

By: Chisum, Gallego, Solomons, Dunnam

H.B. No. 1790

Substitute the following for H.B. No. 1790:

By: Wise

C.S.H.B. No. 1790

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Texas Board of
3 Architectural Examiners, including functions affecting architects,
4 landscape architects, and interior designers; providing a criminal
5 penalty.

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

7 ARTICLE 1. PROVISIONS AFFECTING THE BOARD OF ARCHITECTURAL
8 EXAMINERS AND RELATED ADMINISTRATIVE MATTERS

9 SECTION 1.01. The heading to Chapter 1051, Occupations
10 Code, is amended to read as follows:

11 CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL EXAMINERS; GENERAL
12 PROVISIONS AFFECTING ARCHITECTS, LANDSCAPE ARCHITECTS, AND
13 INTERIOR DESIGNERS; PROVISIONS AFFECTING ONLY ARCHITECTS

14 SECTION 1.02. Chapter 1051, Occupations Code, is amended by
15 adding a heading for a new Part 1 of that chapter to read as follows:

16 PART 1. GENERAL PROVISIONS; BOARD OF ARCHITECTURAL EXAMINERS

17 SECTION 1.03. Existing Subchapters A, C, D, and E, Chapter
18 1051, Occupations Code, are designated as part of the new Part 1 of
19 Chapter 1051.

20 SECTION 1.04. Sections 1051.001, 1051.002, and 1051.004,
21 Occupations Code, are amended to read as follows:

22 Sec. 1051.001. DEFINITIONS. In this subtitle [~~chapter~~]:

23 (1) "Architect" means a person registered under this
24 chapter to engage in the practice of architecture.

1 (2) "Board" means the Texas Board of Architectural
2 Examiners.

3 (3) "Interior design" means the:

4 (A) identification, research, or development of
5 a creative solution to a problem relating to the function or quality
6 of an interior environment;

7 (B) performance of a service relating to an
8 interior space, including programming, design analysis, space
9 planning of non-load-bearing interior construction, and
10 application of aesthetic principles, by using specialized
11 knowledge of interior construction, building codes, equipment,
12 materials, or furnishings; or

13 (C) preparation of an interior design plan,
14 specification, or related document about the design of a
15 non-load-bearing interior space.

16 (4) "Interior designer" means a person registered
17 under this subtitle to practice interior design.

18 (5) "Landscape architect" means a person registered
19 under this subtitle to practice landscape architecture.

20 (6) "Landscape architecture":

21 (A) means the art and science of landscape
22 analysis, landscape planning, and landscape design;

23 (B) includes the performance of professional
24 services such as consultation, investigation, research, the
25 preparation of general development and detailed site design plans,
26 the preparation of studies, the preparation of specifications, and
27 responsible supervision related to the development of landscape

1 areas for:

2 (i) the planning, preservation,
3 enhancement, and arrangement of land forms, natural systems,
4 features, and plantings, including ground and water forms;

5 (ii) the planning and design of vegetation,
6 circulation, walks, and other landscape features to fulfill
7 aesthetic and functional requirements;

8 (iii) the formulation of graphic and
9 written criteria to govern the planning and design of landscape
10 construction development programs, including:

11 (a) the preparation, review, and
12 analysis of master and site plans for landscape use and
13 development;

14 (b) the analysis of environmental,
15 physical, and social considerations related to land use;

16 (c) the preparation of drawings,
17 construction documents, and specifications; and

18 (d) construction observation;

19 (iv) design coordination and review of
20 technical submissions, plans, and construction documents prepared
21 by persons working under the direction of the landscape architect;

22 (v) the preparation of feasibility studies,
23 statements of probable construction costs, and reports and site
24 selection for landscape development and preservation;

25 (vi) the integration, site analysis, and
26 determination of the location of buildings, structures, and
27 circulation and environmental systems;

1 (vii) the analysis and design of:

2 (a) site landscape grading and
3 drainage;

4 (b) systems for landscape erosion and
5 sediment control; and

6 (c) pedestrian walkway systems;

7 (viii) the planning and placement of
8 uninhabitable landscape structures, plants, landscape lighting,
9 and hard surface areas;

10 (ix) the collaboration of landscape
11 architects with other professionals in the design of roads,
12 bridges, and structures regarding the functional, environmental,
13 and aesthetic requirements of the areas in which they are to be
14 placed; and

15 (x) field observation of landscape site
16 construction, revegetation, and maintenance; and

17 (C) does not include:

18 (i) traffic, roadway, or pavement
19 engineering;

20 (ii) the design of utilities;

21 (iii) the engineering or study of
22 hydrologic management of stormwater systems or floodplains;

23 (iv) the making of final plats; or

24 (v) a service or function within the
25 practice of architecture, engineering, or public surveying as
26 defined by this chapter or Chapter 1001 or 1071.

27 (7) "Practice of architecture" means a service or

1 creative work that involves the application of the art and science
2 of developing design concepts, planning for functional
3 relationships and intended uses, and establishing the form,
4 appearance, aesthetics, and construction details for the
5 construction, enlargement, or alteration of a building or environs,
6 the proper application of which requires education, training, and
7 experience in those matters.

8 Sec. 1051.002. EFFECT ON MUNICIPALITY. This subtitle
9 [~~chapter~~] does not:

- 10 (1) preempt a municipal ordinance; or
11 (2) restrict or expand the authority of a
12 municipality.

13 Sec. 1051.003 [~~1051.004~~]. APPLICATION OF SUNSET ACT. The
14 Texas Board of Architectural Examiners is subject to Chapter 325,
15 Government Code (Texas Sunset Act). Unless continued in existence
16 as provided by that chapter, the board is abolished and this
17 subtitle [~~chapter~~] expires September 1, 2015 [~~2003~~].

18 SECTION 1.05. The heading to existing Subchapter C, Chapter
19 1051, Occupations Code, is amended to read as follows:

20 SUBCHAPTER B [~~C~~]. TEXAS BOARD OF ARCHITECTURAL EXAMINERS

21 SECTION 1.06. Section 1051.101, Occupations Code, is
22 amended by amending Subsection (a) and adding Subsection (d) to
23 read as follows:

24 (a) The Texas Board of Architectural Examiners consists of
25 nine members appointed by the governor with the advice and consent
26 of the senate as follows:

- 27 (1) three [~~four~~] architect members;

1 (2) two [~~one~~] interior designer members [~~member~~]
2 registered under Chapter 1053;

3 (3) one landscape architect member registered under
4 Chapter 1052; and

5 (4) three members who represent the public, at least
6 one of whom is a person with a physical disability.

7 (d) A member appointed under Subsections (a)(1)-(3) to
8 represent a specific profession may not be registered to practice
9 another profession regulated by the board.

10 SECTION 1.07. Section 1051.103, Occupations Code, is
11 amended to read as follows:

12 Sec. 1051.103. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
13 In this section, "Texas trade association" means a [~~nonprofit,~~
14 cooperative~~]~~ and voluntarily joined statewide association of
15 business or professional competitors in this state designed to
16 assist its members and its industry or profession in dealing with
17 mutual business or professional problems and in promoting their
18 common interest.

19 (b) A person [~~An officer, employee, or paid consultant of a~~
20 ~~Texas trade association in the field of architecture, interior~~
21 ~~design, or landscape architecture]~~ may not be a member of the board
22 and may not be a board [~~an~~] employee employed in a "bona fide
23 executive, administrative, or professional capacity," as that
24 phrase is used for purposes of establishing an exemption to the
25 overtime provisions of the federal Fair Labor Standards Act of 1938
26 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

27 (1) the [~~of the board who is exempt from the state's~~

1 ~~position classification plan or is compensated at or above the~~
2 ~~amount prescribed by the General Appropriations Act for salary~~
3 ~~group B9 of the position classification salary schedule.~~

4 ~~[(c) A] person [who] is [the spouse of] an officer, employee~~
5 ~~[manager], or paid consultant of a Texas trade association in the~~
6 ~~field of architecture, interior design, or landscape architecture;~~
7 ~~or~~

8 (2) the person's spouse is an officer, manager, or paid
9 consultant of a Texas trade association in the field of
10 architecture, interior design, or landscape architecture ~~[may not~~
11 ~~be a member of the board and may not be an employee of the board who~~
12 ~~is exempt from the state's position classification plan or is~~
13 ~~compensated at or above the amount prescribed by the General~~
14 ~~Appropriations Act for salary group B9 of the position~~
15 ~~classification salary schedule].~~

16 (c) [(d)] A person may not be a [serve as a board] member of
17 the board or act as the general counsel to the board if the person is
18 required to register as a lobbyist under Chapter 305, Government
19 Code, because of the person's activities for compensation on behalf
20 of a profession related to the ~~[board's]~~ operation of the board.

21 SECTION 1.08. Sections 1051.105(a) and (c), Occupations
22 Code, are amended to read as follows:

23 (a) It is a ground for removal from the board that a member:

24 (1) does not have at the time of taking office
25 ~~[appointment]~~ the qualifications required by Section 1051.101 ~~[or~~
26 ~~1051.102]~~;

27 (2) does not maintain during service on the board the

1 qualifications required by Section 1051.101 [~~or 1051.102~~];

2 (3) is ineligible for membership under [~~violates a~~
3 ~~prohibition established by~~] Section 1051.102 or 1051.103;

4 (4) cannot, because of illness or disability,
5 discharge the member's duties for a substantial part of the member's
6 term; or

7 (5) is absent from more than half of the regularly
8 scheduled board meetings that the member is eligible to attend
9 during a calendar year without an excuse approved [~~, unless the~~
10 ~~absence is excused~~] by a majority vote of the board.

