As soon as practicable after the effective date
14 of this Act, the Texas Supreme Court shall modify the rules
15 necessary to implement the changes in license application
16 requirements made under Section 82.027, Government Code, as amended
17 by this Act.

18 SECTION 12. Section 82.027, Government Code, as amended by
19 this Act, applies only to an application to take the state bar
20 examination that is submitted to the Board of Law Examiners on or
21 after September 1, 2017.

22 SECTION 13. This Act takes effect September 1, 2017.