

1-1 By: Zaffirini S.B. No. 43
 1-2 (In the Senate - Filed November 14, 2016; January 24, 2017,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 3, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 3, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 43 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the Judicial Branch Certification Commission;
 1-22 authorizing fees; providing penalties.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 57.002(b-1), Government Code, is amended
 1-25 to read as follows:

1-26 (b-1) A licensed court interpreter appointed by a court
 1-27 under Subsection (a) or (b) must hold a license that includes the
 1-28 appropriate designation under Section 157.101(d) [~~57.043(d)~~] that
 1-29 indicates the interpreter is permitted to interpret in that court.

1-30 SECTION 2. Section 151.001(7), Government Code, is amended
 1-31 to read as follows:

1-32 (7) "Regulated person" means a person, firm, or other
 1-33 business entity, who holds a certification, registration, or
 1-34 license issued by the commission.

1-35 SECTION 3. Sections 152.053(b), (c), and (d), Government
 1-36 Code, are amended to read as follows:

1-37 (b) A person is not eligible for appointment as a member of
 1-38 the commission, or as a member of an advisory board or committee
 1-39 that serves the commission, if the person or the person's spouse:

1-40 (1) is employed by or participates in the management
 1-41 of a business entity or other organization receiving funds from the
 1-42 commission;

1-43 (2) owns or controls, directly or indirectly, more
 1-44 than a 10 percent interest in a business entity or other
 1-45 organization receiving funds from the commission; or

1-46 (3) uses or receives a substantial amount of tangible
 1-47 goods, services, or funds from the commission, other than
 1-48 compensation or reimbursement authorized by law for commission
 1-49 membership, attendance, or expenses.

1-50 (c) A person may not serve as a member of the commission, or
 1-51 as a member of an advisory board or committee that serves the
 1-52 commission, or act as the general counsel to the commission if the
 1-53 person is required to register as a lobbyist under Chapter 305
 1-54 because of the person's activities for compensation on behalf of a
 1-55 profession related to the operation of the commission.

1-56 (d) A person may not be a member of the commission, a member
 1-57 of an advisory board or committee that serves the commission, or
 1-58 [~~and may not be~~] a commission employee employed in a "bona fide
 1-59 executive, administrative, or professional capacity," as that
 1-60 phrase is used for purposes of establishing an exemption to the

2-1 overtime provisions of the federal Fair Labor Standards Act of 1938
 2-2 (29 U.S.C. Section 201 et seq.), if:

2-3 (1) the person is an officer, employee, or paid
 2-4 consultant of a Texas trade association in the legal profession; or

2-5 (2) the person's spouse is an officer, manager, or paid
 2-6 consultant of a Texas trade association in the legal profession.

2-7 SECTION 4. Section 152.056, Government Code, is amended to
 2-8 read as follows:

2-9 Sec. 152.056. PRESIDING OFFICER. The supreme court shall
 2-10 designate a member of the commission as presiding officer of the
 2-11 commission to serve in that capacity at the pleasure of the supreme
 2-12 court. The presiding officer may designate a member of the
 2-13 commission to preside over a meeting of the commission in the
 2-14 absence of the presiding officer.

2-15 SECTION 5. The heading to Section 152.109, Government Code,
 2-16 is amended to read as follows:

2-17 Sec. 152.109. NOTICE OF COMPLAINT PROCESS [~~COMPLAINTS~~].

2-18 SECTION 6. Sections 152.111(a) and (c), Government Code,
 2-19 are amended to read as follows:

2-20 (a) The commission may adopt a policy allowing office
 2-21 employees to dismiss a complaint [~~complaints~~] that:

2-22 (1) clearly does [~~do~~] not allege misconduct; [~~or~~]

2-23 (2) is [~~are~~] not within the commission's jurisdiction;
 2-24 or

2-25 (3) alleges misconduct that took place more than five
 2-26 years before the date the complaint was filed.

2-27 (c) A person who files a complaint that is dismissed under
 2-28 this section may, not later than the 30th day after the date of
 2-29 notice of the dismissal, request in writing that the commission
 2-30 reconsider the complaint.

2-31 SECTION 7. Section 152.201, Government Code, is amended by
 2-32 adding Subsection (c-1) and amending Subsection (d) to read as
 2-33 follows:

2-34 (c-1) A passing score on an applicable examination is valid
 2-35 for purposes of certification, registration, or licensing for a
 2-36 period of two years after the date of the examination. A person who
 2-37 does not apply to become certified, licensed, or registered before
 2-38 the expiration of the two-year period must repeat and pass the
 2-39 examination.

2-40 (d) If requested in writing by a person who fails an
 2-41 examination, the commission shall furnish the person with an
 2-42 analysis of the person's performance on the examination. A person
 2-43 may not view a copy of the examination.

2-44 SECTION 8. Subchapter E, Chapter 152, Government Code, is
 2-45 amended by adding Section 152.2015 to read as follows:

2-46 Sec. 152.2015. CERTIFICATION, REGISTRATION, AND LICENSING
 2-47 FEE AND RENEWAL. (a) A person, firm, or business entity must pay
 2-48 the commission an initial fee and any other required fee to receive
 2-49 a certification, registration, or license from the commission.

2-50 (b) A regulated person who is otherwise eligible to renew a
 2-51 certification, registration, or license may renew an unexpired
 2-52 certification, registration, or license by paying the required
 2-53 renewal fee to the commission before the expiration date. A
 2-54 regulated person whose certification, registration, or license has
 2-55 expired may not engage in any applicable regulated activity until
 2-56 the certification, registration, or license has been renewed.

2-57 (c) A regulated person whose certification, registration,
 2-58 or license has been expired for 90 days or fewer may renew the
 2-59 certification, registration, or license by paying to the commission
 2-60 a renewal fee that is equal to one and one-half times the normally
 2-61 required renewal fee.

2-62 (d) A regulated person whose certification, registration,
 2-63 or license has been expired for more than 90 days but less than one
 2-64 year may renew the certification, registration, or license by
 2-65 paying to the commission a renewal fee that is equal to twice the
 2-66 normally required renewal fee.

2-67 (e) Except as provided by Subsection (f), a person, firm, or
 2-68 business entity may not renew an expired certification,
 2-69 registration, or license one year or more after expiration. The

3-1 person, firm, or business entity may obtain a new certification,
3-2 registration, or license by complying with the requirements and
3-3 procedures, including the examination requirements, for obtaining
3-4 an original certification, registration, or license.

3-5 (f) A person may, without examination, renew a
3-6 certification, registration, or license which has been expired for
3-7 one year or longer, if:

3-8 (1) before applying for renewal, the person had moved
3-9 to another state or jurisdiction;

3-10 (2) at the time of applying for renewal, the person is
3-11 certified, registered, or licensed in good standing in the other
3-12 state or jurisdiction to practice the profession for which the
3-13 expired certification, registration, or license is required;

3-14 (3) the person has been in practice in that profession
3-15 in that state for one year or more preceding the date the person
3-16 applies for renewal; and

3-17 (4) the person pays to the commission a fee that is
3-18 equal to twice the normally required renewal fee for the
3-19 certification, registration, or license.

3-20 (g) Not later than the 30th day before the date a regulated
3-21 person's certification, registration, or license is scheduled to
3-22 expire, the commission shall send written notice of the impending
3-23 expiration to the regulated person at the person's last known
3-24 address according to the records of the commission.

3-25 SECTION 9. Section 152.205(c), Government Code, is amended
3-26 to read as follows:

3-27 (c) After publishing the code of ethics, the commission
3-28 shall propose to the supreme court a rule stating that a person who
3-29 violates the code of ethics is subject to commission enforcement
3-30 ~~[an administrative penalty assessed]~~ under Chapter 153.

3-31 SECTION 10. Subchapter A, Chapter 153, Government Code, is
3-32 amended by adding Section 153.0001 to read as follows:

3-33 Sec. 153.0001. FILING COMPLAINT. (a) To file a complaint
3-34 with the commission against a regulated person or another person
3-35 alleged to have unlawfully engaged in conduct regulated under this
3-36 subchapter, a person must:

3-37 (1) have personal knowledge of the alleged violation;

3-38 (2) complete a complaint form provided by the
3-39 commission;

3-40 (3) sign the completed complaint form; and

3-41 (4) attach any pertinent documentary evidence to the
3-42 complaint form.

3-43 (b) On receipt of a properly executed complaint, the
3-44 commission shall furnish a copy of the complaint and any
3-45 attachments to the person who is the subject of the complaint.