11 (c) If the executive director has knowledge that a potential
12 ground for removal exists, the executive director shall notify the
13 presiding officer of the board of the potential ground. The
14 presiding officer shall then notify the governor and the attorney
15 general that a potential ground for removal exists. If the
16 potential ground for removal involves the presiding officer, the
17 executive director shall notify the next highest ranking officer of
18 the board, who shall then notify the governor and the attorney
19 general that a potential ground for removal exists.

20 SECTION 1.09. Existing Subchapter C, Chapter 1051,
21 Occupations Code, is amended by adding Section 1051.112 to read as
22 follows:

23 Sec. 1051.112. TRAINING. (a) A person who is appointed to
24 and qualifies for office as a member of the board may not vote,
25 deliberate, or be counted as a member in attendance at a meeting of
26 the board until the person completes a training program that
27 complies with this section.

1 (b) The training program must provide the person with
2 information regarding:

3 (1) this subtitle;

4 (2) the programs operated by the board;

5 (3) the role and functions of the board;

6 (4) the rules of the board, with an emphasis on the
7 rules that relate to disciplinary and investigatory authority;

8 (5) the current budget for the board;

9 (6) the results of the most recent formal audit of the
10 board;

11 (7) the requirements of:

12 (A) the open meetings law, Chapter 551,
13 Government Code;

14 (B) the public information law, Chapter 552,
15 Government Code;

16 (C) the administrative procedure law, Chapter
17 2001, Government Code; and

18 (D) other laws relating to public officials,
19 including conflict-of-interest laws; and

20 (8) any applicable ethics policies adopted by the
21 board or the Texas Ethics Commission.

22 (c) A person appointed to the board is entitled to
23 reimbursement, as provided by the General Appropriations Act, for
24 the travel expenses incurred in attending the training program
25 regardless of whether the attendance at the program occurs before
26 or after the person qualifies for office.

27 SECTION 1.10. The heading to existing Subchapter D, Chapter

1 1051, Occupations Code, is amended to read as follows:

2 SUBCHAPTER C [~~D~~]. EXECUTIVE DIRECTOR AND PERSONNEL

3 SECTION 1.11. Sections 1051.153, 1051.154, and 1051.156,
4 Occupations Code, are amended to read as follows:

5 Sec. 1051.153. DIVISION OF RESPONSIBILITIES. The board
6 shall develop and implement policies that clearly separate the
7 policymaking [~~define the respective~~] responsibilities of the board
8 and the management responsibilities of the executive director and
9 the staff of the board.

10 Sec. 1051.154. QUALIFICATIONS AND STANDARDS OF CONDUCT
11 INFORMATION. The executive director or the executive director's
12 designee [~~board~~] shall provide [~~, as often as necessary,~~] to [~~its~~]
13 members of the board and to agency employees, as often as necessary,
14 information regarding the requirements [~~their:~~

15 [~~(1) qualifications~~] for office or employment under
16 this chapter, including information regarding a person's [~~, and~~

17 [~~(2)~~] responsibilities under applicable laws relating
18 to standards of conduct for state officers or employees.

19 Sec. 1051.156. EQUAL EMPLOYMENT OPPORTUNITY POLICY;
20 REPORT. (a) The executive director or the executive director's
21 designee shall prepare and maintain a written policy statement that
22 implements a program [~~to ensure implementation~~] of [~~an~~] equal
23 employment opportunity to ensure that [~~program under which~~] all
24 personnel decisions [~~transactions~~] are made without regard to race,
25 color, disability, sex, religion, age, or national origin.

26 (b) The policy statement must include:

27 (1) personnel policies, including policies relating

1 to recruitment, evaluation, selection, ~~[appointment,]~~ training,
2 and promotion of personnel, that show the intent of the board to
3 avoid the unlawful employment practices described by Chapter 21,
4 Labor Code; and

5 (2) an [a-comprehensive] analysis of the extent to
6 which the composition of the board's personnel is in accordance
7 with [board workforce that meets] federal and state law and a
8 description of reasonable methods to achieve compliance with
9 federal and state law [guidelines;

10 ~~[(3) procedures by which a determination can be made~~
11 ~~of significant underuse in the board workforce of all persons for~~
12 ~~whom federal or state guidelines encourage a more equitable~~
13 ~~balance; and~~

14 ~~[(4) reasonable methods to appropriately address~~
15 ~~those areas of significant underuse].~~

16 (c) The [(b)-A] policy statement [prepared under
17 Subsection (a)] must:

18 (1) ~~[cover an annual period;~~

19 ~~[(2)] be updated [at least] annually;~~

20 (2) be reviewed by the Commission on Human Rights for
21 compliance with Subsection (b)(1); and

22 (3) be filed with the governor's office [governor].

23 ~~[(c) The governor shall deliver a biennial report to the~~
24 ~~legislature based on the information received under Subsection (b).~~
25 ~~The report may be made separately or as a part of other biennial~~
26 ~~reports made to the legislature.]~~

27 SECTION 1.12. Existing Subchapter D, Chapter 1051,

1 Occupations Code, is amended by adding Section 1051.157 to read as
2 follows:

3 Sec. 1051.157. INFORMATION ON STATE EMPLOYEE INCENTIVE
4 PROGRAM. The executive director or the executive director's
5 designee shall provide to board employees information and training
6 on the benefits and methods of participation in the state employee
7 incentive program under Subchapter B, Chapter 2108, Government
8 Code.

9 SECTION 1.13. The heading to existing Subchapter E, Chapter
10 1051, Occupations Code, is amended to read as follows:

11 SUBCHAPTER D [~~E~~]. BOARD POWERS AND DUTIES

12 SECTION 1.14. Section 1051.202, Occupations Code, is
13 amended to read as follows:

14 Sec. 1051.202. GENERAL RULEMAKING AUTHORITY. The board
15 shall adopt reasonable rules and bylaws and prescribe forms as
16 necessary to administer or enforce this subtitle [~~chapter~~],
17 including rules regulating the practices [~~practice~~] of
18 architecture, landscape architecture, and interior design.

19 SECTION 1.15. Sections 1051.203(a) and (b), Occupations
20 Code, are amended to read as follows:

21 (a) The [~~Except as provided by Subsection (b) or (c), the~~]
22 board may not adopt rules [~~a rule~~] restricting advertising or
23 competitive bidding by a certificate holder except [~~person~~
24 ~~regulated by the board.~~

25 [~~(b) The board may adopt rules restricting advertising or~~
26 ~~competitive bidding]~~ to prohibit [~~a~~] false, misleading, or
27 deceptive practices [~~practice~~].

1 (b) In its rules to prohibit false, misleading, or deceptive
2 practices, the board [~~A rule adopted under this subsection~~] may not
3 include a rule that:

4 (1) restricts [~~restrict~~] the [~~person's~~] use of any
5 advertising medium;

6 (2) restricts the use of a certificate holder's
7 [~~restrict the person's~~] personal appearance or [~~the use of the~~
8 ~~person's~~] voice in an advertisement;

9 (3) relates [~~relate~~] to the size or duration of an
10 advertisement by the certificate holder [~~person~~]; or

11 (4) restricts [~~restrict~~] the certificate holder's
12 [~~person's~~] advertisement under a trade name.

13 SECTION 1.16. The heading to existing Section 1051.207,
14 Occupations Code, is amended to read as follows:

15 Sec. 1051.204 [~~1051.207~~]. SUBPOENA.

16 SECTION 1.17. Existing Section 1051.207(a), Occupations
17 Code, is amended to read as follows:

18 (a) The board may request and, if necessary, compel by
19 subpoena:

20 (1) the attendance of witnesses for examination under
21 oath; and

22 (2) the production for inspection or copying of
23 records, documents, and other evidence relevant to the
24 investigation of an alleged violation of this subtitle [~~chapter~~].

25 SECTION 1.18. The heading to existing Section 1051.208,
26 Occupations Code, is amended to read as follows:

27 Sec. 1051.205 [~~1051.208~~]. PUBLIC RECORDS.

1 SECTION 1.19. Existing Section 1051.208, Occupations Code,
2 is amended by amending Subsection (b) and adding Subsection (d) to
3 read as follows:

4 (b) The records must include[+]

5 [~~(1)~~] a record of:

6 (1) [~~(A)~~] each issuance or renewal of a certificate of
7 registration; and

8 (2) [~~(B)~~] each refusal to issue or renew a certificate
9 of registration[+]

10 [~~(2) the name and, if known, the place of residence of~~
11 ~~each architect; and~~

12 [~~(3) the date and serial number of the architect's~~
13 ~~certificate of registration]~~.

14 (d) The board shall maintain records or an official roster
15 showing:

16 (1) the name and, if known, the address of each person
17 registered under this subtitle; and

18 (2) the date and registration number of each
19 certificate of registration issued under this subtitle.

20 SECTION 1.20. The heading to existing Section 1051.209,
21 Occupations Code, is amended to read as follows:

22 Sec. 1051.206 [~~1051.209~~]. BOARD SEAL.

23 SECTION 1.21. Existing Subchapter E, Chapter 1051,
24 Occupations Code, is amended by adding Sections 1051.207-1051.212
25 to read as follows:

26 Sec. 1051.207. RULES ON CONSEQUENCES OF CRIMINAL
27 CONVICTION. The board shall adopt rules as necessary to comply with

1 Chapter 53.

2 Sec. 1051.208. STANDARDS OF CONDUCT. The board by rule
3 shall establish standards of conduct for persons regulated under
4 this subtitle.

5 Sec. 1051.209. ATTORNEY GENERAL AS LEGAL ADVISOR. The
6 attorney general shall act as legal advisor to the board and shall
7 provide legal assistance to enforce this subtitle. This section
8 does not relieve a local prosecuting attorney of any duty under the
9 law.

10 Sec. 1051.210. TECHNOLOGY POLICY. The board shall develop
11 and implement a policy that requires the executive director and
12 board employees to research and propose appropriate technological
13 solutions to improve the board's ability to perform its functions.
14 The technological solutions must:

15 (1) ensure that the public is able to easily find
16 information about the board through the Internet;

17 (2) ensure that persons who want to use the board's
18 services are able to:

19 (A) interact with the board through the Internet;
20 and

21 (B) access any service that can be provided
22 effectively through the Internet; and

23 (3) be cost-effective and be developed through the
24 board's planning process.

25 Sec. 1051.211. NEGOTIATED RULEMAKING AND ALTERNATIVE
26 DISPUTE RESOLUTION. (a) The board shall develop and implement a
27 policy to encourage the use of:

1 (1) negotiated rulemaking procedures under Chapter
2 2008, Government Code, for the adoption of board rules; and

3 (2) appropriate alternative dispute resolution
4 procedures under Chapter 2009, Government Code, to assist in the
5 resolution of internal and external disputes under the board's
6 jurisdiction.

7 (b) The board's procedures relating to alternative dispute
8 resolution must conform, to the extent possible, to any model
9 guidelines issued by the State Office of Administrative Hearings
10 for the use of alternative dispute resolution by state agencies.

11 (c) The board shall designate a trained person to:

12 (1) coordinate the implementation of the policy
13 adopted under Subsection (a);

14 (2) serve as a resource for any training needed to
15 implement the procedures for negotiated rulemaking or alternative
16 dispute resolution; and

17 (3) collect data concerning the effectiveness of those
18 procedures, as implemented by the board.

19 Sec. 1051.212. JOINT ADVISORY COMMITTEE ON THE PRACTICES OF
20 ENGINEERING, ARCHITECTURE, AND LANDSCAPE ARCHITECTURE. (a) The
21 Joint Advisory Committee on the Practices of Engineering,
22 Architecture, and Landscape Architecture is an advisory committee
23 to the board and to the Texas Board of Professional Engineers. The
24 advisory committee consists of:

25 (1) three members of the board appointed by the board;
26 and

27 (2) three members of the Texas Board of Professional

1 Engineers appointed by that board.

2 (b) Members of the advisory committee serve staggered
3 six-year terms, with the terms of one member appointed by the board
4 and one member appointed by the Texas Board of Professional
5 Engineers expiring each odd-numbered year.

6 (c) The advisory committee shall meet at least twice a year.

7 (d) The advisory committee shall work to resolve issues that
8 result from the overlap between activities that constitute the
9 practices of engineering and architecture and those that constitute
10 the practices of engineering and landscape architecture. The
11 advisory committee shall assist each agency in protecting the
12 public rather than advancing the interests of either agency or the
13 profession it regulates.

14 (e) The advisory committee shall issue advisory opinions to
15 the board and to the Texas Board of Professional Engineers on
16 matters relating to the practice of engineering and the practice of
17 architecture or landscape architecture, including:

18 (1) opinions on whether certain activities constitute
19 the practice of engineering or the practice of architecture or
20 landscape architecture;

21 (2) specific disciplinary proceedings initiated by
22 either agency; and

23 (3) the need for persons working on particular
24 projects to be registered by the board or licensed by the Texas
25 Board of Professional Engineers.

26 (f) If the advisory committee issues an advisory opinion to
27 the board or the Texas Board of Professional Engineers on a matter,

1 that agency shall notify the committee of the final action taken
2 with regard to the matter. The advisory committee shall consider
3 the action taken by the agency on the matter in any advisory opinion
4 subsequently issued by the committee on a related matter.

5 (g) The board and the Texas Board of Professional Engineers
6 shall enter into a memorandum of understanding regarding the
7 advisory committee that includes the composition and purpose of the
8 committee.

9 ARTICLE 2. PROVISIONS AFFECTING ARCHITECTS, LANDSCAPE ARCHITECTS,
10 AND INTERIOR DESIGNERS

11 SECTION 2.01. Chapter 1051, Occupations Code, is amended by
12 adding a heading for a new Part 2 of that chapter to read as follows:

13 PART 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS, LANDSCAPE
14 ARCHITECTS, AND INTERIOR DESIGNERS

15 SECTION 2.02. Existing Subchapters F, H, J, and K, Chapter
16 1051, Occupations Code, are designated as part of the new Part 2 of
17 Chapter 1051.

18 SECTION 2.03. The heading to existing Subchapter F, Chapter
19 1051, Occupations Code, is amended to read as follows:

20 SUBCHAPTER E [~~F~~]. PUBLIC INTEREST INFORMATION AND COMPLAINT
21 PROCEDURES

22 SECTION 2.04. The heading to Section 1051.251, Occupations
23 Code, is amended to read as follows:

24 Sec. 1051.251. PUBLIC INTEREST INFORMATION; DISPLAY OF
25 CERTIFICATE.

26 SECTION 2.05. Section 1051.251, Occupations Code, is
27 amended by amending Subsection (a) and adding Subsections (c) and

1 (d) to read as follows:

2 (a) The board shall prepare information of public interest
3 describing the functions of the board and the procedures by which
4 complaints are filed with and resolved by the board. The
5 information must include information for prospective applicants
6 regarding the qualifications and requirements for registration
7 under this subtitle [~~chapter~~].

8 (c) In each written contract in which a person registered
9 under this subtitle agrees to practice the person's profession in
10 this state, the person shall include the name, mailing address, and
11 telephone number of the board and a statement that the board has
12 jurisdiction over a person registered under this subtitle.

13 (d) A person registered under this subtitle shall
14 prominently display the person's certificate of registration in the
15 person's place of business.

16 SECTION 2.06. Sections 1051.252 and 1051.253, Occupations
17 Code, are amended to read as follows:

18 Sec. 1051.252. COMPLAINTS. (a) The board by rule shall
19 establish a comprehensive procedure for receiving and adjudicating
20 complaints from consumers and service recipients. The rules must
21 address each phase of the complaint process, including complaint
22 intake, preliminary evaluation, investigation, adjudication,
23 sanctions, and public disclosure.

24 (b) The board [~~by rule~~] shall establish methods by which
25 consumers and service recipients are notified of the name, mailing
26 address, and telephone number of the board for the purpose of
27 directing complaints to the board. The board may provide for that

1 notice:

2 (1) on each registration form, application, or written
3 contract for services of a person regulated under this subtitle
4 ~~[chapter]~~;

5 (2) on a sign prominently displayed in the place of
6 business of each person regulated under this subtitle ~~[chapter]~~; or

7 (3) in a bill for service provided by a person
8 regulated under this subtitle ~~[chapter]~~.

9 Sec. 1051.253. COMPLAINT INFORMATION. (a) The board shall
10 maintain a ~~[keep an information]~~ file on ~~[about]~~ each complaint
11 filed with the board that the board has authority to resolve. The
12 file must include:

13 (1) the name of the person who filed the complaint
14 unless the complaint is filed anonymously;

15 (2) the date the complaint is received by the board;

16 (3) the subject matter of the complaint;

17 (4) the name of each person contacted in relation to
18 the complaint;

19 (5) a summary of the results of the review or
20 investigation of the complaint; and

21 (6) an explanation of the reason the file was closed,
22 if the board closed the file without taking action other than to
23 investigate the complaint.

24 (b) The board shall provide to the person filing the
25 complaint and to each person who is a subject of the complaint a
26 copy of the board's policies and procedures relating to complaint
27 investigation and resolution.

1 (c) The [~~If a written complaint is filed with the board that~~
2 ~~the board has the authority to resolve, the~~] board, at least
3 quarterly [~~and~~] until final disposition of the complaint, shall
4 notify the person filing [~~parties to~~] the complaint and each person
5 who is a subject of the complaint of the status of the investigation
6 [~~complaint~~] unless the notice would jeopardize an [~~undercover~~]
7 investigation.

8 SECTION 2.07. Section 1051.254(a), Occupations Code, is
9 amended to read as follows:

10 (a) The board shall develop and implement policies that
11 provide the public with a reasonable opportunity to appear before
12 the board and to speak on any issue under the jurisdiction of the
13 board.

14 SECTION 2.08. Chapter 1051, Occupations Code, is amended by
15 adding a new Subchapter F to the new Part 2 of that chapter to read
16 as follows:

17 SUBCHAPTER F. GENERAL REGISTRATION REQUIREMENTS

18 Sec. 1051.301. ADMINISTRATION OF EXAMINATION TO DISABLED
19 APPLICANTS. The board by rule shall ensure that an examination
20 under this subtitle is administered to applicants with disabilities
21 in compliance with the Americans with Disabilities Act of 1990 (42
22 U.S.C. Section 12101 et seq.) and its subsequent amendments.

23 Sec. 1051.302. EXAMINATION FEE. Notwithstanding Section
24 2113.203, Government Code, the board may delegate the collection of
25 any examination fee prescribed by the board to the person who
26 conducts the examination.

