

AN ACT

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

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

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

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

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

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

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

Sec. 82.0073. SEPARATION OF RESPONSIBILITIES; DELEGATION.
(a) The Board of Law Examiners shall develop and implement
policies that clearly separate the policymaking responsibilities
of the board and the management responsibilities of the executive
director and the staff of the board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 SECTION 5. Section [82.022](#), Government Code, is amended by
11 adding Subsection (a-1) to read as follows:

12 (a-1) In adopting rules on eligibility for examination for a
13 license to practice law, the supreme court shall ensure that no rule
14 violates Chapter [110](#), Civil Practice and Remedies Code.

15 SECTION 6. Sections [82.023](#)(b), (c), and (e), Government
16 Code, are amended to read as follows:

17 (b) The form for the declaration must clearly identify those
18 conditions of character and fitness [~~set out in Section [82.027](#)]~~
19 that may be investigated by the board and that may result in the
20 denial of the declarant's application to take the examination.

21 (c) The board shall notify each first-year law student who
22 files the declaration not later than the date established by
23 supreme court rule [~~on or before January 1 of the year in which the~~
24 ~~student begins law school, not later than August 1 of the following~~
25 ~~year,~~] of the board's decision as to the student's acceptable
26 character and fitness. The board shall notify all other declarants
27 not later than the date established by supreme court rule [~~not later~~

1 ~~than the 270th day after the date the declaration was filed]~~ whether
2 or not it has determined that the declarant has acceptable
3 character and fitness.

4 (e) If the board determines that an applicant may suffer
5 from chemical dependency, the board shall require the applicant to
6 meet with representatives of the Lawyers' Assistance Program of the
7 State Bar of Texas or a similar program of the state bar and may
8 require the applicant to submit to [~~a treatment facility for~~]
9 evaluation by a licensed mental health professional designated by
10 this board. The board may seek advice and consultation from the
11 Lawyers' Assistance Program of the State Bar of Texas or a similar
12 program of the state bar in designating mental health professionals
13 qualified to conduct evaluations of declarants who may suffer from
14 chemical dependency.

15 SECTION 7. Sections 82.027(a), (b), and (c), Government
16 Code, are amended to read as follows:

17 (a) Each applicant to take a bar examination must file an
18 application with the Board of Law Examiners not later than the date
19 established by supreme court rule and pay the fee established by
20 supreme court rule [~~not later than the 180th day before the first~~
21 ~~day of the examination for which the person is applying].~~

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

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

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

3 (B) cases in which the applicant has been found
4 not guilty;

5 (C) minor traffic violations;

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

8 (E) pardoned offenses; and

9 (F) Class C misdemeanors;

10 (2) ~~[is not mentally ill,~~

11 ~~(3)]~~ has not been charged with fraud in any legal
12 proceeding; and

13 (3) ~~(4)]~~ has not been involved in civil litigation or
14 bankruptcy proceedings that reasonably bear on the applicant's
15 fitness to practice law.

16 (c) On a showing of good cause or to prevent hardship, the
17 board may permit an applicant to file an application with the board
18 not later than the date established by supreme court rule ~~[not later~~
19 ~~than the 60th day after the deadline prescribed by Subsection (a)]~~
20 on payment of applicable late fees established by supreme court
21 rule.

22 SECTION 8. Sections 82.030(a) and (c), Government Code, are
23 amended to read as follows:

24 (a) The Board of Law Examiners shall assess each applicant's
25 moral character and fitness based on:

26 (1) the investigation of character and fitness
27 performed after the filing of the declaration of intention to study

1 law; and

2 (2) the filing of the application [~~affidavit~~] required
3 by Section 82.027 and the board's investigation into the accuracy
4 and completeness of the application [~~affidavit~~].

5 (c) If the board determines that an applicant may suffer
6 from chemical dependency, the board shall require the applicant to
7 submit to [~~a treatment facility for~~] evaluation by a licensed
8 mental health professional designated by the board. The board may
9 seek advice and consultation from the Lawyers' Assistance Program
10 of the State Bar of Texas or a similar program of the state bar in
11 designating mental health professionals qualified to conduct
12 evaluations of applicants who may suffer from chemical dependency.

13 SECTION 9. Section 82.033(d), Government Code, is amended
14 to read as follows:

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

19 SECTION 10. Subchapter B, Chapter 82, Government Code, is
20 amended by adding Section 82.039 to read as follows:

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

25 (1) determining the moral character and fitness of
26 license applicants;

27 (2) overseeing probationary license holders; and

1 (3) granting waiver requests.

2 (b) The Board of Law Examiners shall develop the guidelines
3 required under Subsection (a) based on the board's past decisions
4 and on any other criteria the board considers necessary. The board
5 is not required to take any specific action provided in the
6 guidelines.

7 SECTION 11. Sections 82.023(g) and 82.030(f), Government
8 Code, are repealed.

9 SECTION 12. Section 82.001, Government Code, as amended by
10 this Act, applies only to members appointed to the Board of Law
11 Examiners on or after September 1, 2017.

12 SECTION 13. (a) Except as provided by Subsection (b) of
13 this section, Section 82.010, Government Code, as amended by this
14 Act, applies to a member of the Board of Law Examiners appointed
15 before, on, or after the effective date of this Act.

16 (b) A member of the Board of Law Examiners who, before the
17 effective date of this Act, completed the training program required
18 by Section 82.010, Government Code, as that law existed before the
19 effective date of this Act, is required to complete additional
20 training only on subjects added by this Act to the training program
21 as required by Section 82.010, Government Code, as amended by this
22 Act. A board member described by this subsection may not vote,
23 deliberate, or be counted as a member in attendance at a meeting of
24 the board held on or after December 1, 2017, until the member
25 completes the additional training.

26 SECTION 14. As soon as practicable after the effective date
27 of this Act, the Texas Supreme Court shall modify the rules

1 necessary to implement the changes in license application
2 requirements made under Section 82.027, Government Code, as amended
3 by this Act.

4 SECTION 15. Section 82.027, Government Code, as amended by
5 this Act, applies only to an application to take the state bar
6 examination that is submitted to the Board of Law Examiners on or
7 after September 1, 2017.

8 SECTION 16. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 303 passed the Senate on April 4, 2017, by the following vote: Yeas 30, Nays 1; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 303 passed the House, with amendments, on May 16, 2017, by the following vote: Yeas 146, Nays 0, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 1, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor