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By: West S.B. No. 966

A BILL TO BE ENTITLED
AN ACT

relating to creation of the Judicial Branch Certification Commission and the consolidation of judicial profession regulation; imposing penalties; authorizing fees.

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

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. In this subtitle:

(1) "Certification" means a certification issued by the commission.

(2) "Commission" means the Judicial Branch Certification Commission.

(3) "Director" means the administrative director of the office.

(4) "License" means a license issued by the commission.

(5) "Office" means the Office of Court Administration of the Texas Judicial System.

(6) "Registration" means a registration issued by the commission.

(7) "Regulated person" means a person who holds a certification, registration, or license issued by the commission.

CHAPTER 152. JUDICIAL BRANCH CERTIFICATION COMMISSION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 152.001. SUNSET PROVISION. The Judicial Branch Certification Commission is subject to Chapter 325 (Texas Sunset Act), but is not abolished under that chapter. The commission shall be reviewed during the period in which state agencies abolished in 2025 and every 12th year after 2025 are reviewed.

SUBCHAPTER B. COMMISSION

Sec. 152.051. ESTABLISHMENT OF COMMISSION. The Judicial Branch Certification Commission is established to oversee the regulatory programs assigned to it by state law or by the supreme court.

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.

(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. (a) In this section, "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.

(b) A person is not eligible for appointment as a member of the commission if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the commission;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the commission; or

(3) uses or receives a substantial amount of tangible goods, services, or funds from the commission, other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(c) A person may not serve as a member of the commission or act as the general counsel to the commission if the person is 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 commission.

(d) A person may not be a member of the commission and may not be a commission 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:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the legal profession; or

(2) 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) 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;

(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. The supreme court shall designate a member of the commission as presiding officer of the

commission to serve in that capacity at the pleasure of the supreme court.

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. (a) The commission shall meet at least once in each quarter of the fiscal year.

(b) The commission may meet at other times at the call of the presiding officer or as provided by commission rules.

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

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.

Sec. 152.102. RULES REGARDING ADVERTISING OR COMPETITIVE BIDDING. (a) Subject to any rules related to ethics or professional conduct promulgated by the supreme court, the supreme court may not adopt rules restricting advertising or competitive bidding by a holder of a certification, registration, or license except to prohibit false, misleading, or deceptive practices.

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

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

(2) restricts the use of a 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) The commission is administratively attached to the office.

(b) Notwithstanding any other law, the office shall:

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

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

(3) reimburse the travel expenses and other actual and necessary expenses of commission members incurred in the performance of official commission duties, as provided by the General Appropriations Act; and

(4) provide the commission with adequate computer equipment and support.

Sec. 152.104. DIRECTOR. The director shall:

(1) perform any duty assigned by the commission and other duties specified by law; and

(2) administer and enforce the commission's programs.

Sec. 152.105. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the

policy-making responsibilities of the commission and the management responsibilities of the director and the staff of the office.

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

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. (a) The commission shall establish methods by which consumers are notified of the name, mailing address, and telephone number of the commission for the purpose of directing complaints about persons regulated under this subtitle to the commission.

(b) The commission shall 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) The commission shall maintain a file on each written complaint filed with the commission under this subtitle. The file must include:

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

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

(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 the commission closed the file without taking action other than to investigate the complaint.

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

(c) The commission, at least quarterly and until final disposition of the complaint, shall 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) The commission may

adopt a policy allowing office employees to dismiss complaints that:

(1) clearly do not allege misconduct; or

(2) are not within the commission's jurisdiction.

(b) Office employees shall inform the commission of all dismissals made under this section.

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

Sec. 152.112. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The commission shall 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 the commission's jurisdiction.

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

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 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. (a) Not later than the 30th

day after the date a person takes an examination, the commission shall notify the person of the results of the examination.

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

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

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

(c) The commission may require a testing service to:

(1) notify a person of the results of the person's examination; or

(2) collect a fee for administering an examination from a person taking the examination.

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

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. The supreme court shall 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) 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.

(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. (a) The commission shall develop and recommend to the supreme court for adoption by rule a code of ethics for persons regulated under this subtitle. In

developing the code of ethics, the commission may use the codes of ethics adopted by state or national associations as models.

(b) The commission shall publish the code of ethics after adoption by the supreme court.

(c) After publishing the code of ethics, the commission shall 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) The commission shall 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. The commission may conduct investigations as necessary to enforce the laws administered by the commission.

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 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. (a) The commission may 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) At the request of the commission, the attorney general shall initiate and conduct an action in a district court in the state's name to obtain an injunction under this section.

(c) If the state prevails in a suit under this section, the attorney general may 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

Sec. 153.051. IMPOSITION OF PENALTY. (a) The commission may 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) A proceeding under this subchapter imposing an administrative penalty may be combined with a proceeding to impose an administrative sanction. If a 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) The amount of the penalty may not exceed $500 for each violation, and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount shall 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 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.

(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.

(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.

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. 153.058. COLLECTION OF PENALTY. (a) If the person does not pay the penalty and the enforcement of the penalty is not stayed in accordance with supreme court rules, the penalty may be collected.

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

(c) A penalty collected under this subchapter shall be deposited in the state treasury in the general revenue fund.

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. (a) 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, the special committee shall 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.

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

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

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 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. (a) In this chapter:

(1) "Advisory board" means the Court Reporters Certification Advisory Board.

(2) "Certification" means, notwithstanding Section 151.001, a certification issued by the supreme court on the commission's recommendation.

(3) "Official court reporter" means the shorthand reporter appointed by a judge as the official court reporter.

(4) "Shorthand reporter" and "court reporter" mean a person who engages in shorthand reporting.

(5) "Shorthand reporting" and "court reporting" mean the practice of shorthand reporting for use in litigation in the courts of this state by making a verbatim record of an oral court proceeding, deposition, or proceeding before a grand jury, referee, or court commissioner using written symbols in shorthand, machine

shorthand, or oral stenography.

(6) "Shorthand reporting firm," "court reporting firm," and "affiliate office" mean an entity wholly or partly in the business of providing court reporting or other related services in this state.