3-46 (c) This section does not preclude the commission, an
3-47 advisory board of the commission, or a court of this state from
3-48 filing a complaint.

3-49 SECTION 11. Section 153.003, Government Code, is amended to
3-50 read as follows:

3-51 Sec. 153.003. CEASE AND DESIST ORDER. (a) The director
3-52 may issue a temporary cease and desist order for the duration of an
3-53 investigation and disciplinary action by the commission if the
3-54 director determines that the action is necessary to prevent a
3-55 violation of:

3-56 (1) this subtitle;

3-57 (2) a law establishing a regulatory program
3-58 administered by the commission; or

3-59 (3) a rule adopted under this subtitle or order issued
3-60 by the commission or the director.

3-61 (b) A cease and desist order may require a person to cease
3-62 and desist from committing a violation listed under Subsection (a)
3-63 or from engaging in any practice regulated by the commission as
3-64 necessary to prevent the violation.

3-65 (c) A person to whom a cease and desist order is issued may
3-66 file a written request for a hearing before the commission. The
3-67 person must file the hearing request not later than the 10th day
3-68 after the date of receipt of the order. The commission must conduct
3-69 the hearing not later than the 30th day after the date of the

4-1 hearing request.

4-2 SECTION 12. Section 153.004, Government Code, is amended by
4-3 adding Subsection (c) to read as follows:

4-4 (c) On the commission's motion, or on the recommendation of
4-5 commission staff, the commission may conduct a hearing to inquire
4-6 into a suspension. If the commission determines that a person has
4-7 not corrected the deficiencies that were the grounds of the
4-8 suspension or has not complied with the conditions imposed by the
4-9 commission, the commission may revoke or take other disciplinary
4-10 action against the person's certification, registration, or
4-11 license.

4-12 SECTION 13. Sections 153.051, 153.053, and 153.054,
4-13 Government Code, are amended to read as follows:

4-14 Sec. 153.051. IMPOSITION OF PENALTY. (a) The commission
4-15 may impose an administrative penalty on a person [~~regulated under~~
4-16 ~~this subtitle~~] who violates:

4-17 (1) this subtitle;

4-18 (2) a statute establishing a regulatory program
4-19 administered by the commission;

4-20 (3) [~~or~~] a rule or standard adopted under this
4-21 subtitle; or

4-22 (4) an order issued by the commission or director
4-23 under this subtitle.

4-24 (b) A proceeding under this subchapter imposing an
4-25 administrative penalty may be combined with a proceeding to impose
4-26 an administrative sanction otherwise imposed under this subtitle.
4-27 [~~If an administrative sanction is imposed in a proceeding under~~
4-28 ~~this subchapter, the requirements of this subchapter apply to the~~
4-29 ~~imposition of the sanction.~~]

4-30 Sec. 153.053. REPORT AND NOTICE OF VIOLATION, PENALTY, AND
4-31 SANCTION. (a) The commission shall[+]

4-32 [~~(1)~~] appoint a committee of advisory board members to
4-33 review a complaint, make the initial written determination on
4-34 whether a violation occurred, and impose [recommend the imposition
4-35 ~~of] a penalty, a sanction, or both for violations. The committee
4-36 shall state the committee's written determination as proposed
4-37 findings of fact and conclusions of law, separately stated.~~

4-38 (b) The committee shall[+]

4-39 [~~(2)~~] review the determination and recommendation of
4-40 the committee and accept or revise as necessary the determination
4-41 and recommendation; and

4-42 [~~(3)~~] give to the person who is the subject of the
4-43 complaint reviewed under Subsection (a) written notice by certified
4-44 mail of the committee's [commission's] determination on whether a
4-45 violation occurred and each [recommended] penalty or sanction, if
4-46 any.

4-47 (c) [~~(b)~~] The notice required under Subsection (b) [(a)]
4-48 must:

4-49 (1) include a brief summary of the alleged violation;

4-50 (2) state the amount of any [recommended] penalty;

4-51 (3) state any [recommended] sanction; and

4-52 (4) inform the person of the person's right to a
4-53 hearing on the occurrence of the violation, the amount of the
4-54 penalty, the imposition of the sanction, or any combination.

4-55 Sec. 153.054. PENALTY PAID, SANCTION ACCEPTED, OR HEARING
4-56 REQUESTED. (a) Not later than the 20th day after the date the
4-57 person receives the notice sent under Section 153.053, the person
4-58 in writing may:

4-59 (1) accept the determination of the committee
4-60 appointed under Section 153.053 [commission] and the imposition of
4-61 the [recommended] penalty or sanction as an agreed order to be
4-62 presented to the commission; or

4-63 (2) [~~make a~~] request [for] a hearing before the
4-64 commission on the occurrence of the violation, the imposition or
4-65 amount of the penalty, the imposition of the sanction, or any
4-66 combination.

4-67 (b) If the person accepts the determination and
4-68 [~~recommended~~] penalty or sanction as an agreed order [or if the
4-69 person fails to respond to the notice], the commission [by order]

5-1 shall review the proposed agreed order and accept, revise, or
 5-2 reject it or remand the matter to the committee for further review.
 5-3 The commission shall give to the person written notice of the
 5-4 commission's determination under this subsection. If the
 5-5 commission revises or rejects the proposed agreed order, the person
 5-6 may:

5-7 (1) accept the commission's determination, penalty, or
 5-8 sanction; or

5-9 (2) request a hearing not later than the 20th day after
 5-10 the date of receiving notice of the commission's determination.

5-11 (c) If the person fails to respond to the notice sent under
 5-12 Section 153.053, the commission may issue a default order to
 5-13 approve the determination of the committee and impose or revise the
 5-14 committee's proposed penalty, sanction, or both [~~approve the~~
 5-15 ~~determination and impose the recommended penalty or sanction~~].

5-16 SECTION 14. Sections 153.055(c), (d), (e), and (g),
 5-17 Government Code, are amended to read as follows:

5-18 (c) The commission shall adopt, revise, or reject the
 5-19 committee's [~~make~~] findings of fact and conclusions of law and
 5-20 promptly issue an order on the occurrence of the violation, the
 5-21 amount of any penalty imposed, and the imposition of any sanction.
 5-22 The commission shall give the person notice of the order.

5-23 (d) On approval of the supreme court, the commission may
 5-24 adopt rules governing the hearing, including rules on appearance by
 5-25 telephone. To the extent not inconsistent with this subchapter or
 5-26 commission rules, the Texas Rules of Civil Procedure, including
 5-27 discovery rules, apply to the hearing, except that the commission
 5-28 may deviate from those rules as necessary for a full and fair
 5-29 adjudication and determination of fact or law.

5-30 (e) The presiding officer of the commission may hold
 5-31 prehearing conferences. The presiding officer may issue orders,
 5-32 including scheduling orders, and may designate the discovery
 5-33 control plan or otherwise limit or modify discovery before a
 5-34 hearing.

5-35 (g) On request of the commission, at least one member of the
 5-36 applicable advisory board committee shall attend the hearing to
 5-37 consult with the commission on the reasons for the advisory board
 5-38 committee's determination and proposed penalty or sanction
 5-39 [~~recommendations~~] under Section 153.053(a).

5-40 SECTION 15. Section 153.056, Government Code, is amended to
 5-41 read as follows:

5-42 Sec. 153.056. OPTIONS FOLLOWING DECISION: PAY, ACCEPT, OR
 5-43 APPEAL. Not later than the 30th day after the date the order of the
 5-44 commission imposing an administrative penalty or sanction under
 5-45 Section 153.055 becomes final, the person shall:

5-46 (1) accept the obligation to pay the penalty or accept
 5-47 the sanction; or

5-48 (2) file an appeal of the commission's order
 5-49 contesting the findings of fact, the conclusions of law, the
 5-50 occurrence of the violation, the imposition or amount of the
 5-51 penalty, the imposition of the sanction, or any combination.

5-52 SECTION 16. Section 153.058(f), Government Code, is amended
 5-53 to read as follows:

5-54 (f) If the special committee sustains the finding that a
 5-55 violation occurred, the special committee may:

5-56 (1) uphold or reduce the amount of any penalty and
 5-57 order the person to pay the full or reduced amount of the penalty;
 5-58 and

5-59 (2) uphold or reduce any other sanction and order the
 5-60 imposition of the sanction.