27 Sec. 1051.303. REFUND POLICY. The board by rule shall adopt

1 a comprehensive refund policy for applicants who are not able to
2 take an examination under this subtitle after paying the
3 examination fee. The comprehensive refund policy must include:

4 (1) a list of the circumstances under which the board
5 will refund the examination fee to an applicant who does not take
6 the examination;

7 (2) the required documentation to support a refund
8 request;

9 (3) the deadline for applying for a refund; and

10 (4) the amount of the examination fee the board may
11 retain to cover administrative costs.

12 Sec. 1051.304. EXAMINATION RESULTS. (a) Not later than the
13 30th day after the date a person takes an examination under this
14 subtitle, the board shall notify the person of the results of the
15 examination.

16 (b) If an examination is graded or reviewed by a testing
17 service:

18 (1) the board shall notify the person of the results of
19 the examination not later than the 14th day after the date the board
20 receives the results from the testing service; and

21 (2) if notice of the examination results will be
22 delayed for longer than 90 days after the examination date, the
23 board shall notify the person of the reason for the delay before the
24 90th day.

25 (c) The board may require a testing service to notify a
26 person of the results of the person's examination.

27 (d) If requested in writing by a person who fails an

1 examination administered under this subtitle, the board shall
2 provide the person with an analysis of the person's performance on
3 the examination.

4 Sec. 1051.305. RECIPROCITY. (a) The board may waive any
5 prerequisite to obtaining a certificate of registration under this
6 subtitle for an applicant who holds a license or certificate of
7 registration issued by another jurisdiction:

8 (1) that has licensing or registration requirements
9 substantially equivalent to those of this state; or

10 (2) with which this state has a reciprocity agreement.

11 (b) The board may make an agreement, subject to the approval
12 of the governor, with another state to allow for licensing by
13 reciprocity.

14 (c) An applicant under this section must:

15 (1) apply in the same manner and form as any other
16 applicant under this subtitle, except that the application must be
17 accompanied by a fee in an amount set by the board as reasonable and
18 necessary to cover the cost of processing and investigating the
19 application and issuing the certificate of registration; and

20 (2) provide the board with documents and other
21 evidence that substantiates the applicant's qualifications.

22 Sec. 1051.306. FIRM REGISTRATION. The board by rule may
23 require a firm, partnership, corporation, or association that
24 engages in the practice of architecture, landscape architecture, or
25 interior design to register with the board under this subtitle.

26 Sec. 1051.307. ROSTER OF APPLICANTS. The board shall
27 maintain a roster of all persons who apply for a certificate of

1 registration under this subtitle. The roster must include the
2 following information about each applicant:

3 (1) the applicant's name, address, and age;

4 (2) the date the applicant filed the application;

5 (3) the applicant's place of business;

6 (4) the applicant's educational and other
7 qualifications;

8 (5) whether the applicant took the examination;

9 (6) whether the board issued a certificate of
10 registration to the applicant or rejected the application;

11 (7) the date of the board's action on the application;

12 and

13 (8) any other information the board considers
14 necessary.

15 SECTION 2.09. The heading to existing Subchapter H, Chapter
16 1051, Occupations Code, is amended to read as follows:

17 SUBCHAPTER G [~~H~~]. RENEWAL OF CERTIFICATE OF REGISTRATION

18 SECTION 2.10. Sections 1051.351-1051.354, Occupations
19 Code, are amended to read as follows:

20 Sec. 1051.351. ANNUAL RENEWAL REQUIRED. (a) A person who
21 is otherwise eligible to renew a certificate of registration under
22 this subtitle may renew an unexpired certificate by paying the
23 required renewal fee to the board before the expiration date of the
24 certificate. A person whose certificate of registration has
25 expired may not engage in activities that require registration
26 until the certificate of registration has been renewed [~~An original~~
27 ~~certificate of registration is valid for the balance of the current~~

1 ~~registration year and may be renewed annually. A certificate of~~
2 ~~registration that has been renewed expires on the first anniversary~~
3 ~~of the renewal date].~~

4 (b) The board by rule may adopt a system under which
5 certificates of registration expire on various dates during the
6 year. ~~[The board shall adjust the date for mailing notice of~~
7 ~~expiration and the period for renewal according to the system~~
8 ~~adopted by the board under this subsection.]~~

9 (c) For the ~~[a]~~ year in which the certificate of
10 registration expiration date is changed, the board shall prorate
11 renewal fees ~~[shall be prorated]~~ on a monthly basis so that each
12 certificate holder pays only that portion of the registration fee
13 that is allocable to the number of months during which the
14 certificate is valid. On renewal of the certificate of
15 registration on the new expiration date, the total registration
16 renewal fee is payable.

17 Sec. 1051.352. NOTICE OF EXPIRATION. Not later than the
18 30th ~~[31st]~~ day before the ~~[expiration]~~ date ~~[of]~~ a person's
19 certificate of registration is scheduled to expire, the board shall
20 send written notice of the impending expiration to the person at the
21 person's last known address according to the records of the board
22 ~~[records]~~.

23 Sec. 1051.353. PROCEDURE FOR RENEWAL. (a) A person may
24 renew an unexpired certificate of registration by~~+~~

25 ~~[(1) paying the required renewal fee to the board~~
26 ~~before the expiration date, and~~

27 ~~[(2)]~~ submitting proof satisfactory to the board of

1 compliance with the board's continuing education requirement.

2 (b) A person whose certificate of registration has been
3 expired for 90 days or less [~~than one year~~] may renew the [~~person's~~]
4 certificate [~~of registration~~] by[+]

5 [~~(1)~~] paying to the board a[+]

6 [~~(A) any unpaid~~] renewal fee that is equal to
7 1-1/2 times the normally required renewal fee[+ and

8 [~~(B) a penalty fee in an amount determined by the~~
9 ~~board; and~~

10 [~~(2) submitting proof satisfactory to the board of~~
11 ~~compliance with the board's continuing education requirement~~].

12 (c) A [~~The board may set a penalty fee for a~~] person whose
13 certificate of registration has been expired for more [~~less~~] than
14 90 days [~~in an amount that is different from the penalty fee for a~~
15 ~~person whose certificate of registration has been expired for~~
16 ~~longer than 90 days~~] but less than one year may renew the
17 certificate by paying to the board a renewal fee equal to two times
18 the normally required renewal fee.

19 (d) A person whose [~~The board shall issue a certificate of~~
20 ~~renewal of a person's~~] certificate of registration has been expired
21 for one year or more may not renew the certificate. The person may
22 obtain a new certificate of registration by complying with the
23 requirements and procedures, including the examination
24 requirements, for obtaining an original certificate [~~on receipt of:~~

25 [~~(1) the required fees, as provided by this section,~~
26 ~~and~~

27 [~~(2) the required proof of compliance with the board's~~

1 ~~continuing education requirement].~~

2 (e) A person who was registered in this state, moved to
3 another state, and is currently licensed or registered and has been
4 in practice in the other state for the two years preceding the date
5 of the application may obtain a new certificate of registration
6 without reexamination. The person must pay to the board a fee that
7 is equal to two times the normally required renewal fee for the
8 certificate of registration. [~~If a person's certificate of~~
9 ~~registration has been expired for one year or more, the board may~~
10 ~~revoke the certificate of registration and enter the revocation in~~
11 ~~its official records. The board may require an applicant for~~
12 ~~reinstatement of a certificate of registration revoked under this~~
13 ~~subsection to pass an examination prescribed by the board. If the~~
14 ~~person passes the examination, the person's certificate of~~
15 ~~registration may be reinstated on receipt of a fee in an amount~~
16 ~~determined by the board.~~]

17 Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL. (a) A
18 person required to register under this subtitle [~~An architect~~] who
19 is on active duty as a member of the United States military is
20 exempt from the payment of any fee during the person's term of
21 service if the person:

22 (1) is in good standing as an architect, landscape
23 architect, or interior designer in this state; or

24 (2) was in good standing as an architect, landscape
25 architect, or interior designer in this state at the time the person
26 entered into military service.

27 (b) A person who is exempt from payment of a fee under

1 Subsection (a):

2 (1) is exempt for the remainder of the fiscal year
3 during which the person's active duty status expires; and

4 (2) is entitled to have the person's name continued on
5 the list of architects, landscape architects, or interior
6 designers.

7 SECTION 2.11. Section 1051.355, Occupations Code, is
8 amended by amending Subsections (a), (b), and (c) and adding
9 Subsection (e) to read as follows:

10 (a) The board by rule shall establish a procedure by which a
11 person who is registered under this subtitle [~~an architect~~] may
12 place the person's certificate of registration on inactive status.
13 The person must apply for inactive status, on a form prescribed by
14 the board, before the person's certificate of registration expires.

15 (b) A person whose certificate of registration is on
16 inactive status must pay an annual renewal fee on a date and in a
17 manner prescribed by board rule. The board shall prescribe the
18 renewal fee under this subsection in an amount equal to the sum of:

19 (1) the amount determined by the board as reasonable
20 and necessary to cover the costs of administering this section; and

21 (2) except as provided by Subsection (e), the
22 additional amount required under Section 1051.651(b)(1)(B)
23 [~~1051.204(b)(1)(B)~~] for the examination fee scholarship program.

24 (c) A person whose certificate of registration is on
25 inactive status may not perform any activity regulated under this
26 subtitle [~~chapter~~].

27 (e) The additional amount of the renewal fee described by

1 Subsection (b)(2) does not apply to a person registered under
2 Chapter 1052 or 1053.

3 SECTION 2.12. Sections 1051.356(a) and (d), Occupations
4 Code, are amended to read as follows:

5 (a) The board shall recognize, prepare, or administer
6 [~~require~~] continuing education programs for its certificate
7 holders. A certificate holder must participate in the programs to
8 the extent required by the board to keep the person's [as a
9 condition for renewal of a] certificate of registration.

10 (d) A person is exempt from the continuing education
11 requirements of this section if the person is, as of September 1,
12 1999, engaged in teaching the subject matter for which the person is
13 registered under this subtitle [~~architecture~~] as a full-time
14 faculty member or other permanent employee of an institution of
15 higher education, as defined by Section 61.003, Education Code.

16 SECTION 2.13. Chapter 1051, Occupations Code, is amended by
17 adding a new Subchapter H to the new Part 2 of that chapter to read
18 as follows:

19 SUBCHAPTER H. GENERAL DISCIPLINARY PROCEDURES

20 Sec. 1051.401. RIGHT TO HEARING; APPEAL. (a) If the board
21 proposes to suspend, revoke, or refuse to renew a person's
22 certificate of registration, the person is entitled to a hearing.
23 The hearing shall be held by an administrative law judge of the
24 State Office of Administrative Hearings.

25 (b) The board shall prescribe procedures by which a decision
26 to suspend or revoke or a refusal to renew a certificate of
27 registration is made by or is appealable to the board.

1 (c) A hearing under this section is a contested case subject
2 to Chapter 2001, Government Code, and must be conducted under rules
3 enacted by the State Office of Administrative Hearings under
4 Chapter 2003, Government Code.

5 Sec. 1051.402. PUBLICATION OF DISCIPLINARY ORDERS AND
6 SANCTIONS. The board by rule shall provide for the publication of
7 all disciplinary orders and sanctions imposed by the board under
8 this subtitle. A certificate holder may not negotiate with the
9 board to keep the board from publishing the settlement of a
10 disciplinary action.

11 Sec. 1051.403. REINSTATEMENT. (a) A person whose
12 application for the issuance of an original or renewal certificate
13 of registration is denied or whose certificate of registration is
14 revoked or suspended may not apply to the board for the issuance or
15 reinstatement of a certificate of registration before the 180th day
16 after the date of the denial, revocation, or suspension.

17 (b) The board may issue or reinstate a certificate of
18 registration under this section to an applicant who:

19 (1) pays all fees and costs incurred by the board as a
20 result of any proceeding that led to the denial, revocation, or
21 suspension; and

22 (2) presents evidence to support the issuance or
23 reinstatement of the certificate.

24 SECTION 2.14. The heading to existing Subchapter J, Chapter
25 1051, Occupations Code, is amended to read as follows:

26 SUBCHAPTER I [~~J~~]. ADMINISTRATIVE PENALTY

27 SECTION 2.15. Section 1051.451, Occupations Code, is

1 amended to read as follows:

2 Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. The
3 board may impose an administrative penalty on a person who engages
4 in conduct for which the person is subject to disciplinary action
5 under this subtitle [~~Subchapter I~~], regardless of whether the
6 person holds a certificate of registration issued under this
7 subtitle [~~chapter~~].

8 SECTION 2.16. Section 1051.452, Occupations Code, is
9 amended by amending Subsection (a) and adding Subsection (c) to
10 read as follows:

11 (a) The amount of an administrative penalty may not exceed
12 \$5,000 [~~\$1,000~~].

13 (c) The board by rule shall adopt an administrative penalty
14 schedule for violations of this subtitle or board rules to ensure
15 that the amounts of penalties imposed are appropriate to the
16 violation. The board must provide the administrative penalty
17 schedule to the public on request.

18 SECTION 2.17. The heading to existing Subchapter K, Chapter
19 1051, Occupations Code, is amended to read as follows:

20 SUBCHAPTER J [~~K~~]. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

21 SECTION 2.18. Section 1051.501, Occupations Code, is
22 amended to read as follows:

23 Sec. 1051.501. GENERAL ENFORCEMENT AUTHORITY. (a) A
24 violation of this subtitle [~~chapter~~] shall be reported to the
25 board.

26 (b) The board shall ensure that enforcement action is taken
27 against a person who violates this subtitle [~~chapter~~].

1 SECTION 2.19. Section 1051.502(a), Occupations Code, is
2 amended to read as follows:

3 (a) The board may bring an action in its name to enjoin or
4 restrain a person from violating this subtitle [~~chapter~~], a rule
5 adopted under this subtitle [~~chapter~~], or another state statute or
6 rule relating to the professions regulated under this subtitle
7 [~~practice of architecture~~].

8 SECTION 2.20. Section 1051.504, Occupations Code, is
9 amended to read as follows:

10 Sec. 1051.503 [~~1051.504~~]. CUMULATIVE EFFECT OF
11 PROVISIONS. An action or penalty authorized by this subtitle
12 [~~subchapter~~] is in addition to any other action or penalty provided
13 by law.

14 SECTION 2.21. Existing Subchapter K, Chapter 1051,
15 Occupations Code, is amended by adding Sections 1051.504 and
16 1051.505 to read as follows:

17 Sec. 1051.504. CEASE AND DESIST ORDER. (a) If it appears
18 to the board that a person who is not registered under this subtitle
19 is violating or has violated this subtitle, a rule adopted under
20 this subtitle, or another state statute or rule relating to the
21 practice of architecture, landscape architecture, or interior
22 design, the board after providing to the person notice and the
23 opportunity for a hearing may issue a cease and desist order
24 prohibiting the conduct described in the notice.

25 (b) If the person does not request a hearing before the 22nd
26 day after the date of receiving notice under Subsection (a), the
27 board may:

1 (1) issue a cease and desist order; and

2 (2) refer the violation to the attorney general for
3 further action.

4 (c) If the person requests a hearing before the 22nd day
5 after the date of receiving notice under Subsection (a), the board
6 shall hold the hearing not later than the 30th day after the date
7 the board receives the request for the hearing.

8 (d) A hearing under this section is subject to Chapter 2001,
9 Government Code.

10 (e) The board shall adopt rules necessary to implement this
11 section.

12 Sec. 1051.505. RESTITUTION. (a) The board may order a
13 person registered under this subtitle to pay restitution to a
14 consumer instead of or in addition to assessing an administrative
15 penalty under this chapter.

16 (b) The amount of restitution ordered by the board may not
17 exceed the amount the consumer paid the person for a service
18 regulated under this subtitle. The board may not include an
19 estimation of other damages or harm in a restitution order.

20 ARTICLE 3. PROVISIONS AFFECTING ONLY ARCHITECTS

21 SECTION 3.01. Chapter 1051, Occupations Code, is amended by
22 adding a heading for a new Part 3 of that chapter to read as follows:

23 PART 3. PROVISIONS APPLYING ONLY TO ARCHITECTS

24 SECTION 3.02. Existing Subchapters B, G, and I, Chapter
25 1051, Occupations Code, are designated as a part of the new Part 3
26 of Chapter 1051.

27 SECTION 3.03. Chapter 1051, Occupations Code, is amended by

1 adding a new Subchapter K to the new Part 3 of that chapter to read
2 as follows:

3 SUBCHAPTER K. GENERAL PROVISIONS: ARCHITECTS

4 Sec. 1051.551. ENFORCEMENT BY CERTAIN PUBLIC OFFICIALS. (a)

5 A public official of this state or of a political subdivision of
6 this state who is responsible for enforcing laws that affect the
7 practice of architecture may accept an architectural plan,
8 specification, or other related document only if the plan,
9 specification, or document is prepared by an architect or by a
10 person acting under the supervision of an architect, as evidenced
11 by the architect's seal.

12 (b) Subsection (a) does not apply to a plan, specification,
13 or document that is subject to an exemption from this chapter.

14 SECTION 3.04. The heading to existing Subchapter B, Chapter
15 1051, Occupations Code, is amended to read as follows:

16 SUBCHAPTER L [B]. EXEMPTIONS

17 SECTION 3.05. The heading to Section 1051.051, Occupations
18 Code, is amended to read as follows:

19 Sec. 1051.601 [~~1051.051~~]. ACTIVITIES OF LICENSED ENGINEER.

20 SECTION 3.06. The heading to Section 1051.052, Occupations
21 Code, is amended to read as follows:

22 Sec. 1051.602 [~~1051.052~~]. ACTIVITIES OF ARCHITECT OR
23 ENGINEER EMPLOYEE.

24 SECTION 3.07. Section 1051.053, Occupations Code, is
25 amended to read as follows:

26 Sec. 1051.603 [~~1051.053~~]. LANDSCAPE ARCHITECTURE. This
27 part [~~chapter~~] does not:

- 1 (1) limit the practice of landscape architecture; or
2 (2) prohibit the use of the title "Landscape
3 Architect" by a qualified person.

4 SECTION 3.08. Section 1051.054, Occupations Code, is
5 amended to read as follows:

6 Sec. 1051.604 [~~1051.054~~]. INTERIOR DESIGN. This part
7 [~~chapter~~] does not:

- 8 (1) limit the practice of interior design; or
9 (2) prohibit the use of the title "Interior Designer"
10 by a qualified person.