(b) For purposes of Subsection (a)(6), 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. 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 by adding Subchapter B, and a heading is added to that subchapter to read as follows:

SUBCHAPTER B. COURT REPORTERS CERTIFICATION ADVISORY BOARD

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

Sec. 154.052 [~~52.0111~~]. 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 Act, redesignated as Subchapter C, Chapter 154, Government Code, and amended to read as follows:

SUBCHAPTER C. CERTIFICATION AND REGISTRATION

Sec. 154.101 [~~52.021~~]. CERTIFICATION OF REPORTERS. (a) A person may not be appointed an official court reporter or a deputy court reporter unless the person is certified as a shorthand reporter by the supreme court.

(b) A person may not engage in shorthand reporting in this state unless the person is certified as a shorthand reporter by the supreme court.

(c) A certification issued under this chapter must be for one or more of the following methods of shorthand reporting:

(1) written shorthand;

(2) machine shorthand;

(3) oral stenography; or

(4) any other method of shorthand reporting authorized by the supreme court.

(d) A person certified under state law as a court reporter [~~this chapter~~] before September 1, 1983, may retain a general certification authorizing the person to use any authorized method of shorthand reporting. The person must keep the certification in continuous effect.

(e) A person may not assume or use the title or designation "court recorder," "court reporter," or "shorthand reporter," or any abbreviation, title, designation, words, letters, sign, card, or device tending to indicate that the person is a court reporter or shorthand reporter, unless the person is certified as a shorthand reporter by the supreme court. Nothing in this subsection shall be construed to either sanction or prohibit the use of electronic court recording equipment operated by a noncertified court reporter pursuant and according to rules adopted or approved by the supreme court.

(f) Except as provided by Section 154.112 [~~52.031~~] and by Section 20.001, Civil Practice and Remedies Code, all depositions conducted in this state must be recorded by a certified shorthand reporter.

(g) The commission [~~board~~] may enforce this section by seeking an injunction or by filing a complaint against a person who is not certified by the supreme court in the district court of the county in which that person resides or Travis County. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law. The commission [~~board~~] shall be represented by the attorney general and/or the county or district attorney of this state, or counsel designated and empowered by the commission [~~board~~].

(h) A court reporting firm shall register with the commission [~~board~~] by completing an application in a form adopted by the commission [~~board~~].

(i) Rules applicable to a court reporter are also applicable to a court reporting firm. The commission [~~board~~] may enforce this subsection by assessing a reasonable fee against a court reporting firm. This subsection does not apply to court reporting services performed outside of this state by a foreign shorthand reporter who is not certified in this state for use in a court proceeding in this state, provided that the work resulting from those services is produced and billed wholly outside of this state.

[~~Sec. — 52.0211. — — RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. (a) Chapter 53, Occupations Code, applies to an applicant for or a holder of a certification or registration under this chapter, notwithstanding Section 53.002, Occupations Code.~~

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

Sec. 154.102 [~~52.022~~]. APPLICATION FOR EXAMINATION. A person seeking certification must file an application for examination with the commission [~~board~~] not later than the 30th day before the date fixed for the examination. The application must be accompanied by the required fee.

Sec. 154.103 [~~52.023~~]. EXAMINATION. (a) The examination for certification in one or more of the authorized methods of shorthand reporting consists of two parts, designated Part A and Part B.

(b) Part A consists of five minutes of two-voice dictation of questions and answers given at 225 words per minute, five minutes of dictation of jury charges given at 200 words per minute, and five minutes of dictation of selected literary material given at 180 words per minute. Each applicant must personally take down the test material, either in writing or in voice, and must prepare a transcript of the material taken down. The minimum passing grade for each section of Part A is 95 percent. A dictionary may be used during Part A. Each applicant has three hours to complete the transcription of Part A. If an applicant finishes before the three hours have elapsed, the applicant may review the transcript but may use only the test material taken down by that applicant to review the transcript. An error is charged for:

(1) each wrong word;

(2) each omitted word;

(3) each word added by the applicant that was not dictated;

(4) each contraction interpreted by the applicant as two words;

(5) two words interpreted by the applicant as a contraction;

(6) each misplaced word;

(7) each misplaced period that materially alters the sense of a group of words or a sentence;

(8) each misspelled word;

(9) the use of the plural or singular if the opposite was dictated; and

(10) each wrong number.

(c) Part B consists of objective questions relating to elementary aspects of shorthand reporting, spelling, and grammar. The minimum passing grade for Part B is 75 percent. A dictionary may not be used during Part B.

(d) An applicant who cheats on the examination is disqualified and may not take the examination again until two years have elapsed from the date of the examination at which the applicant was disqualified.

[~~Sec. — 52.0231. — — EXAMINATION RESULTS. (a) Not later than the 30th day after the date a person takes an examination under this chapter, the board shall notify the person of the results of the examination.~~

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

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

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

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

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

Sec. 154.104 [~~52.024~~]. CERTIFICATION TO SUPREME COURT. [~~(a)~~] The commission [~~board~~] shall certify to the supreme court the

name of each qualified applicant who has passed the examination.

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

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

Sec. 154.105 [~~52.025~~]. TITLE; OATHS. (a) On certification, a shorthand reporter may use the title "Certified Shorthand Reporter" or the abbreviation "CSR."

(b) A certified shorthand reporter may administer oaths to witnesses anywhere in this state.

Sec. 154.106 [~~52.0255~~]. FIRM REGISTRATION. (a) A shorthand reporting firm may not assume or use 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 offer services as a court reporting firm or shorthand reporting firm, unless the firm and its affiliate offices are registered with the commission [~~board~~] on a form prescribed by the commission [~~board~~] as required by this chapter.

(b) The commission [~~board~~] may enforce this section against a firm, its affiliate office, or both, if the firm or affiliate office is not registered with the commission [~~board~~], by seeking an injunction or by filing a complaint in the district court of the county in which the firm or affiliate office is located or in Travis County. An action for an injunction is in addition to any other action, proceeding, or remedy authorized by law. The attorney general, a county or district attorney of this state, or counsel designated and empowered by the commission [~~board~~] shall represent the commission [~~board~~].

Sec. 154.107 [~~52.026~~]. CERTIFICATION AND REGISTRATION FEE AND RENEWAL. (a) A person who receives certification as a shorthand reporter or a shorthand reporting firm or affiliate office that registers with the commission [~~board~~] must pay the initial fee and any other required fee before receiving the certification or registration.

(b) A certification or registration expires at 12:01 a.m. on January 1 following the second anniversary of the date on which it was issued unless the certification or registration is renewed. Thereafter, the certification or registration expires at 12:01 a.m. of each second January 1 unless renewed.

(c) A person who is otherwise eligible to renew a certification or registration may renew an unexpired certification or registration by paying the required renewal fee to the commission [~~board~~] before the expiration date of the certification or registration. A person whose certification or registration has expired may not engage in activities that require a certification or registration until the certification or registration has been

renewed.

(d) A person whose certification or registration has been expired for 90 days or less may renew the certification or registration by paying to the commission [~~board~~] a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(e) A person whose certification or registration has been expired for more than 90 days but less than one year may renew the certification or registration by paying to the commission [~~board~~] a renewal fee that is equal to two times the normally required renewal fee.

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

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

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

Sec. 154.108 [~~52.0261~~]. STAGGERED RENEWAL OF CERTIFICATION OR REGISTRATION. The supreme court by rule may adopt a system under which certifications or registrations expire on various dates during the year. For the year in which the certification or registration expiration date is changed, the commission [~~board~~] shall prorate certification or registration fees on a monthly basis so that each certification or registration holder pays only that portion of the certification or registration fee that is allocable to the number of months during which the certification or registration is valid. On renewal of the certification or registration on the new expiration date, the total certification or registration renewal fee is payable.

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.

(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. (a) The board may adopt a policy allowing board employees to dismiss complaints that:~~

[~~(1) clearly do not allege misconduct; or~~

[~~(2) are not within the board's jurisdiction.~~

[~~(b) – – Board employees shall inform the board of all dismissals made under this section.~~

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

[~~Sec. – 52.028. – – NOTICE AND HEARING. (a) If after receiving a verified complaint the board believes that a hearing on the complaint is advisable, the board shall set a date for the hearing not later than the 30th day after the date on which the board received the complaint.~~

[~~(b) – – Immediately after setting the date for the hearing, the board shall notify the shorthand reporter or shorthand reporting firm or affiliate office that is the subject of the complaint. The notice must state the cause of any contemplated disciplinary action and the time and place of the hearing. The notice shall be mailed to the registered address of the shorthand reporter or shorthand reporting firm or affiliate office not later than the 30th day before the date on which the hearing is scheduled.~~

[~~(c) – – The chairman or the chairman's designee shall preside at the hearing.~~

[~~(d) – – At the hearing, the board shall apply the general rules of evidence applicable in a district court.~~

[~~(e) – – The board shall rule on requests for continuances with regard to the hearing.~~

[~~(f) – – At the direction of a majority of the board, each board member may administer oaths, subpoena witnesses and compel their attendance, take evidence, and require the production of records relating to a matter within the board's jurisdiction.~~

[~~(g) – – The board shall produce a written summary of the evidence before it and a written finding of facts. The board shall forward a copy of its findings of fact and rulings to the complainant and any aggrieved party.~~]

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 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 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;

(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 [~~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. An aggrieved court reporter or shorthand reporting firm or affiliate office may appeal a disciplinary action of the board to a district court in the county of the court reporter's residence or the county in which the shorthand reporting firm or affiliate office is located or in Travis County. The appeal shall be by trial de novo, with or without a jury. If the aggrieved person is the official or deputy court reporter of the court in which the appeal will be heard or if the shorthand reporting firm or affiliate office provides the official or deputy court reporter of the court in which the appeal will be heard, the presiding judge of the administrative judicial region shall appoint the judge of another court or a retired judge to hear and determine the complaint.~~]

Sec. 154.112 [~~52.031~~]. EMPLOYMENT OF NONCERTIFIED SHORTHAND REPORTERS. (a) A noncertified shorthand reporter may be employed until a certified shorthand reporter is available.

(b) A noncertified shorthand reporter may report an oral deposition only if:

(1) the noncertified shorthand reporter delivers an affidavit to the parties or to their counsel present at the deposition stating that a certified shorthand reporter is not available; or

(2) the parties or their counsel stipulate on the record at the beginning of the deposition that a certified shorthand reporter is not available.

(c) This section does not apply to a deposition taken outside this state for use in this state.

Sec. 154.113 [~~52.032~~]. CRIMINAL PENALTY. (a) Except as provided by Section 154.112 [~~52.031~~], a person commits an offense if the person engages in shorthand reporting in violation of Section 154.101 [~~52.021 of this code~~]. Each day of violation constitutes a separate offense.

(b) An offense under this section is a Class A misdemeanor.

[~~Sec. — 52.0321. — — ADMINISTRATIVE PENALTY. (a) The board may assess an administrative penalty against a person who violates this chapter or a rule or provision of the code of ethics adopted under~~

~~this chapter.~~

[~~(b) – – In determining the amount of an administrative penalty assessed under this section, the board shall consider:~~

[~~(1) the seriousness of the violation;~~

[~~(2) the history of previous violations;~~

[~~(3) the amount necessary to deter future violations;~~

[~~(4) efforts made to correct the violation; and~~

[~~(5) any other matters that justice may require.~~]

Sec. 154.114 [~~52.033~~]. EXEMPTIONS. This chapter does not apply to:

(1) a party to the litigation involved;

(2) the attorney of the party; or

(3) a full-time employee of a party or a party's attorney.

Sec. 154.115 [~~52.034~~]. PROHIBITED CONTRACTS. (a) A court reporter may not enter into or provide services under any contractual agreement, written or oral, exclusive or nonexclusive, that:

(1) undermines the impartiality of the court reporter;

(2) requires a court reporter to relinquish control of an original deposition transcript and copies of the transcript before it is certified and delivered to the custodial attorney;

(3) requires a court reporter to provide any service not made available to all parties to an action; or

(4) gives or appears to give an exclusive advantage to any party.

(b) This section does not apply to a contract for court reporting services for a court, agency, or instrumentality of the United States or this state.

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 [~~111~~]. GUARDIANSHIP CERTIFICATION [~~BOARD~~]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 155.001 [~~111.001~~]. DEFINITIONS. In this chapter:

(1) "Advisory board" [~~"Administrative director" means the administrative director of the courts as appointed by Chapter 72.~~

[~~(2) "Board"~~] means the Guardianship Certification Advisory Board.

(2) [~~(3)~~] "Corporate fiduciary" has the meaning assigned by Section 601, Texas Probate Code.

(3) [~~(4) – – "Director" means the administrative officer of the board, as provided by Section 111.021.~~

[~~(5)~~] "Guardian" has the meaning assigned by Section 601, Texas Probate Code.

