

Amend CSSB 279 as follows:

(1) Between ARTICLES 26 and 27 of the bill (House Committee Printing page 125, between lines 25 and 26), insert the following:

ARTICLE 26A. CONSTRUCTION/PROGRAM MANAGERS

SECTION 26A.001. Title 8, Occupations Code, is amended by adding Chapter 1305 to read as follows:

CHAPTER 1305. CONSTRUCTION/PROGRAM MANAGERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1305.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Construction/program management" means the management of the planning, design, and construction of a capital improvement project or program of capital improvement projects, including project scope development, land acquisition, permitting, cash-flow management, design acquisition and management, cost estimation, the writing of bid packages, cost and schedule control, contract administration, document control, construction inspection, quality control value engineering, risk management, constructibility review, contracting and project delivery systems, dispute avoidance and resolution, activation, and status reports.

(3) "Construction/program manager" means a person registered to engage in the practice of construction/program management in this state.

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

(5) "Executive director" means the executive director of the department.

Sec. 1305.002. APPLICABILITY OF OTHER LAW. Chapter 51 applies to this chapter, including the power to impose an administrative sanction, assess an administrative penalty, or seek a civil penalty, for a violation of this chapter or a rule or order adopted or entered under this chapter.

Sec. 1305.003. EXEMPTIONS. This chapter does not apply to:

(1) a constructor who manages the planning, design, or construction of a capital improvement project or program of capital improvement projects using:

(A) the construction management at-risk delivery method; or

(B) a method under which the constructor is required to provide performance and payment bonds;

(2) an engineer licensed by the Texas Board of Professional Engineers who is acting within the scope of the license; or

(3) an architect registered by the Texas Board of Architectural Examiners who is acting within the scope of the registration.

[Sections 1305.004-1305.050 reserved for expansion]

SUBCHAPTER B. GENERAL POWERS AND DUTIES

Sec. 1305.051. RULES. (a) The executive director shall adopt rules as necessary to implement this chapter.

(b) The executive director by rule may adopt standards of conduct and quality of work for holders of certificates of registration under this chapter.

Sec. 1305.052. FEES. The commission shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter, including fees for:

(1) certificates of registration issued by the department; and

(2) registration renewals.

[Sections 1305.053-1305.100 reserved for expansion]

SUBCHAPTER C. REGISTRATION REQUIREMENTS

Sec. 1305.101. REGISTRATION REQUIRED. (a) A person may not engage in the practice of construction/program management on behalf of this state or a political subdivision of this state in connection with a capital improvement project that has a cost of more than \$100,000 or a program of capital improvement projects that have an aggregate cost of more than \$100,000 unless the person:

(1) holds a certificate of registration issued under this chapter; or

(2) is an officer or employee of this state or a political subdivision of this state and engages in the practice of construction/program management for the person's employer.

(b) This section does not apply to the practice of

construction/program management on behalf of the Texas Department of Transportation.

Sec. 1305.102. REGISTRATION APPLICATION; FEE. An applicant for registration under this chapter must:

(1) submit an application on a form prescribed by the executive director; and

(2) pay the application fee set by the commission.

Sec. 1305.103. ELIGIBILITY FOR REGISTRATION. To be eligible for registration, an applicant must:

(1) be certified by a national construction/program management organization recognized by the executive director; or

(2) meet the following requirements:

(A) submit to the department the names and addresses of five clients who will verify that the applicant has at least four years' experience in the field of construction/program management; and

(B) meet one of the following requirements:

(i) hold a bachelor's or graduate degree in construction management, architecture, engineering, or construction science;

(ii) hold an associate's degree or certificate in construction management, architecture, engineering, or construction science and have at least four years' experience in general design or construction in addition to the experience required by Paragraph (A); or

(iii) have at least eight years' experience in general design or construction in addition to the experience required by Paragraph (A).

Sec. 1305.104. ISSUANCE OF CERTIFICATE OF REGISTRATION. The executive director shall issue a certificate of registration to an applicant who qualifies for registration.

Sec. 1305.105. REQUIRED INSURANCE. A holder of a certificate of registration or the firm employing the person must maintain:

(1) professional liability insurance in the amount of at least \$1 million for each occurrence, with a total aggregate amount of at least \$1 million for all occurrences in a policy year;

or

(2) self-insurance in accordance with rules adopted by the executive director in an amount sufficient to pay at least \$1 million for each occurrence, with an aggregate amount of at least \$1 million for all occurrences in a year.

Sec. 1305.106. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration is valid for a term established by the executive director.

[Sections 1305.107-1305.150 reserved for expansion]

SUBCHAPTER D. RENEWAL OF CERTIFICATE OF REGISTRATION

Sec. 1305.151. PROCEDURE FOR RENEWAL. (a) A person who is otherwise eligible to renew a certificate of registration may renew an unexpired certificate by paying the required renewal fee to the department before the expiration date of the certificate. A person whose certificate has expired may not engage in activities that require a certificate until the certificate has been renewed.

(b) A person whose certificate has been expired for 90 days or less may renew the certificate by paying to the department a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose certificate has been expired for more than 90 days but less than one year may renew the certificate by paying to the department a renewal fee that is equal to two times the normally required renewal fee.

(d) A person whose certificate has been expired for one year or more may not renew the certificate. The person may obtain a new certificate by complying with the requirements and procedures for an original certificate.

Sec. 1305.152. CONTINUING EDUCATION. (a) The department may recognize, prepare, or offer continuing education for holders of certificates of registration.

(b) Participation in continuing education programs is voluntary unless the executive director by rule determines that the department should require participation.

[Sections 1305.153-1305.200 reserved for expansion]

SUBCHAPTER E. ENFORCEMENT

Sec. 1305.201. CEASE AND DESIST ORDERS. The department may

issue a cease and desist order.

SECTION 26A.002. (a) A person is not required to obtain a certificate of registration under Chapter 1305, Occupations Code, as added by this Act, until January 1, 2004.

(b) Notwithstanding Subsection (a) of this section, a person who is engaged in the practice of construction/program management before January 1, 2004, and who applies for a certificate of registration under Chapter 1305, Occupations Code, as added by this Act, before that date may continue to engage in that practice until the executive director of the Texas Department of Licensing and Regulation acts on the person's application.

(2) Renumber the ARTICLES and SECTIONS of the bill appropriately.