11 SECTION 3.09. The heading to Section 1051.055, Occupations
12 Code, is amended to read as follows:

13 Sec. 1051.605 [~~1051.055~~]. EMPLOYEE OF CERTAIN UTILITIES OR
14 AFFILIATES.

15 SECTION 3.10. Section 1051.055(b), Occupations Code, is
16 amended to read as follows:

17 (b) This chapter does not limit the use of a job title or
18 personnel classification by an employee described by Subsection (a)
19 if the employee does not use:

20 (1) the title or classification in connection with an
21 offer to the public to perform architectural services; and

22 (2) a name, title, or other word that tends to convey
23 the impression that a person not registered as an architect under
24 this chapter is offering to the public to perform architectural
25 services.

26 SECTION 3.11. The heading to Section 1051.056, Occupations
27 Code, is amended to read as follows:

1 Sec. 1051.606 [~~1051.056~~]. ACTIVITIES OF CERTAIN PERSONS
2 NOT REPRESENTED TO BE ARCHITECTS.

3 SECTION 3.12. Section 1051.056(a), Occupations Code, is
4 amended to read as follows:

5 (a) This chapter does not apply to a person who does not
6 represent that the person is an architect or architectural
7 designer, or use another business or professional title that uses a
8 form of the word "architect," and who:

9 (1) engages in or is employed in the practice of
10 architecture solely as an officer or employee of the United States;

11 (2) is a legally qualified architect residing in
12 another state or country who:

13 (A) does not open or maintain an office in this
14 state; and

15 (B) complies with the requirements of Subsection
16 (b);

17 (3) prepares architectural plans and specifications
18 for or observes or supervises the alteration of a building, unless
19 the alteration involves a substantial structural or exitway change
20 to the building; or

21 (4) prepares the architectural plans and
22 specifications for or observes or supervises the construction,
23 enlargement, or alteration of a privately owned building that is:

24 (A) a building used primarily for:

25 (i) farm, ranch, or agricultural purposes;

26 or

27 (ii) storage of raw agricultural

1 commodities;

2 (B) a single-family or dual-family dwelling or a
3 building or appurtenance associated with the dwelling;

4 (C) a multifamily dwelling not exceeding a height
5 of two stories and not exceeding 16 units per building; ~~[or]~~

6 (D) a commercial building that does not exceed
7 ~~[exceeding]~~ a height of two stories or ~~[and not exceeding]~~ a square
8 footage of 5,000 ~~[20,000]~~ square feet; or

9 (E) a warehouse that has limited public access.

10 SECTION 3.13. Chapter 1051, Occupations Code, is amended by
11 adding a new Subchapter M to the new Part 3 of that chapter to read
12 as follows:

13 SUBCHAPTER M. BOARD POWERS AND DUTIES: ARCHITECTS

14 Sec. 1051.651. FEES. (a) The board may set a fee for a
15 board action involving an administrative expense in an amount that
16 is reasonable and necessary to cover the cost of administering this
17 chapter, unless the amount of the fee is set by this chapter or by
18 the General Appropriations Act.

19 (b) The board shall set the required renewal fee for:

20 (1) a resident of this state in an amount that is equal
21 to the sum of:

22 (A) the amount determined by the board as
23 reasonable and necessary to cover administrative costs; and

24 (B) an amount determined annually by the board as
25 reasonable and necessary for the administration of the examination
26 fee scholarship program under Section 1051.653; and

27 (2) nonresidents in an amount determined by the board.

1 (c) The board may accept payment of a fee by electronic
2 means. The board may charge a fee to process the payment made by
3 electronic means. The board shall set the processing fee in an
4 amount that is reasonably related to the expense incurred by the
5 board in processing the payment made by electronic means, not to
6 exceed five percent of the amount of the fee for which the payment
7 is made.

8 (d) A fee set by the board under this section may not be used
9 for the purpose of earning additional revenue for the board.

10 Sec. 1051.652. FEE INCREASE. (a) The fee for the issuance
11 of a certificate to an applicant possessing a license or
12 certificate to practice architecture in another state and the fee
13 for the renewal of a certificate under this chapter are increased by
14 \$200.

15 (b) Of each fee increase collected, \$50 shall be deposited
16 in the foundation school fund and \$150 shall be deposited in the
17 general revenue fund.

18 Sec. 1051.653. EXAMINATION FEE SCHOLARSHIPS. (a) The
19 board shall administer scholarships to applicants for examination
20 under this part in a manner the board determines best serves the
21 public purpose of:

22 (1) promoting the professional needs of the state;

23 (2) increasing the number of highly trained and
24 educated architects available to serve the residents of the state;

25 (3) improving the state's business environment and
26 encouraging economic development; and

27 (4) identifying, recognizing, and supporting

1 outstanding applicants who plan to pursue careers in architecture.

2 (b) In determining what best serves the public purpose of
3 the scholarships as described by Subsection (a), the board shall
4 consider at least the financial need of each person who applies for
5 a scholarship under this section.

6 (c) The amount of the scholarship is the lesser of:

7 (1) \$500; or

8 (2) the amount of the required examination fee.

9 (d) Scholarships under this section are funded by the amount
10 added to each renewal fee under Section 1051.651(b). The board may
11 not use more than 15 percent of the amount appropriated to the board
12 for scholarships under this section to pay the costs of
13 administering the scholarships.

14 Sec. 1051.654. DESIGN AND APPROVAL OF ARCHITECT'S SEAL. (a)
15 The board shall prescribe and approve the seal to be used by an
16 architect.

17 (b) The design of the seal must be the same as the design
18 used by the board, except that the words "Registered Architect,
19 State of Texas" must be used instead of "Texas Board of
20 Architectural Examiners."

21 SECTION 3.14. The heading to existing Subchapter G, Chapter
22 1051, Occupations Code, is amended to read as follows:

23 SUBCHAPTER N [~~G~~]. REGISTRATION OF ARCHITECTS [~~REQUIREMENTS~~]

24 SECTION 3.15. Existing Section 1051.301, Occupations Code,
25 is amended to read as follows:

26 Sec. 1051.701 [~~1051.301~~]. REGISTRATION REQUIRED. (a) A
27 person may not engage in the practice of architecture or offer or

1 attempt to engage in the practice of architecture unless the person
2 is registered as an architect under this chapter.

3 (b) A firm, partnership, corporation, or association,
4 including a firm, partnership, corporation, or joint stock
5 association engaged in the practice of engineering under Section
6 1001.405, may engage in the practice of architecture, represent to
7 the public that the entity is engaged in the practice of
8 architecture or is offering architectural services, or use the word
9 "architect" or "architecture" in any manner in its name only if any
10 practice of architecture or architectural service performed on
11 behalf of the entity is performed by or through a person registered
12 as an architect under this chapter.

13 SECTION 3.16. The heading to existing Section 1051.302,
14 Occupations Code, is amended to read as follows:

15 Sec. 1051.702 [~~1051.302~~]. USE OF ARCHITECT'S SEAL.

16 SECTION 3.17. Existing Section 1051.302, Occupations Code,
17 is amended by adding Subsection (d) to read as follows:

18 (d) A person may not present or attempt to use as the
19 person's own the seal of another person.

20 SECTION 3.18. The heading to existing Section 1051.303,
21 Occupations Code, is amended to read as follows:

22 Sec. 1051.703 [~~1051.303~~]. CERTAIN PLANS OR SPECIFICATIONS
23 TO BE PREPARED ONLY BY ARCHITECT.

24 SECTION 3.19. The heading to existing Section 1051.304,
25 Occupations Code, is amended to read as follows:

26 Sec. 1051.704 [~~1051.304~~]. EXAMINATION; ISSUANCE OF
27 CERTIFICATE.

1 SECTION 3.20. The heading to existing Section 1051.305,
2 Occupations Code, is amended to read as follows:

3 Sec. 1051.705 [~~1051.305~~]. ELIGIBILITY AND APPLICATION FOR
4 EXAMINATION.

5 SECTION 3.21. Existing Section 1051.305, Occupations Code,
6 is amended by amending Subsection (b) and adding Subsection (c) to
7 read as follows:

8 (b) The applicant must ~~+~~

9 [~~(1)~~] present to the board:

10 (1) [~~(A)~~] a diploma showing that the applicant meets
11 the education requirement established by Subsection (a)(1); and

12 (2) [~~(B)~~] evidence acceptable to the board that the
13 applicant meets the experience requirement established by
14 Subsection (a)(2).

15 (c) The ~~, and~~

16 [~~(2) pay to the~~] board shall set an examination [~~a~~] fee
17 [~~not to exceed \$300~~] in an amount [~~set by the board as~~] reasonable
18 and necessary to cover the cost of [~~administering~~] the examination.

19 SECTION 3.22. The heading to existing Subchapter I, Chapter
20 1051, Occupations Code, is amended to read as follows:

21 SUBCHAPTER 0 [~~I~~]. DISCIPLINARY PROCEDURES FOR ARCHITECTS

22 SECTION 3.23. Existing Sections 1051.401 and 1051.402,
23 Occupations Code, are amended to read as follows:

24 Sec. 1051.751 [~~1051.401~~]. DISCIPLINARY POWERS OF BOARD.

25 (a) On a determination that a ground for discipline exists under
26 Section 1051.752 [~~1051.402~~], the board shall [~~may~~]:

27 (1) revoke, ~~or~~ suspend, or refuse to renew a

1 certificate of registration;

2 (2) [~~place on probation a person whose certificate of~~
3 ~~registration is suspended,~~

4 [~~(3)~~] reprimand a certificate [~~the~~] holder [~~of a~~
5 ~~certificate of registration~~]; or

6 (3) [~~(4)~~] impose an administrative penalty on a person
7 under Subchapter I [~~†~~].