(4) [~~(6)~~] "Guardianship program" means a local, county, or regional program that provides guardianship and related services to an incapacitated person or other person who needs assistance in making decisions concerning the person's own welfare or financial affairs.

(5) [~~(7)~~] "Incapacitated person" has the meaning assigned by Section 601, Texas Probate Code.

(6) [~~(8) – – "Office of Court Administration" means the Office of Court Administration of the Texas Judicial System.~~

[~~(9)~~] "Private professional guardian" means a person,

other than an attorney or a corporate fiduciary, who is engaged in the business of providing guardianship services.

(7) [~~(10)~~] "Ward" has the meaning assigned by Section 601, Texas Probate Code.

Sec. 155.002 [~~111.002~~]. RULES. The supreme court may adopt rules consistent with this chapter, including rules governing the certification of individuals providing guardianship services.

[~~Sec. 111.003. — — SUNSET PROVISION. The board is subject to Chapter 325, Government Code (Texas Sunset Act). — Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2015.~~]

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. (a) The board is administratively attached to the Office of Court Administration.~~

[~~(b) – – Notwithstanding any other law, the Office of Court Administration shall:~~

[~~(1) – – provide administrative assistance, services, and materials to the board, including budget planning and purchasing;~~

[~~(2) – – accept, deposit, and disburse money made available to the board;~~

[~~(3) – pay the salaries and benefits of the director;~~

[~~(4) – – reimburse the travel expenses and other actual and necessary expenses of the director incurred in the performance of a function of the board, as provided by the General Appropriations Act;~~

[~~(5) – – reimburse the travel expenses and other actual and necessary expenses of board members incurred in the performance of official board duties, as provided by the General Appropriations Act; and~~

[~~(6) – – provide the board with adequate computer equipment and support.~~

[~~Sec. – 111.013. – – ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the board if the person or the person's spouse:~~

[~~(1) – is certified by the board;~~

[~~(2) – – is registered, certified, or licensed by a regulatory agency in the field of guardianship;~~

[~~(3) – – is employed by or participates in the management of a business entity or other organization regulated by the board or receiving money from the Office of Court Administration;~~

[~~(4) – – owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the board or receiving money from the Office of Court Administration; or~~

[~~(5) – – uses or receives a substantial amount of tangible goods, services, or funds from the Office of Court Administration.~~

[~~Sec. – 111.014. – – MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "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.~~

[~~(b) – – A person may not be a member of the board or may not be the director 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:~~

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

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

[~~(c) – – A person may not be a member of the board if the person is 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.~~

[~~Sec. – 111.015. – – GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground for removal from the board that a member:~~

[~~(1) – – does not have at the time of appointment the qualifications required by Section 111.011;~~

[~~(2) – – does not maintain during service on the board the qualifications required by Section 111.011;~~

[~~(3) – – is ineligible for membership under Section 111.013 or 111.014;~~

[~~(4) – – cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or~~

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

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

[~~(c) – – If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer of the board of the potential ground. – – The presiding officer shall then notify the chief justice of the supreme court that a potential ground for removal exists. – – If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the board, who shall then notify the chief justice of the supreme court that a potential ground for removal exists.~~

[~~Sec. – 111.016. – – POWERS AND DUTIES OF BOARD. (a) The board is charged with the executive functions necessary to carry out the purposes of this chapter under rules adopted by the supreme court.~~

[~~(b) The board shall:~~

[~~(1) administer and enforce this chapter;~~

[~~(2) – – develop and recommend proposed rules and procedures to the supreme court as necessary to implement this chapter;~~

[~~(3) – – set the amount of each fee prescribed by Section 111.042, subject to the approval of the supreme court;~~

[~~(4) establish the qualifications for obtaining:~~

[~~(A) – – certification or recertification under Section 111.042; and~~

[~~(B) – – provisional certification under Section 111.0421;~~

[~~(5) issue certificates to:~~

[~~(A) – – individuals who meet the certification requirements of Section 111.042; and~~

[~~(B) – – individuals who meet the provisional certification requirements of Section 111.0421; and~~

[~~(6) – – perform any other duty required by this chapter or other law.~~

[~~(c) – – The board may appoint any necessary or proper subcommittee.~~

[~~(d) The board shall maintain:~~

[~~(1) a complete record of each board proceeding; and~~

[~~(2) – – a complete record of each certification, including a provisional certificate, issued, renewed, suspended, or revoked under this chapter.~~]

Sec. 155.052 [~~111.017~~]. 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. The Office of Court Administration shall research and propose appropriate technological solutions to improve the board's ability to perform its functions. – – The technological solutions must:~~

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

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

[~~(A) – – interact with the board through the Internet; and~~

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

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

[~~Sec. – 111.019. – – ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The board shall 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 the board's jurisdiction.~~

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

[~~Sec. – 111.020. – – PUBLIC ACCESS. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.~~

[~~Sec. – 111.021. – – DIRECTOR. (a) The administrative director shall employ a director from a list of candidates submitted by the board. – – The administrative director may request an additional list of candidates if the administrative director does not select any of the initial candidates recommended by the board.~~

[~~(b) – – The list may contain the hiring preference of the board.~~

[~~(c) – – The director is the administrative officer of the board and is charged with carrying out the duties and functions conferred on the director by the board, this subchapter, and other law.~~

[~~Sec. – 111.022. – – DIVISION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the~~

~~policy-making responsibilities of the board and the management responsibilities of the director.~~

[~~Sec. — 111.023. — — QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The director shall provide to members of the board, as often as necessary, information regarding the requirements for office under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers.~~]

SUBCHAPTER C. REGULATION OF CERTAIN GUARDIANS

Sec. 155.101 [~~111.041~~]. STANDARDS FOR CERTAIN GUARDIANSHIPS AND ALTERNATIVES TO GUARDIANSHIP. (a) The commission [~~board~~] shall adopt minimum standards for:

(1) the provision of guardianship services or other similar but less restrictive types of assistance or services by:

(A) guardianship programs; and

(B) private professional guardians; and

(2) the provision of guardianship services by the Department of Aging and Disability Services.

(b) The commission [~~board~~] shall design the standards to protect the interests of an incapacitated person or other person needing assistance making decisions concerning the person's own welfare or financial affairs.

