

By: Gooden

H.B. No. 2066

A BILL TO BE ENTITLED

AN ACT

relating to the process server review board.

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

SECTION 1. Subchapter F, Chapter 72, Government Code, is amended to read as follows:

SUBCHAPTER F. PROCESS SERVER REVIEW BOARD

Sec. 72.091. DEFINITIONS. In this subchapter:

(1) "Board" means the process server review board established by supreme court order.

(2) "Certification" means the authority granted to a person by the board under this subchapter to serve civil process statewide.

(3) "Process server" means an individual who holds a certification issued by the board under this subchapter to serve civil process statewide.

(4) "Texas trade association" means a cooperative and voluntarily joined statewide association of business, occupational, 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.

Sec. 72.092. OFFICE. (a) The board is administratively attached to the office.

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

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

3 (2) accept, deposit, and disburse money made available
4 to the board;

5 (3) pay salaries and benefits of the process server
6 program administrator and employees of the board;

7 (4) provide the board with adequate computer equipment
8 and support; and

9 (5) pay travel expenses of board members as provided
10 by law.

11 Sec. 72.093. SUNSET REVIEW. The process server review
12 board established by supreme court order is subject to review under
13 Chapter 325 (Texas Sunset Act), as if it were a state agency but may
14 not be abolished under that chapter. The review shall be conducted
15 as if the process server review board were scheduled to be abolished
16 September 1, 2017.

17 Sec. 72.094. BOARD MEMBERS. (a) The members of the board
18 are appointed by order of the supreme court.

19 (b) The supreme court order must provide:

20 (1) the number of board members;

21 (2) the length of the board members' terms;

22 (3) the qualifications of the board members; and

23 (4) staggered terms of service for board members so
24 that as near as possible to one-third of the board members' terms
25 expire on the same date.

26 (c) The supreme court order must also designate a presiding
27 officer and an assistant presiding officer. The presiding officer

1 and assistant presiding officer serve in those positions at the
2 pleasure of the supreme court.

3 (d) If a vacancy occurs on the board, the supreme court
4 shall appoint a successor to serve the remainder of the member's
5 vacated term.

6 (e) A board member continues to serve until the member's
7 successor is appointed and qualified.

8 (f) A board member may be reappointed.

9 (g) Appointments to the board shall be made without regard
10 to the race, color, disability, sex, or national origin of the
11 appointees.

12 (h) A person may not be a board member if the person or the
13 person's spouse is:

14 (1) required to register as a lobbyist under Chapter
15 305 because of the person's activities for compensation on behalf
16 of an occupation or profession related to the operations of the
17 board;

18 (2) an owner, officer, or employee of a school or
19 institution engaged in instructing persons in the service of civil
20 process; or

21 (3) an officer, employee, or paid consultant of a
22 Texas trade association in the field of the service of process.

23 Sec. 72.095. BOARD MEMBER TRAINING. A person who is
24 appointed to the board may not vote or deliberate on matters before
25 the board until the person has completed training that provides the
26 person with information regarding:

27 (1) the programs operated by the board;

1 (2) the role and functions of the board;

2 (3) the rules of the supreme court relating to board
3 activities, with emphasis on rules relating to disciplinary and
4 investigatory authority;

5 (4) the board's budget;

6 (5) the requirements of the open meetings and records
7 access policies and the rules applicable to the board; and

8 (6) applicable conflict-of-interest laws.

9 Sec. 72.096. CERTIFICATION PROGRAM; CONTINUING EDUCATION.

10 (a) The board shall administer a certification program to certify
11 persons serving civil process statewide in accordance with the
12 rules and procedures adopted by the supreme court.

13 (b) In accordance with supreme court rules, the board shall
14 require continuing education for certification renewal.

15 Sec. 72.097. COMPLAINTS; DISCIPLINARY ACTION. In
16 accordance with supreme court rules, the board shall investigate
17 complaints filed against process servers and take disciplinary
18 action against process servers who violate this subchapter or rules
19 adopted under this subchapter.

20 Sec. 72.098. STANDARDS OF ETHICAL CONDUCT. (a) In
21 consultation with the office, the board shall develop standards of
22 ethical conduct for process servers and submit the standards to the
23 supreme court for approval.

24 (b) The supreme court, after considering the standards and
25 making any modifications to the standards that the supreme court
26 considers necessary, may by rule adopt the standards.

27 Sec. 72.099. MEETINGS; ACCESS TO RECORDS. (a) In

1 consultation with the office, the board shall develop its meetings
2 policy. The policy must be approved by the supreme court.

3 (b) Access to the records of the board is governed by Rule
4 12, Texas Rules of Judicial Administration.

5 Sec. 72.100. PUBLIC PARTICIPATION. The board shall develop
6 and implement policies that provide the public with a reasonable
7 opportunity to appear before the board and to speak on any issue
8 under the jurisdiction of the board.

9 SECTION 2. Section 72.013, Government Code, is transferred
10 to Subchapter F, Chapter 72, Government Code, redesignated as
11 Section 72.0945, Government Code, and amended to read as follows:

12 Sec. 72.0945 [~~72.013~~]. [~~PROCESS SERVER REVIEW~~] BOARD
13 MEMBER COMPENSATION AND REIMBURSEMENT. A person appointed to the
14 [~~process server review~~] board [~~established by supreme court order~~]
15 serves without compensation but is entitled to reimbursement for
16 actual and necessary expenses incurred in traveling and performing
17 official board duties.

18 SECTION 3. Subchapter F, Chapter 411, Government Code, is
19 amended by adding Section 411.14091 to read as follows:

20 Sec. 411.14091. ACCESS TO CRIMINAL HISTORY RECORD
21 INFORMATION: PROCESS SERVER REVIEW BOARD. (a) The process server
22 review board established by supreme court order as provided by
23 Subchapter F, Chapter 72, is entitled to obtain from the department
24 criminal history record information that relates to a person who
25 is:

26 (1) an applicant for certification from the board; or

27 (2) a holder of a certification from the board.

1 (b) Criminal history record information obtained by the
2 board under Subsection (a):

3 (1) may be used by the board for any purpose related to
4 the issuance, denial, suspension, revocation, or renewal of a
5 certificate issued by the board;

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

9 (3) shall be destroyed by the board after the
10 information is used for the authorized purposes.

11 SECTION 4. Sections 72.094(h) and 72.095, Government Code,
12 as added by this Act, apply only to a member appointed or
13 reappointed to the process server review board on or after the
14 effective date of this Act. A member appointed or reappointed to
15 the board before that date is governed by the law in effect on the
16 date the member was appointed or reappointed, and that law is
17 continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2013.