5-61 SECTION 17. Subchapter B, Chapter 153, Government Code, is
 5-62 amended by adding Section 153.060 to read as follows:

5-63 Sec. 153.060. REISSUANCE OF CERTIFICATE, REGISTRATION, OR
 5-64 LICENSE. (a) The commission may reissue a certificate,
 5-65 registration, or license that has been revoked or that the
 5-66 commissioner has refused to renew as a disciplinary sanction if the
 5-67 individual who was subject to the revocation or nonrenewal applies
 5-68 in writing to the commission and establishes good cause to justify
 5-69 reissuance of the certificate, registration, or license. The

6-1 applicant has the burden of proving:

6-2 (1) the correction of the grounds for the revocation
6-3 or the commission's refusal to renew the certificate, registration,
6-4 or license;

6-5 (2) good faith efforts to correct, resolve, or
6-6 otherwise cure the damages arising from the grounds for the
6-7 revocation or the refusal to renew the certificate, registration,
6-8 or license;

6-9 (3) that reissuance would not pose a threat to public
6-10 health, safety, and welfare; and

6-11 (4) any other rehabilitative efforts.

6-12 (b) The commission may impose conditions on the revocation
6-13 or refusal to renew a certificate, registration, or license that
6-14 may include:

6-15 (1) prohibiting a person from applying for reissuance
6-16 for a specified period; and

6-17 (2) imposing some or all prerequisites for initial
6-18 certification, registration, or licensure as a prerequisite for
6-19 reissuance.

6-20 (c) The commission may impose appropriate probationary
6-21 conditions for a specified period on the practice of a person whose
6-22 certificate, registration, or license is reissued.

6-23 SECTION 18. Section 154.101(g), Government Code, is amended
6-24 to read as follows:

6-25 (g) The commission may enforce this section by seeking an
6-26 injunction or by filing a complaint against a person who is not
6-27 certified by the supreme court. The commission may seek the
6-28 injunction in the district court of the county in which that person
6-29 resides or in Travis County. Said action for an injunction shall be
6-30 in addition to any other action, proceeding, or remedy authorized
6-31 by law. The commission shall be represented by the attorney
6-32 general, ~~and/or~~ the county or district attorney of this state, or
6-33 counsel designated and empowered by the commission.

6-34 SECTION 19. Section 154.106(a), Government Code, is amended
6-35 to read as follows:

6-36 (a) A shorthand reporting firm or an affiliate office may
6-37 not assume or use the title or designation "court recording firm,"
6-38 "court reporting firm," or "shorthand reporting firm" or any
6-39 abbreviation, title, designation, words, letters, sign, card, or
6-40 device tending to indicate that the firm is a court reporting firm
6-41 or shorthand reporting firm, or offer services as a court reporting
6-42 firm or shorthand reporting firm, unless the firm and its affiliate
6-43 offices are registered with the commission on a form prescribed by
6-44 the commission as required by this subchapter.

6-45 SECTION 20. Sections 154.107(b) and (c), Government Code,
6-46 are amended to read as follows:

6-47 (b) A certification or registration expires ~~[at 12:01 a.m.]~~
6-48 on the last day of the month in which ~~[January 1 following]~~ the
6-49 second anniversary of the date on which it was issued occurs unless
6-50 the certification or registration is renewed on or before that day.
6-51 ~~[Thereafter, the certification or registration expires at 12:01~~
6-52 ~~a.m. of each second January 1 unless renewed.]~~

6-53 (c) On each renewal of the certification or registration, a
6-54 fee is charged in accordance with Section 152.2015. A firm or the
6-55 affiliate office of a firm that may not renew an expired
6-56 registration as described by Section 152.2015(e) must pay all
6-57 unpaid renewal and late fees charged for the expired registration,
6-58 in addition to complying with all registration requirements and
6-59 procedures, in order to obtain a new registration under Section
6-60 152.2015(e) ~~[A person who is otherwise eligible to renew a~~
6-61 ~~certification or registration may renew an unexpired certification~~
6-62 ~~or registration by paying the required renewal fee to the~~
6-63 ~~commission before the expiration date of the certification or~~
6-64 ~~registration. A person whose certification or registration has~~
6-65 ~~expired may not engage in activities that require a certification~~
6-66 ~~or registration until the certification or registration has been~~
6-67 ~~renewed].~~