Sec. 155.102 [~~111.042~~]. CERTIFICATION REQUIRED FOR CERTAIN GUARDIANS. (a) To provide guardianship services in this state, the following individuals must hold a certificate issued under this section:

(1) an individual who is a private professional guardian;

(2) an individual who will provide those services to a ward of a private professional guardian on the guardian's behalf; and

(3) an individual, other than a volunteer, who will provide those services or other services under Section 161.114, Human Resources Code, to a ward of a guardianship program or the Department of Aging and Disability Services on the program's or department's behalf.

(b) An applicant for a certificate under this section must:

(1) apply to the commission [~~board~~] on a form prescribed by the commission [~~board~~]; and

(2) submit with the application a nonrefundable application fee in an amount determined by the commission [~~board~~], subject to the approval of the supreme court.

(c) The supreme court may adopt rules and procedures for issuing a certificate and for renewing, suspending, or revoking a certificate issued under this section. Any rules adopted by the supreme court under this section must:

(1) ensure compliance with the standards adopted under Section 155.101 [~~111.041~~];

(2) provide that the commission [~~board~~] establish qualifications for obtaining and maintaining certification;

(3) provide that the commission [~~board~~] issue certificates under this section;

(4) provide that a certificate expires on the second anniversary of the date the certificate is issued;

(5) prescribe procedures for accepting complaints and conducting investigations of alleged violations of the minimum standards adopted under Section 155.101 [~~111.041~~] or other terms of

the certification by certificate holders; and

(6) prescribe procedures by which the board, after notice and hearing, may suspend or revoke the certificate of a holder who fails to substantially comply with appropriate standards or other terms of the certification.

(d) If the requirements for issuing a certificate under this section include passage of an examination covering guardianship education requirements:

(1) the commission [~~board~~] shall develop and the director shall administer the examination; or

(2) the commission [~~board~~] shall direct the director to contract with another person or entity the commission [~~board~~] determines has the expertise and resources to develop and administer the examination.

(e) In lieu of the certification requirements imposed under this section, the commission [~~board~~] may issue a certificate to an individual to engage in business as a guardian or to provide guardianship services in this state if the individual:

(1) submits an application to the commission [~~board~~] in the form prescribed by the commission [~~board~~];

(2) pays a fee in a reasonable amount determined by the commission [~~board~~], subject to the approval of the supreme court;

(3) is certified, registered, or licensed as a guardian by a national organization or association the commission [~~board~~] determines has requirements at least as stringent as those prescribed by the commission [~~board~~] under this subchapter; and

(4) is in good standing with the organization or association with whom the person is licensed, certified, or registered.

(f) An employee of the Department of Aging and Disability Services who is applying for a certificate under this section to provide guardianship services to a ward of the department is exempt from payment of an application fee required by this section.

(g) An application fee or other fee collected under this section shall be deposited to the credit of the guardianship certification account in the general revenue fund and may be appropriated only to the office [~~Office of Court Administration~~] for the administration and enforcement of this chapter.

[~~(h) – – The Texas Department of Licensing and Regulation shall advise and assist the board as necessary in administering the certification process established under this section.~~]

Sec. 155.103 [~~111.0421~~]. PROVISIONAL CERTIFICATE. (a) Notwithstanding Section 155.102(a) [~~111.042(a)~~], the commission [~~board~~] may issue a provisional certificate to an individual who:

(1) does not meet the qualifications for obtaining certification under Section 155.102 [~~111.042~~]; and

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

(b) An individual who holds a provisional certificate may provide guardianship services in this state only under the supervision of an individual certified under Section 155.102 [~~111.042~~].

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

(1) ensure compliance with the standards adopted under Section 155.101 [~~111.041~~]; and

(2) provide that the commission [~~board~~] establishes qualifications for obtaining and maintaining the certification.

Sec. 155.104 [~~111.043~~]. INFORMATION FROM PRIVATE PROFESSIONAL GUARDIANS. In addition to the information submitted under Section 697(e), Texas Probate Code, the director may require a private professional guardian or a person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian to submit information considered necessary to monitor the person's compliance with the applicable standards adopted under Section 155.101 [~~111.041~~] or with the certification requirements of Section 155.102 [~~111.042~~].

Sec. 155.105 [~~111.044~~]. ANNUAL DISCLOSURE. (a) Not later than January 31 of each year, each guardianship program shall provide to the commission [~~board~~] a report containing for the preceding year:

(1) the number of wards served by the guardianship program reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the guardianship program;

(2) the name, business address, and business telephone number of each individual employed by or volunteering or contracting with the guardianship program to provide guardianship services to a ward or proposed ward of the program;

(3) the name of each county in which an individual described by Subdivision (2) provides or is authorized to provide guardianship services;

(4) the total amount of money received from this state for the provision of guardianship services; and

(5) the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

(b) Not later than January 31 of each year, each private professional guardian shall provide to the commission [~~board~~] a report containing for the preceding year:

(1) the number of wards served by the private professional guardian reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the private professional guardian;

(2) the name, business address, and business telephone number of each individual who provides guardianship services to a ward of the private professional guardian on behalf of the private professional guardian;

(3) the total amount of money received from this state for the provision of guardianship services; and

(4) the amount of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

(c) A private professional guardian shall submit with the report required under Subsection (b) a copy of the guardian's application for a certificate of registration required by Section 697(a), Texas Probate Code.

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 follows:

CHAPTER 156. PROCESS SERVER CERTIFICATION

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 to read as follows:

Sec. 156.001 [~~51.008~~]. FEES FOR PROCESS SERVER CERTIFICATION. (a) The commission [~~process server review board established by supreme court order~~] may recommend to the supreme court the fees to be charged for process server certification and renewal of certification. The supreme court must approve the fees recommended by the commission [~~process server review board~~] before the fees may be collected.

(b) If a certification is issued or renewed for a term that is less than the certification period provided by supreme court rule, the fee for the certification shall be prorated so that the process server pays only that portion of the fee that is allocable to the period during which the certification is valid. On renewal of the certification on the new expiration date, the process server must pay the entire certification renewal fee.

(c) The office [~~Office of Court Administration of the Texas Judicial System~~] may collect the fees recommended by the commission [~~process server review board~~] and approved by the supreme court. Fees collected under this section shall be sent to the comptroller for deposit to the credit of the general revenue fund.

(d) Fees collected under this section may be appropriated to the office [~~Office of Court Administration of the Texas Judicial System~~] for the support of regulatory programs for process servers, guardians, and court reporters.

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. In this chapter [~~subchapter~~]:

(1) "Advisory board" [~~"Board"~~] means the licensed court interpreter advisory board.

