

## **BILL ANALYSIS**

C.S.H.B. 1526

By: Geren

Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Texas Board of Architectural Examiners (board) has sought to address a problem whereby registration fees paid by retired registrants who had reached the age of 62 were lower and waive the \$200 professional fee paid by such registrants if they were architects. Legal counsel has opined that waiving the fee is not authorized in statute.

Through research, the board learned that many registrants who held this special status most valued their ability to pay reduced registration fees because they were no longer earning full salaries. The board also learned that many were appreciative of the status of what had been long careers that involved the payment of significant amounts of money to the State.

According to registrants' feedback, the board created a special status for these people to charge lower fees to "inactive" registrants. Unfortunately, this was not a final solution because a number of the registrants want to be able to practice their professions on a limited basis without having to pay excessive renewal fees.

CSHB 1526 recognizes the contributions of these long time registered professionals and created an "emeritus" registration status that includes a reduced registration renewal fee.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Architectural Examiners in SECTION 1 (Section 1051.357, Occupations Code) of this bill.

### **ANALYSIS**

The substitute prescribes that an architect is eligible for emeritus status if the architect has been an architect for 20 years and is 65 years of age or older. Also a registered emeritus status individual is prohibited from the practice of architecture except in plan preparation and specifications explained in Section 1051.056(a) (3) or (4); may use the title of "emeritus architect or architect emeritus" and pay a renewal fee established by the board; is exempt from continuing education requirements in this chapter.

The substitute also establishes the procedure by which an individual may have a certificate of emeritus status removed by the board. The procedure includes; written request by the person, payment of an administrative fee and completion of education or other requirements established by the board.

The renewal fee must not be excessive to an amount reasonable and necessary to recover costs.

Not later than January 1, 2004, the board is required to adopt rules and set fees prescribed by the bill.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

Adds to caption by removing part-time architects.

Deletes old language in qualification for emeritus status Subsection (b)(2), while adding new language that states someone must be 65 years of age or older.

Alters language in Subsection (c)(1), from not allowing to practice architecture except for plan preparation to may not practice architecture full-time. Also adds Subsection (c)(2) to allow use of “emeritus architect” title. And in Subsection (c)(3) new language allows the board to establish the renewal fee, instead of the old language which mandated the fee not exceed \$50.00. The substitute also adds Subsection (c)(4) to exempt “architects emeritus” from continuing education requirements.

The substitute deletes Subsection (d) that provided the board authority to define full-time status and restrict professional activities and renumbers accordingly causing Subsection (e) to now be numbers as Subsection (d).

Subsection (e) was added to prohibit the board from exceeding “reasonable and necessary costs” to charge for a renewal fee.