6-68 SECTION 21. Section 154.110(a), Government Code, is amended
6-69 to read as follows:

7-1 (a) After receiving a complaint and giving the certified
 7-2 shorthand reporter notice and an opportunity for a hearing as
 7-3 prescribed by Subchapter B, Chapter 153, the commission shall
 7-4 revoke, suspend, or refuse to renew the shorthand reporter's
 7-5 certification or issue a reprimand to the reporter for:

- 7-6 (1) fraud or corruption;
- 7-7 (2) dishonesty;
- 7-8 (3) wilful or negligent violation or failure of duty;
- 7-9 (4) incompetence;
- 7-10 (5) fraud or misrepresentation in obtaining
- 7-11 certification;
- 7-12 (6) a final conviction of a felony or misdemeanor that
- 7-13 directly relates to the duties and responsibilities of a certified
- 7-14 shorthand ~~[court]~~ reporter, as determined by supreme court rules;
- 7-15 (7) engaging in the practice of shorthand reporting
- 7-16 using a method for which the reporter is not certified;
- 7-17 (8) engaging in the practice of shorthand reporting
- 7-18 while certification is suspended;
- 7-19 (9) unprofessional conduct, including giving directly
- 7-20 or indirectly, benefiting from, or being employed as a result of any
- 7-21 gift, incentive, reward, or anything of value to attorneys,
- 7-22 clients, or their representatives or agents, except for nominal
- 7-23 items that do not exceed \$100 in the aggregate for each recipient
- 7-24 each year;
- 7-25 (10) entering into or providing services under a
- 7-26 prohibited contract described by Section 154.115;
- 7-27 (11) committing any other act that violates this
- 7-28 chapter or a rule or provision of the code of ethics adopted under
- 7-29 this subtitle; or
- 7-30 (12) other sufficient cause.

7-31 SECTION 22. Section 154.111(c), Government Code, is amended
 7-32 to read as follows:

7-33 (c) The commission may suspend the registration of a
 7-34 shorthand reporting firm or affiliate office:

- 7-35 (1) for a designated period of time in accordance with
- 7-36 Section 154.110(b);
- 7-37 (2) until the shorthand reporting firm or affiliate
- 7-38 office corrects the deficiencies that were the grounds for the
- 7-39 suspension; or
- 7-40 (3) until the shorthand reporting firm or affiliate
- 7-41 office complies with any conditions imposed by the commission to
- 7-42 ensure the shorthand reporting firm's or affiliate office's future
- 7-43 performance.

7-44 SECTION 23. Sections 155.001(2), (3), (5), and (7),
 7-45 Government Code, are amended to read as follows:

7-46 (2) "Corporate fiduciary" has the meaning assigned by
 7-47 Section 1002.007, Estates ~~[601, Texas Probate]~~ Code.

7-48 (3) "Guardian" has the meaning assigned by Section
 7-49 1002.012, Estates ~~[601, Texas Probate]~~ Code.

7-50 (5) "Incapacitated person" has the meaning assigned by
 7-51 Section 1002.017, Estates ~~[601, Texas Probate]~~ Code.

7-52 (7) "Ward" has the meaning assigned by Section 22.033,
 7-53 Estates ~~[601, Texas Probate]~~ Code.

7-54 SECTION 24. Sections 155.102(c) and (d), Government Code,
 7-55 are amended to read as follows:

7-56 (c) The supreme court may adopt rules and procedures for
 7-57 issuing a certificate and for renewing, suspending, or revoking a
 7-58 certificate issued under this section. Any rules adopted by the
 7-59 supreme court under this section must:

- 7-60 (1) ensure compliance with the standards adopted under
- 7-61 Section 155.101;
- 7-62 (2) provide that the commission establish
- 7-63 qualifications for obtaining and maintaining certification;
- 7-64 (3) provide that the commission issue certificates
- 7-65 under this section;
- 7-66 (4) provide that a certificate expires on the last day
- 7-67 of the month in which the second anniversary of the date the
- 7-68 certificate was ~~[is]~~ issued occurs unless renewed on or before that
- 7-69 day;

8-1 (5) prescribe procedures for accepting complaints and
 8-2 conducting investigations of alleged violations of the minimum
 8-3 standards adopted under Section 155.101 or other terms of the
 8-4 certification by certificate holders; and

8-5 (6) prescribe procedures by which the commission,
 8-6 after notice and hearing, may suspend or revoke the certificate of a
 8-7 holder who fails to substantially comply with appropriate standards
 8-8 or other terms of the certification.