(2) [~~"Commission" means the Texas Commission of Licensing and Regulation.~~

[~~(4) – – "Department" means the Texas Department of Licensing and Regulation.~~

[~~(4-a) – – "Executive director" means the executive director of the department.~~

[~~(5)~~] "Licensed court interpreter" means an individual licensed under this chapter by the commission to interpret court proceedings for an individual who can hear but who does not comprehend English or communicate in English [~~has the meaning assigned by Section 57.001~~].

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 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. (a) The [~~executive~~] director shall issue a court interpreter license to an applicant who:

(1) can interpret for an individual who can hear but who does not comprehend English or communicate in English;

(2) passes the appropriate examination prescribed by the commission [~~executive director~~] not earlier than two years before the date the [~~executive~~] director receives the applicant's application for a license; and

(3) possesses the other qualifications for the license required by this chapter [~~subchapter~~] or by rules adopted under this chapter [~~subchapter~~].

(b) The commission shall adopt rules relating to licensing under this chapter. The rules must be approved by the supreme court. The [~~subchapter and the executive~~] director shall prescribe all forms required under this chapter [~~subchapter~~].

(c) A license issued under this chapter [~~subchapter~~] is valid for one year from the date of issuance.

(d) A license issued under this chapter [~~subchapter~~] must include at least one of the following designations:

(1) a basic designation that permits the interpreter to interpret court proceedings in justice courts and municipal courts that are not municipal courts of record, other than a proceeding before the court in which the judge is acting as a magistrate; or

(2) a master designation that permits the interpreter to interpret court proceedings in all courts in this state, including justice courts and municipal courts described by Subdivision (1).

(e) In adopting rules relating to licensing under this subchapter, the commission shall, after consulting with the advisory board, prescribe the minimum score an individual must achieve on an examination to receive a license that includes a basic designation under Subsection (d) and the minimum score an individual must achieve to receive a license that includes a master designation under that subsection.

Sec. 157.102 [~~57.044~~]. COURT INTERPRETER LICENSE. To qualify for a court interpreter license under this chapter [~~subchapter~~], an individual must apply on a form prescribed by the commission [~~executive director~~] and demonstrate, in the manner required by the [~~executive~~] director, reasonable proficiency in interpreting English and court proceedings for individuals who can hear but who do not comprehend English or communicate in English.

[~~Sec. — 57.045. — — FEES. The commission by rule shall set license and examination fees under this subchapter.~~]

Sec. 157.103 [~~57.046~~]. EXAMINATIONS. (a) The [~~executive~~] director shall prepare examinations under this chapter [~~subchapter~~] that test an applicant's knowledge, skill, and efficiency in interpreting under this chapter [~~subchapter~~]. The same examinations must be used for issuing a license that includes a basic designation or master designation as described by Section 157.101(d) [~~57.043(d)~~].

(b) An individual who fails an examination may apply for reexamination at a scheduled examination held at least six months after the date the individual failed the original examination.

(c) Examinations shall be offered in the state at least twice a year at times and places designated by the [~~executive~~] director.

Sec. 157.104 [~~57.047~~]. COMMISSION [~~DEPARTMENT~~] DUTIES; INSPECTIONS. (a) The commission [~~executive director~~] shall enforce this chapter [~~subchapter~~].

(b) The commission [~~department~~] shall investigate allegations of violations of this chapter [~~subchapter~~].

Sec. 157.105 [~~57.048~~]. SUSPENSION AND REVOCATION OF LICENSES; REISSUANCE. (a) After a hearing, the commission shall suspend or revoke a court interpreter license on a finding that the individual:

(1) made a material misstatement in an application for a license;

(2) disregarded or violated this chapter [~~subchapter~~] or a rule adopted under this chapter [~~subchapter~~]; or

(3) engaged in dishonorable or unethical conduct likely to deceive, defraud, or harm the public or a person for whom the interpreter interprets.

(b) The commission [~~executive director~~] may reissue a license to an individual whose license has been revoked if the individual applies in writing to the department and shows good cause to justify reissuance of the license.

Sec. 157.106 [~~57.049~~]. PROHIBITED ACTS. A person may not advertise, represent to be, or act as a licensed court interpreter unless the person holds an appropriate license under this chapter [~~subchapter~~].

Sec. 157.107 [~~57.050~~]. OFFENSE; ADMINISTRATIVE PENALTY. (a) A person commits an offense if the person violates this chapter [~~subchapter~~] or a rule adopted under this chapter [~~subchapter~~]. An offense under this subsection is a Class A misdemeanor.

(b) A person who violates this chapter [~~subchapter~~] or a rule adopted under this chapter [~~subchapter~~] is subject to an administrative penalty assessed by the commission as provided by Chapter 153 [~~Subchapter F, Chapter 51, Occupations Code~~].

[~~Sec. — 57.051. — — SUNSET. — The licensed court interpreter advisory board is subject to Chapter 325, Government Code (Texas Sunset Act). — — Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2017.~~]

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Article 38.30(a-1), Code of Criminal Procedure, is amended to read as follows:

(a-1) A qualified telephone interpreter may be sworn to interpret for the person in the trial of a Class C misdemeanor or a proceeding before a magistrate if an interpreter is not available to appear in person before the court or if the only available interpreter is not considered to possess adequate interpreting skills for the particular situation or is unfamiliar with the use of slang. In this subsection, "qualified telephone interpreter" means a telephone service that employs:

(1) licensed court interpreters as defined by Section 157.001 [~~57.001~~], Government Code; or

(2) federally certified court interpreters.

SECTION 2.02. Section 61.0513, Education Code, is amended to read as follows:

Sec. 61.0513. COURT REPORTER PROGRAMS. The board may not certify a court reporter program under Section 61.051(f) of this code unless the program has received approval from the Judicial Branch [~~Court Reporters~~] Certification Commission [~~Board~~].

SECTION 2.03. Section 132.055(b)(1), Education Code, is amended to read as follows:

(1) The programs, curriculum, and instruction are of such quality, content, and length as may reasonably and adequately achieve the stated objective for which the programs, curriculum, or instruction is offered. Before a career school or college conducts a program of instruction in court reporting, the school or college must produce evidence that the school or college has obtained approval for the curriculum from the Judicial Branch [~~Court Reporters~~] Certification Commission [~~Board~~].