8 (b) The board may place on probation a person whose
9 certificate of registration is suspended. If the suspension [~~of a~~
10 ~~person's certificate of registration~~] is probated, the board may
11 require the person to:

12 (1) report regularly to the board on matters that are
13 the basis of the probation;

14 (2) limit practice to the areas prescribed by the
15 board; or

16 (3) continue or review [~~renew~~] professional education
17 until the person attains a degree of skill satisfactory to the board
18 in those areas that are the basis of the probation.

19 Sec. 1051.752 [~~1051.402~~]. GROUNDS FOR DISCIPLINARY ACTION.
20 A person is subject to disciplinary action under Section 1051.751
21 [~~1051.401~~] for:

22 (1) a violation of this subtitle [~~chapter~~] or a board
23 rule adopted under this subtitle that applies to architects
24 [~~chapter~~];

25 (2) a failure to provide or to timely provide to the
26 Texas Department of Licensing and Regulation any document
27 designated by Article 9102, Revised Statutes, as a document the

1 person is required to provide to the department;

2 (3) a cause for which the board may refuse to issue a
3 certificate of registration;

4 (4) gross incompetency in the practice of
5 architecture;

6 (5) recklessness in the practice of architecture,
7 including recklessness in the construction or alteration of a
8 building by an architect designing, planning, or observing the
9 construction or alteration; [~~or~~]

10 (6) dishonest practice in the practice of architecture
11 by the holder of a certificate of registration;

12 (7) giving false or forged evidence to the board or a
13 board member in obtaining or assisting another person to obtain a
14 certificate of registration;

15 (8) aiding or abetting a person not registered under
16 this subtitle in violating this subtitle; or

17 (9) using or attempting to use as the person's own the
18 certificate of registration of another person.

19 SECTION 3.24. Chapter 1051, Occupations Code, is amended by
20 adding a new Subchapter P to the new Part 3 of that chapter to read
21 as follows:

22 SUBCHAPTER P. OTHER PENALTIES AND ENFORCEMENT PROVISIONS:

23 ARCHITECTS

24 Sec. 1051.801. CRIMINAL PENALTY. (a) A person, whether
25 acting independently or on behalf of the person's firm, commits an
26 offense if, in violation of this chapter, the person:

27 (1) engages in the practice of architecture, or offers

1 or attempts to engage in the practice of architecture;

2 (2) prepares architectural plans or specifications
3 for and observes or supervises the construction, enlargement, or
4 alteration of a building for another person; or

5 (3) advertises or puts out a sign, card, or drawing
6 designating the person as an architect or architectural designer or
7 uses another business or professional title that uses a form of the
8 word "architect."

9 (b) An offense under this section is a misdemeanor
10 punishable by a fine of not less than \$250 and not more than \$1,000.
11 Each day of violation is a separate offense.

12 (c) In an action brought under this section, the board may
13 be represented by a district or county attorney or by other counsel
14 as necessary.

15 ARTICLE 4. PROVISIONS AFFECTING ONLY LANDSCAPE ARCHITECTS

16 SECTION 4.01. Subchapter A, Chapter 1052, Occupations Code,
17 is amended by adding Sections 1052.004, 1052.005, and 1052.006 to
18 read as follows:

19 Sec. 1052.004. ACTIVITIES OF LANDSCAPE ARCHITECT EMPLOYEE.
20 This chapter does not limit the ability of an employee of a
21 landscape architect to act under the landscape architect's
22 instructions, control, or supervision.

23 Sec. 1052.005. ACTIVITIES OF CERTAIN PERSONS NOT
24 REPRESENTED TO BE LANDSCAPE ARCHITECTS. (a) This chapter does not
25 apply to a person:

26 (1) who does not represent that the person is a
27 landscape architect or use a business or professional title that

1 uses a form of the phrase "landscape architect"; and

2 (2) who is a landscape architect licensed or
3 registered in another state or country who:

4 (A) does not open or maintain a business in this
5 state; and

6 (B) complies with the requirements of Subsection
7 (b).

8 (b) A person described by Subsection (a) who agrees to
9 perform or represents that the person is able to perform a
10 professional service involved in the practice of landscape
11 architecture may perform a landscape architectural service in this
12 state only if, in performing the service, the person:

13 (1) employs a landscape architect registered under
14 this chapter as a consultant; or

15 (2) acts as a consultant of a landscape architect
16 registered in this state.

17 Sec. 1052.006. EXCEPTION TO CERTAIN EXEMPTIONS. (a) In
18 this section, "public accommodation" has the meaning assigned by
19 the Americans with Disabilities Act of 1990 (42 U.S.C. Section
20 12181).

21 (b) Except as provided by Subsection (c), a person who
22 performs an act described by Section 2(a), Chapter 457, Acts of the
23 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's
24 Texas Civil Statutes), may not engage in the practice of landscape
25 architecture without a certificate of registration under this
26 chapter if the person designs spaces in the landscape that:

27 (1) are for public accommodation; or

1 (2) otherwise affect the public health, safety, or
2 welfare.

3 (c) This section does not apply to a person described by
4 Section 2(a)(11), Chapter 457, Acts of the 61st Legislature,
5 Regular Session, 1969 (Article 249c, Vernon's Texas Civil
6 Statutes).

7 SECTION 4.02. Section 1052.054, Occupations Code, is
8 amended by amending Subsection (a) and adding Subsection (d) to
9 read as follows:

10 (a) The board may set a fee for a board action involving an
11 administrative expense in an amount that is reasonable and
12 necessary to cover the cost of administering this chapter, unless
13 the amount of the fee is set [~~by this chapter or~~] by the General
14 Appropriations Act.

15 (d) A fee set by the board under this section may not be used
16 for the purpose of earning additional revenue for the board.

17 SECTION 4.03. The heading to Section 1052.056, Occupations
18 Code, is amended to read as follows:

19 Sec. 1052.056. [~~FORM AND~~] DESIGN AND APPROVAL OF LANDSCAPE
20 ARCHITECT'S SEAL.

21 SECTION 4.04. Section 1052.056(a), Occupations Code, is
22 amended to read as follows:

23 (a) The board shall prescribe and approve [~~the form of~~] the
24 seal to be used by a landscape architect.

25 SECTION 4.05. Sections 1052.251 and 1052.252, Occupations
26 Code, are amended to read as follows:

27 Sec. 1052.251. DISCIPLINARY POWERS OF BOARD. (a) On a

1 determination that a ground for discipline exists under Section
2 1052.252, the board shall [~~may~~]:

3 (1) revoke, [~~or~~] suspend, or refuse to renew a
4 certificate of registration;

5 (2) [~~place on probation a person whose certificate of~~
6 ~~registration is suspended,~~

7 [~~(3)~~] reprimand a certificate [~~the~~] holder [~~of a~~
8 ~~certificate of registration~~]; or

9 (3) [~~(4)~~] impose an administrative penalty on a person
10 under Subchapter I, Chapter 1051 [~~G~~].

11 (b) The board may place on probation a person whose
12 certificate of registration is suspended. If the suspension [~~of a~~
13 ~~person's certificate of registration~~] is probated, the board may
14 require the person to:

15 (1) report regularly to the board on matters that are
16 the basis of the probation;

17 (2) limit practice to the areas prescribed by the
18 board; or

19 (3) continue or review [~~renew~~] professional education
20 until the person attains a degree of skill satisfactory to the board
21 in those areas that are the basis of the probation.

22 Sec. 1052.252. GROUNDS FOR DISCIPLINARY ACTION. A person
23 is subject to disciplinary action under Section 1052.251 for:

24 (1) violating this subtitle [~~chapter~~] or a board rule
25 adopted under this subtitle that applies to landscape architects
26 [~~chapter~~];

27 (2) using fraud or deceit in obtaining a certificate

1 of registration;

2 (3) giving false or forged evidence to the board or a
3 member of the board in obtaining or assisting another person to
4 obtain a certificate of registration;

5 (4) using or attempting to use as the person's own the
6 certificate of registration of another person;

7 (5) holding the person out to the public as an engineer
8 or using the term "engineer," "engineered," "professional
9 engineer," or "P.E." or any other term tending to create the
10 impression that the person is authorized to practice engineering or
11 another profession unless the person is licensed under Chapter 1001
12 or another licensing law of this state, as applicable;

13 (6) holding the person out to the public as a surveyor
14 or using the term "surveyor," "surveyed," or "registered
15 professional land surveyor" or any other term tending to create the
16 impression that the person is authorized to practice surveying or
17 another profession unless the person is licensed under Chapter 1071
18 or another licensing law of this state, as applicable;

19 (7) committing an act of recklessness [~~gross~~
20 ~~negligence~~], gross incompetency, or misconduct in the practice of
21 landscape architecture; [~~or~~]

22 (8) failing to provide or to timely provide to the
23 Texas Department of Licensing and Regulation any document
24 designated by Article 9102, Revised Statutes, as a document the
25 person is required to provide to the department;

26 (9) acting dishonestly in the practice of landscape
27 architecture; or

1 (10) aiding or abetting a person not registered under
2 this subtitle in violating this subtitle.