8-9 (d) If the requirements for issuing a certificate under this
 8-10 section or reissuing a certificate under Section 153.060 include
 8-11 passage of an examination covering guardianship education
 8-12 requirements:

8-13 (1) the commission shall develop and the director
 8-14 shall administer the examination; or

8-15 (2) the commission shall direct the director to
 8-16 contract with another person or entity the commission determines
 8-17 has the expertise and resources to develop and administer the
 8-18 examination.

8-19 SECTION 25. Section 155.104, Government Code, is amended to
 8-20 read as follows:

8-21 Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL
 8-22 GUARDIANS. In addition to the information submitted under Section
 8-23 1104.306, Estates [697(e), Texas Probate] Code, the director may
 8-24 require a private professional guardian or a person who represents
 8-25 or plans to represent the interests of a ward as a guardian on
 8-26 behalf of the private professional guardian to submit information
 8-27 considered necessary to monitor the person's compliance with the
 8-28 applicable standards adopted under Section 155.101 or with the
 8-29 certification requirements of Section 155.102.

8-30 SECTION 26. Section 155.105(c), Government Code, is amended
 8-31 to read as follows:

8-32 (c) A private professional guardian shall submit with the
 8-33 report required under Subsection (b) a copy of the guardian's
 8-34 application for a certificate of registration required by Section
 8-35 1104.302, Estates [697(a), Texas Probate] Code.

8-36 SECTION 27. Section 156.001, Government Code, is amended to
 8-37 read as follows:

8-38 Sec. 156.001. DEFINITIONS [DEFINITION]. In this chapter:

8-39 (1) [] "Advisory [advisory] board" means the Process
 8-40 Server Certification Advisory Board.

8-41 (2) "Certified process server" or "process server"
 8-42 means a person who is certified by the commission under order of the
 8-43 supreme court to serve process.

8-44 SECTION 28. Subchapter B, Chapter 156, Government Code, is
 8-45 amended by adding Section 156.053 to read as follows:

8-46 Sec. 156.053. PROCESS SERVER CERTIFICATION RENEWAL; FEES.
 8-47 Certification of a process server expires on the last day of the
 8-48 month in which the second anniversary of the date on which the
 8-49 certification was issued occurs unless it is renewed on or before
 8-50 that date. On renewal of certification, each process server must
 8-51 pay a fee to the commission in accordance with Section 152.2015.

8-52 SECTION 29. Section 157.001(2), Government Code, is amended
 8-53 to read as follows:

8-54 (2) "Licensed court interpreter" means an individual
 8-55 licensed under this chapter by the commission to interpret court
 8-56 proceedings for an individual who can hear but who has no or limited
 8-57 English proficiency [does not comprehend English or communicate in
 8-58 English].

8-59 SECTION 30. Sections 157.101(a), (c), and (d), Government
 8-60 Code, are amended to read as follows:

8-61 (a) The director shall issue a court interpreter license to
 8-62 an applicant who:

8-63 (1) can interpret for an individual who can hear but
 8-64 who has no or limited English proficiency [does not comprehend
 8-65 English or communicate in English];

8-66 (2) passes the appropriate examination prescribed by
 8-67 the commission within the period specified in Section 152.201(c-1)
 8-68 [not earlier than two years before the date the director receives
 8-69 the applicant's application for a license]; and

9-1 (3) possesses the other qualifications for the license
 9-2 required by this chapter or by rules adopted under this chapter.

9-3 (c) A license issued under this chapter expires on the last
 9-4 day of the month in which the second anniversary of the date on
 9-5 which the license was issued occurs unless it is renewed on or
 9-6 before that date [~~is valid for one year from the date of issuance~~].

9-7 (d) A license issued under this chapter must include at
 9-8 least one of the following designations:

9-9 (1) a basic designation that permits the interpreter
 9-10 to interpret court proceedings in justice courts and municipal
 9-11 courts that are not municipal courts of record, but the designation
 9-12 does not permit the interpreter to interpret [~~other than~~] a
 9-13 proceeding before the court in which the judge is acting as a
 9-14 magistrate; or

9-15 (2) a master designation that permits the interpreter
 9-16 to interpret court proceedings in all courts in this state,
 9-17 including justice courts and municipal courts described by
 9-18 Subdivision (1).