SECTION 2.04. Section 1002.014, Estates Code, as effective

January 1, 2014, is amended to read as follows:

Sec. 1002.014. GUARDIANSHIP CERTIFICATION PROGRAM OF THE JUDICIAL BRANCH CERTIFICATION COMMISSION [~~BOARD~~]. "Guardianship certification program of the Judicial Branch Certification Commission" [~~"Guardianship Certification Board"~~] means the program [~~Guardianship Certification Board~~] established under Chapter 155 [~~111~~], Government Code.

SECTION 2.05. Section 1002.016, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1002.016. GUARDIANSHIP PROGRAM. "Guardianship program" has the meaning assigned by Section 155.001 [~~111.001~~], Government Code.

SECTION 2.06. Section 1002.025, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1002.025. PRIVATE PROFESSIONAL GUARDIAN. "Private professional guardian" has the meaning assigned by Section 155.001 [~~111.001~~], Government Code.

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

(b) The application must be sworn to by the applicant and state:

(1) the proposed ward's name, sex, date of birth, and address;

(2) the name, relationship, and address of the person the applicant seeks to have appointed as guardian;

(3) whether guardianship of the person or estate, or both, is sought;

(4) the nature and degree of the alleged incapacity, the specific areas of protection and assistance requested, and the limitation or termination of rights requested to be included in the court's order of appointment, including a termination of:

(A) the right of a proposed ward who is 18 years of age or older to vote in a public election; and

(B) the proposed ward's eligibility to hold or obtain a license to operate a motor vehicle under Chapter 521, Transportation Code;

(5) the facts requiring the appointment of a guardian;

(6) the interest of the applicant in the appointment of a guardian;

(7) the nature and description of any kind of guardianship existing for the proposed ward in any other state;

(8) the name and address of any person or institution having the care and custody of the proposed ward;

(9) the approximate value and description of the proposed ward's property, including any compensation, pension, insurance, or allowance to which the proposed ward may be entitled;

(10) the name and address of any person whom the applicant knows to hold a power of attorney signed by the proposed ward and a description of the type of power of attorney;

(11) for a proposed ward who is a minor, the following information if known by the applicant:

(A) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(B) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased; and

(C) if each of the proposed ward's parents and siblings are deceased, the names and addresses of the proposed ward's next of kin who are adults;

(12) for a proposed ward who is a minor, whether the minor was the subject of a legal or conservatorship proceeding in the preceding two years and, if so:

(A) the court involved;

(B) the nature of the proceeding; and

(C) any final disposition of the proceeding;

(13) for a proposed ward who is an adult, the following information if known by the applicant:

(A) the name of the proposed ward's spouse, if any, and either the spouse's address or that the spouse is deceased;

(B) the name of each of the proposed ward's parents and either the parent's address or that the parent is deceased;

(C) the name and age of each of the proposed ward's siblings, if any, and either the sibling's address or that the sibling is deceased;

(D) the name and age of each of the proposed ward's children, if any, and either the child's address or that the child is deceased; and

(E) if there is no living spouse, parent, adult sibling, or adult child of the proposed ward, the names and addresses of the proposed ward's next of kin who are adults;

(14) facts showing that the court has venue of the proceeding; and

(15) 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 [~~111~~], Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

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

(a) An individual must be certified under Subchapter C, Chapter 155 [~~111~~], Government Code, if the individual:

(1) is a private professional guardian;

(2) will represent the interests of a ward as a guardian on behalf of a private professional guardian;

(3) is providing guardianship services to a ward of a guardianship program on the program's behalf, except as provided by Section 1104.254; or

(4) is an employee of the Department of Aging and Disability Services providing guardianship services to a ward of the department.

SECTION 2.09. Section 1104.252, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.252. EFFECT OF PROVISIONAL CERTIFICATE. For purposes of this subchapter, a person who holds a provisional certificate issued under Section 155.103 [~~111.0421~~], Government Code, is considered to be certified.

SECTION 2.10. Section 1104.253, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.253. EXCEPTION FOR FAMILY MEMBERS AND FRIENDS. A family member or friend of an incapacitated person is not required to be certified under Subchapter C, Chapter 155 [~~111~~], Government Code, or any other law to serve as the person's guardian.

SECTION 2.11. Section 1104.255, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.255. EXPIRATION OF CERTIFICATION. A person whose certification under Subchapter C, Chapter 155 [~~111~~], Government Code, has expired must obtain a new certification under that subchapter to provide or continue providing guardianship services to a ward or incapacitated person under this title.

SECTION 2.12. Section 1104.256, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.256. FAILURE TO COMPLY; COURT'S DUTY TO NOTIFY. The court shall notify the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] if the court becomes aware of a person who is not complying with:

(1) the terms of a certification issued under Subchapter C, Chapter 155 [~~111~~], Government Code; or

(2) the standards and rules adopted under that subchapter.

SECTION 2.13. Section 1104.257, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.257. INFORMATION REGARDING SERVICES PROVIDED BY GUARDIANSHIP PROGRAM. Not later than January 31 of each year, each guardianship program operating in a county shall submit to the county clerk a copy of the report submitted to the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] under Section 155.105 [~~111.044~~], Government Code.

SECTION 2.14. Section 1104.258, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.258. INFORMATION REGARDING CERTAIN STATE EMPLOYEES PROVIDING GUARDIANSHIP SERVICES. Not later than January 31 of each year, the Department of Aging and Disability Services shall submit to the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] a statement containing:

(1) the name, address, and telephone number of each department employee who is or will be providing guardianship services to a ward or proposed ward on the department's behalf; and

(2) the name of each county in which each employee named in Subdivision (1) is providing or is authorized to provide those services.

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

(a) An application for a certificate of registration must include a sworn statement containing the following information concerning a private professional guardian or each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian:

(1) place of residence;

(2) business address and business telephone number;

(3) educational background and professional experience;

(4) three or more professional references;

(5) the name of each ward for whom the private professional guardian or person is or will be serving as a guardian;

(6) the aggregate fair market value of the property of all wards that is or will be managed by the private professional

guardian or person;

(7) whether the private professional guardian or person has ever been removed as a guardian by the court or resigned as a guardian in a particular case, and, if so:

(A) a description of the circumstances causing the removal or resignation; and

(B) the style of the suit, the docket number, and the court having jurisdiction over the proceeding; and

(8) the certification number or provisional certification number issued to the private professional guardian or person by the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~].