3 ARTICLE 5. PROVISIONS AFFECTING ONLY INTERIOR DESIGNERS

4 SECTION 5.01. Section 1053.002, Occupations Code, is
5 amended to read as follows:

6 Sec. 1053.002. APPLICATION. (a) This chapter does not
7 apply to:

8 (1) a person who:

9 (A) [~~(1)~~] does not use the title "interior
10 designer" and does not use the term "interior design" to describe a
11 service the person offers or performs; and

12 (B) is an interior designer licensed or
13 registered in another state or country who:

14 (i) does not open or maintain a business in
15 this state; and

16 (ii) complies with the requirements of
17 Subsection (b); or

18 (2) a person who is registered to practice
19 architecture in this state.

20 (b) A person described by Subsection (a)(1) who agrees to
21 perform or represents that the person is able to perform [This
22 chapter does not:

23 ~~[(1) prohibit an employee of an interior designer or~~
24 ~~architect from performing]~~ an interior design service may perform
25 an interior design service in this state if, in performing the
26 service, the person:

27 (1) employs an [under the control, instruction, or

1 ~~supervision of the]~~ interior designer registered under this chapter
2 as a consultant [~~or architect~~]; or

3 (2) acts as a consultant of an interior designer
4 [~~restrict the practice or activities of or the provision of a~~
5 ~~service by a person engaged in a profession or occupation for which~~
6 ~~the person is licensed or]~~ registered in this state [~~under any other~~
7 ~~law~~].

8 SECTION 5.02. Section 1053.052, Occupations Code, is
9 amended by adding Subsection (d) to read as follows:

10 (d) A fee set by the board under this section may not be used
11 for the purpose of earning additional revenue for the board.

12 SECTION 5.03. Subchapter B, Chapter 1053, Occupations Code,
13 is amended by adding Section 1053.058 to read as follows:

14 Sec. 1053.058. DESIGN AND APPROVAL OF INTERIOR DESIGNER'S
15 SEAL. (a) The board shall prescribe and approve the seal to be used
16 by an interior designer.

17 (b) The design of the seal must be the same as the design
18 used by the board, except that the words "Registered Interior
19 Designer, State of Texas" must be used instead of "Texas Board of
20 Architectural Examiners."

21 SECTION 5.04. Section 1053.160, Occupations Code, is
22 amended to read as follows:

23 Sec. 1053.160. USE OF INTERIOR DESIGNER'S SEAL. (a) An
24 interior designer shall maintain a [~~is entitled to use any~~] seal
25 described by Section 1053.058 and shall stamp or impress the seal on
26 each drawing or specification issued from the interior designer's
27 office for use in this state [~~adopted by the board~~].

1 (b) A person may not use or attempt to use an interior
2 designer's seal, a similar seal, or a replica of the seal unless the
3 use is by or through an interior designer.

4 (c) An interior designer may not permit a person who is not
5 an interior designer to use the interior designer's seal without
6 the interior designer's personal supervision.

7 (d) A person may not present or attempt to use as the
8 person's own the seal of another person.

9 SECTION 5.05. Sections 1053.251(a) and (b), Occupations
10 Code, are amended to read as follows:

11 (a) On a determination that a ground for disciplinary action
12 exists under Section 1053.252, the board shall ~~may~~:

13 (1) revoke, ~~or~~ suspend, or refuse to renew a
14 certification of registration;

15 (2) ~~[place on probation a person whose certificate of~~
16 ~~registration has been suspended;~~

17 ~~[(3)]~~ reprimand a certificate ~~[the]~~ holder ~~[of a~~
18 ~~certificate of registration]~~; or

19 (3) ~~[(4)]~~ impose an administrative penalty on a person
20 under Subchapter I, Chapter 1051 ~~[G]~~.

21 (b) The board may place on probation a person whose
22 certificate of registration is suspended. If the suspension ~~[of a~~
23 ~~person's certificate of registration]~~ is probated, the board may
24 require the person to:

25 (1) report regularly to the board on matters that are
26 the basis of the probation;

27 (2) limit practice to the areas prescribed by the

1 board; or

2 (3) continue or review [~~renew~~] professional education
3 until the person attains a degree of skill satisfactory to the board
4 in those areas that are the basis of the probation.

5 SECTION 5.06. Section 1053.252, Occupations Code, is
6 amended to read as follows:

7 Sec. 1053.252. GROUNDS FOR DISCIPLINARY ACTION. A person
8 is subject to disciplinary action under Section 1053.251 for:

9 (1) violating this subtitle [~~chapter~~] or a board rule
10 adopted under this subtitle that applies to interior designers
11 [~~chapter~~];

12 (2) being convicted of a felony or of a misdemeanor
13 involving moral turpitude;

14 (3) using fraud or deceit in obtaining or attempting
15 to obtain a certificate of registration;

16 (4) committing an act of recklessness, gross
17 incompetency, or misconduct in the practice of interior design
18 [~~performing professional duties in a grossly negligent manner~~];

19 (5) practicing in a manner detrimental to the public
20 health, safety, or welfare;

21 (6) advertising in a manner that tends to deceive or
22 defraud the public;

23 (7) aiding or abetting any person not registered under
24 this subtitle [~~chapter~~] in violating this subtitle [~~chapter~~]; [~~or~~]

25 (8) failing to provide or to timely provide to the
26 Texas Department of Licensing and Regulation any document
27 designated by Article 9102, Revised Statutes, as a document the

1 person is required to provide to the department;

2 (9) giving false or forged evidence to the board or a
3 member of the board in obtaining or assisting another person to
4 obtain a certificate of registration;

5 (10) using or attempting to use as the person's own the
6 certificate of registration of another person; or

7 (11) acting dishonestly in the practice of interior
8 design.

9 SECTION 5.07. The heading to Subchapter H, Chapter 1053,
10 Occupations Code, is amended to read as follows:

11 SUBCHAPTER H. [~~OTHER~~] PENALTIES

12 ARTICLE 6. REPEALER; TRANSITION PROVISIONS; EFFECTIVE DATE

13 SECTION 6.01. (a) Subchapters C, E, and G, Chapter 1052, and
14 Subchapters C, E, and G, Chapter 1053, Occupations Code, are
15 repealed.

16 (b) Existing Sections 1051.003, 1051.204-1051.206,
17 1051.210, 1051.306, 1051.307, 1051.403, 1051.503, 1052.001,
18 1052.051-1052.053, 1052.055, 1052.057, 1052.058, 1052.155,
19 1052.156, 1052.253, 1053.001, 1053.051, 1053.054-1053.057,
20 1053.156, 1053.157, 1053.161, 1053.253, and 1053.254, Occupations
21 Code, are repealed.

22 SECTION 6.02. Not later than March 1, 2004, the Texas Board
23 of Architectural Examiners shall:

- 24 (1) adopt rules as required by this Act; and
25 (2) set the fees required by this Act.

26 SECTION 6.03. (a) In accordance with Section 311.031(c),
27 Government Code, which gives effect to a substantive amendment

1 enacted by the same legislature that codifies the amended statute,
2 the text of Section 1051.355(b), Occupations Code, as set out in
3 this Act, gives effect to changes made by Section 3, Chapter 861,
4 Acts of the 77th Legislature, Regular Session, 2001.

5 (b) In accordance with Section 311.031(c), Government Code,
6 which gives effect to a substantive amendment enacted by the same
7 legislature that codifies the amended statute, the text of Section
8 1051.402, Occupations Code, set out in this Act as new Section
9 1051.752, Occupations Code, gives effect to changes made by Section
10 2, Chapter 861, Acts of the 77th Legislature, Regular Session,
11 2001.

12 (c) In accordance with Section 311.031(c), Government Code,
13 which gives effect to a substantive amendment enacted by the same
14 legislature that codifies the amended statute, the text of Section
15 1052.252, Occupations Code, as set out in this Act, gives effect to
16 changes made by Section 6, Chapter 861, Acts of the 77th
17 Legislature, Regular Session, 2001.

18 (d) In accordance with Section 311.031(c), Government Code,
19 which gives effect to a substantive amendment enacted by the same
20 legislature that codifies the amended statute, the text of Section
21 1053.252, Occupations Code, as set out in this Act, gives effect to
22 changes made by Section 9, Chapter 861, Acts of the 77th
23 Legislature, Regular Session, 2001.

24 (e) To the extent of any conflict, this Act prevails over
25 another Act of the 78th Legislature, Regular Session, 2003,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

1 SECTION 6.04. The change in law made by this Act by the
2 amendment of Section 1051.101, Occupations Code, applies only to a
3 member of the Texas Board of Architectural Examiners appointed on
4 or after the effective date of this Act. As the terms of board
5 members expire and vacancies occur on the board on and after the
6 effective date of this Act, the governor shall appoint new members
7 to the board who have qualifications that reflect the composition
8 of the board as amended by this Act.

9 SECTION 6.05. (a) The changes in law made by this Act by the
10 amendment of Section 1051.103, Occupations Code, and the addition
11 of Section 1051.112, Occupations Code, in the prohibitions on or
12 qualifications of members of the Texas Board of Architectural
13 Examiners do not affect the entitlement of a member serving on the
14 Texas Board of Architectural Examiners immediately before
15 September 1, 2003, to continue to serve and function as a member of
16 the Texas Board of Architectural Examiners for the remainder of the
17 member's term. Those changes in law apply only to a member appointed
18 on or after September 1, 2003.

19 (b) Before adopting an administrative penalty schedule
20 under Section 1051.452(c), Occupations Code, as added by this Act,
21 the Texas Board of Architectural Examiners shall hold a public
22 hearing that addresses the proposed administrative penalty
23 schedule. The board must allow members of the public to present
24 oral testimony or written documentation at the hearing.

25 SECTION 6.06. This Act takes effect September 1, 2003.