9-19 SECTION 31. Section 157.102, Government Code, is amended to
 9-20 read as follows:

9-21 Sec. 157.102. COURT INTERPRETER LICENSE. To qualify for a
 9-22 court interpreter license under this chapter, an individual must
 9-23 apply on a form prescribed by the commission and demonstrate, in the
 9-24 manner required by the director, reasonable proficiency in
 9-25 interpreting English and court proceedings for individuals who can
 9-26 hear but who have no or limited English proficiency [~~do not~~
 9-27 ~~comprehend English or communicate in English~~].

9-28 SECTION 32. The heading to Section 157.104, Government
 9-29 Code, is amended to read as follows:

9-30 Sec. 157.104. COMMISSION DUTIES [~~, INSPECTIONS~~].

9-31 SECTION 33. Section 157.105, Government Code, is amended to
 9-32 read as follows:

9-33 Sec. 157.105. SUSPENSION, REFUSAL OF RENEWAL, AND
 9-34 REVOCAION OF LICENSES; REISSUANCE. (a) After providing the
 9-35 opportunity for a hearing in accordance with Section 153.055, the
 9-36 commission shall suspend, [~~or~~] revoke, or refuse to renew a court
 9-37 interpreter license on a finding that the individual:

9-38 (1) made a material misstatement in an application for
 9-39 a license;

9-40 (2) disregarded or violated this chapter or a rule
 9-41 adopted under this chapter; or

9-42 (3) engaged in dishonorable or unethical conduct
 9-43 likely to deceive, defraud, or harm the public or a person for whom
 9-44 the interpreter interprets.

9-45 (b) In accordance with Section 153.060, the [~~The~~]
 9-46 commission may reissue a license to an individual whose license has
 9-47 been revoked or refused renewal if the individual applies in
 9-48 writing to the department and shows good cause to justify
 9-49 reissuance of the license.

9-50 SECTION 34. Section 157.107(b), Government Code, is amended
 9-51 to read as follows:

9-52 (b) A person who violates this chapter or a rule adopted
 9-53 under this chapter is subject to an administrative penalty assessed
 9-54 by the commission as provided by Chapter 153, in addition to
 9-55 administrative sanctions that may be imposed under Section 157.105.

9-56 SECTION 35. The following provisions of the Government Code
 9-57 are repealed:

9-58 (1) Sections 154.107(d), (e), (f), (g), and (h);

9-59 (2) Sections 154.108 and 154.109;

9-60 (3) Section 154.110(d);

9-61 (4) Section 154.111(e); and

9-62 (5) Section 156.052(b).

9-63 SECTION 36. (a) Section 152.053, Government Code, as
 9-64 amended by this Act, applies only to the appointment of a person to
 9-65 an advisory board or committee of the Judicial Branch Certification
 9-66 Commission on or after the effective date of this Act. The
 9-67 appointment of a person to an advisory board or committee of the
 9-68 Judicial Branch Certification Commission before the effective date
 9-69 of this Act is governed by the law as it existed immediately before

10-1 the effective date of this Act, and that law is continued in effect
10-2 for that purpose.

10-3 (b) Section 154.107(b), Government Code, as amended by this
10-4 Act, applies only to the expiration of a certification or
10-5 registration of a court reporter on or after January 1, 2018. The
10-6 expiration of a certification or registration of a court reporter
10-7 before that date is governed by the law as it existed immediately
10-8 before the effective date of this Act, and that law is continued in
10-9 effect for that purpose.

10-10 (c) If a person's certification, registration, or license
10-11 expiration date changes as a result of Section 154.107, 155.102, or
10-12 157.101, Government Code, as amended by this Act, or Section
10-13 156.053, Government Code, as added by this Act, the Judicial Branch
10-14 Certification Commission must prorate the certification,
10-15 registration, or license fee on a monthly basis so that each
10-16 certification, registration, or license holder pays only the
10-17 portion of the fee that is allocable to the number of months during
10-18 which the certification, registration, or license is valid.

10-19 SECTION 37. This Act takes effect September 1, 2017.

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