SECTION 2.16. Section 1104.306, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.306. USE OF NAMES AND BUSINESS ADDRESSES. Not later than January 31 of each year, the clerk shall submit to the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] the name and business address of each private professional guardian who has satisfied the registration requirements of this subchapter during the preceding year.

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

(a) 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 [~~111.042~~], Government Code, or a provisional certificate issued under Section 155.103 [~~111.0421~~], Government Code, if the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] conducted a criminal history check on the person before issuing or renewing the certificate.

SECTION 2.18. Section 1104.407, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.407. DUTY TO PROVIDE INFORMATION ON REQUEST. The department shall provide the information obtained under Section 1102.406(a) to:

(1) the clerk of the county having venue of the guardianship proceeding at the court's request; and

(2) the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] at the commission's [~~board's~~] request.

SECTION 2.19. Section 1104.408, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.408. INFORMATION FOR EXCLUSIVE USE OF COURT OR GUARDIANSHIP CERTIFICATION PROGRAM OF JUDICIAL BRANCH CERTIFICATION COMMISSION [~~BOARD~~]. (a) Criminal history record information obtained under Section 1104.407 is privileged and confidential and is for the exclusive use of the court or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~], as appropriate. The information may not be released or otherwise disclosed to any person or agency except:

(1) on court order;

(2) with the consent of the person being investigated; or

(3) as authorized by Section 1104.404 of this code or Section 411.1386(a-6), Government Code.

(b) The county clerk or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] may destroy the criminal history record information after the information is used for the purposes authorized by this subchapter.

SECTION 2.20. Section 1104.410, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 1104.410. USE OF INFORMATION BY GUARDIANSHIP CERTIFICATION PROGRAM OF JUDICIAL BRANCH CERTIFICATION COMMISSION [~~BOARD~~]. Criminal history record information obtained by the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] under Section 1104.407(2) may be used for any purpose related to the issuance, denial, renewal, suspension, or revocation of a certificate issued by the commission [~~board~~].

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

(b) In addition to the authority granted to the court under Subsection (a), the court may, on the complaint of the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~], remove a guardian who would be ineligible for appointment under Subchapter H, Chapter 1104, because of the guardian's failure to maintain the certification required under Subchapter F, Chapter 1104. The guardian shall be cited to appear and contest the request for removal under this subsection in the manner provided by Subsection (a).

SECTION 2.22. Section 1251.003(b), Estates Code, as effective January 1, 2014, is amended to read as follows:

(b) The application must state:

(1) the name and address of the person who is the subject of the guardianship proceeding;

(2) the danger to the person or property alleged to be imminent;

(3) the type of appointment and the particular protection and assistance being requested;

(4) the facts and reasons supporting the allegations and requests;

(5) the proposed temporary guardian's name, address, and qualification;

(6) the applicant's name, address, and interest; and

(7) if applicable, that the proposed temporary guardian is a private professional guardian who is certified under Subchapter C, Chapter 155 [~~111~~], Government Code, and has complied with the requirements of Subchapter G, Chapter 1104.

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

(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;

(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 to read as follows:

(a-4) The Department of Aging and Disability Services shall provide the information obtained under Subsection (a-1) to:

(1) the clerk of the county having venue over the guardianship proceeding at the request of the court; and

(2) the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] at the request of the commission [~~board~~].

(a-6) The clerk described by Subsection (a) is not required to obtain criminal history record information for a person who holds a certificate issued under Section 155.102 [~~111.042~~] or a provisional certificate issued under Section 155.103 [~~111.0421~~] if the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] conducted a criminal history check on the person before issuing or renewing the certificate. The commission [~~board~~] shall provide to the clerk at the court's request the criminal history record information that was obtained from the department or the Federal Bureau of Investigation.

(d) The criminal history record information obtained under Subsection (a-4) is for the exclusive use of the court or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~], as appropriate, and is privileged and confidential. The information may not be released or otherwise disclosed to any person or agency except on court order, with the consent of the person being investigated, or as authorized by Subsection (a-6) or Section 698(a-6), Texas Probate Code. The county clerk or guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] may destroy the criminal history record information after the information is used for the purposes authorized by this section.

(f) Criminal history record information obtained by the guardianship certification program of the Judicial Branch Certification Commission [~~Guardianship Certification Board~~] under Subsection (a-4)(2) may be used for any purpose related to the issuance, denial, renewal, suspension, or revocation of a certificate issued by the commission [~~board~~].

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 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 [~~111~~].

(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):

(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 to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

(1) Texas Board of Chiropractic Examiners;

(2) Judicial Branch [~~Court Reporters~~] Certification Commission [~~Board~~];

(3) State Board of Dental Examiners;

(4) Texas Funeral Service Commission;

(5) Texas Board of Professional Land Surveying;

(6) Texas Medical Board;

(7) Texas Board of Nursing;

(8) Texas Optometry Board;

(9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;

(10) Texas State Board of Pharmacy;

(11) Executive Council of Physical Therapy and Occupational Therapy Examiners;

(12) Texas State Board of Plumbing Examiners;

(13) Texas State Board of Podiatric Medical Examiners;

(14) Texas State Board of Examiners of Psychologists;
(15) State Board of Veterinary Medical Examiners;
(16) Texas Real Estate Commission;
(17) Texas Appraiser Licensing and Certification Board;
(18) Texas Department of Licensing and Regulation;
(19) Texas State Board of Public Accountancy;
(20) State Board for Educator Certification;
(21) Texas Board of Professional Engineers;
(22) Department of State Health Services;
(23) Texas Board of Architectural Examiners;
(24) Texas Racing Commission;
(25) Commission on Law Enforcement Officer Standards and Education; and
(26) Texas Private Security Board.

SECTION 2.29. Section 161.114(c), Human Resources Code, is amended to read as follows:

(c) A volunteer may provide life enrichment activities, companionship, transportation services, and other services to or for the ward in a guardianship, except the volunteer may not provide services that would require the volunteer to be certified under Section 155.102 [~~111.042~~], Government Code.

SECTION 2.30. Section 151.353(a), Tax Code, is amended to read as follows:

(a) 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 the Judicial Branch [~~State of Texas Court Reporters~~] Certification Commission [~~Board~~] are exempted from the taxes imposed by this chapter if the document is:

(1) prepared for the use of a person participating in a suit or the court in which a suit or administrative proceeding is brought; and
(2) sold to a person participating in the suit.

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 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 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.