

1 AN ACT

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 and to certain
5 building codes; providing a criminal penalty.

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

7 ARTICLE 1. PROVISIONS AFFECTING THE TEXAS 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 and
15 physical 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. Subsection (a), Section 1051.101,
22 Occupations Code, is amended to read as follows:

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

- 26 (1) four architect members registered under this
27 chapter;

1 (2) one interior designer member registered under
2 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 SECTION 1.07. Section 1051.103, Occupations Code, is
8 amended to read as follows:

9 Sec. 1051.103. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

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

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

24 (1) the ~~[of the board who is exempt from the state's~~
25 ~~position classification plan or is compensated at or above the~~
26 ~~amount prescribed by the General Appropriations Act for salary~~
27 ~~group B9 of the position classification salary schedule.~~

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

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

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

18 SECTION 1.08. Subsections (a) and (c), Section 1051.105,
19 Occupations Code, are amended to read as follows:

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

21 (1) does not have at the time of taking office
22 ~~[appointment]~~ the qualifications required by Section 1051.101 ~~[or~~
23 ~~1051.102]~~;

24 (2) does not maintain during service on the board the
25 qualifications required by Section 1051.101 ~~[or 1051.102]~~;

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

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

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

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

17 SECTION 1.09. Existing Subchapter C, Chapter 1051,
18 Occupations Code, is amended by adding Section 1051.112 to read as
19 follows:

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

25 (b) The training program must provide the person with
26 information regarding:

27 (1) this subtitle;

- 1 (2) the programs operated by the board;
2 (3) the role and functions of the board;
3 (4) the rules of the board, with an emphasis on the
4 rules that relate to disciplinary and investigatory authority;
5 (5) the current budget for the board;
6 (6) the results of the most recent formal audit of the
7 board;
8 (7) the requirements of:
9 (A) the open meetings law, Chapter 551,
10 Government Code;
11 (B) the public information law, Chapter 552,
12 Government Code;
13 (C) the administrative procedure law, Chapter
14 2001, Government Code; and
15 (D) other laws relating to public officials,
16 including conflict-of-interest laws; and
17 (8) any applicable ethics policies adopted by the
18 board or the Texas Ethics Commission.

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

24 SECTION 1.10. The heading to existing Subchapter D, Chapter
25 1051, Occupations Code, is amended to read as follows:

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

27 SECTION 1.11. Sections 1051.153, 1051.154, and 1051.156,

1 Occupations Code, are amended to read as follows:

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

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

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

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

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

23 (b) The policy statement must include:

24 (1) personnel policies, including policies relating
25 to recruitment, evaluation, selection, [~~appointment,~~] training,
26 and promotion of personnel, that show the intent of the board to
27 avoid the unlawful employment practices described by Chapter 21,

1 Labor Code; and

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

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

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

13 (c) The [~~(b) A~~] policy statement [~~prepared under~~
14 ~~Subsection (a)~~] must:

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

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

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

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

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

24 SECTION 1.12. Existing Subchapter D, Chapter 1051,
25 Occupations Code, is amended by adding Section 1051.157 to read as
26 follows:

27 Sec. 1051.157. INFORMATION ON STATE EMPLOYEE INCENTIVE

1 PROGRAM. The executive director or the executive director's
2 designee shall provide to board employees information and training
3 on the benefits and methods of participation in the state employee
4 incentive program under Subchapter B, Chapter 2108, Government
5 Code.

6 SECTION 1.13. The heading to existing Subchapter E, Chapter
7 1051, Occupations Code, is amended to read as follows:

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

9 SECTION 1.14. Section 1051.202, Occupations Code, is
10 amended to read as follows:

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

16 SECTION 1.15. Subsections (a) and (b), Section 1051.203,
17 Occupations Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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

13 SECTION 1.17. Subsection (a), existing Section 1051.207,
14 Occupations Code, is amended to read as follows:

15 (a) The board may request and, if necessary, compel by
16 subpoena:

17 (1) the attendance of witnesses for examination under
18 oath; and

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

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

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

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

1 (b) The records must include[+]

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

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

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

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

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

11 (d) The board shall maintain records or an official roster
12 showing:

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

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

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

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

20 SECTION 1.21. Existing Subchapter E, Chapter 1051,
21 Occupations Code, is amended by adding Sections 1051.207 through
22 1051.213 to read as follows:

23 Sec. 1051.207. RULES ON CONSEQUENCES OF CRIMINAL
24 CONVICTION. The board shall adopt rules as necessary to comply with
25 Chapter 53.

26 Sec. 1051.208. STANDARDS OF CONDUCT. The board by rule
27 shall establish standards of conduct for persons regulated under

1 this subtitle.

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

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

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

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

16 (A) interact with the board through the Internet;
17 and

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

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

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

25 (1) negotiated rulemaking procedures under Chapter
26 2008, Government Code, for the adoption of board rules; and

27 (2) appropriate alternative dispute resolution

1 procedures under Chapter 2009, Government Code, to assist in the
2 resolution of internal and external disputes under the board's
3 jurisdiction.

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

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

9 (1) coordinate the implementation of the policy
10 adopted under Subsection (a);

11 (2) serve as a resource for any training needed to
12 implement the procedures for negotiated rulemaking or alternative
13 dispute resolution; and

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

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

22 (1) three members of the board and one practicing
23 accredited architect appointed by the board; and

24 (2) three members of the Texas Board of Professional
25 Engineers and one practicing accredited architectural engineer
26 appointed by that board.

27 (b) Members of the advisory committee serve staggered

1 six-year terms, with the terms of one or two members appointed by
2 the board and one or two members appointed by the Texas Board of
3 Professional Engineers expiring each odd-numbered year.

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

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

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

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

19 (2) specific disciplinary proceedings initiated by
20 either agency; and

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

24 (f) If the advisory committee issues an advisory opinion to
25 the board or the Texas Board of Professional Engineers on a matter,
26 that agency shall notify the committee of the final action taken
27 with regard to the matter. The advisory committee shall consider

1 the action taken by the agency on the matter in any advisory opinion
2 subsequently issued by the committee on a related matter.

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

7 Sec. 1051.213. RECOMMENDATION OF REHABILITATION CODES AND
8 PROVISIONS. The board may recommend to municipalities a
9 rehabilitation code and prescriptive provisions for rehabilitation
10 for adoption under Section 214.215, Local Government Code. In
11 making its recommendations, the board may consider rehabilitation
12 codes published by developers of national model codes or the
13 American National Standards Institute and prescriptive provisions
14 for rehabilitation included in a code published by developers of
15 national model codes or the American National Standards Institute.

16 ARTICLE 2. PROVISIONS AFFECTING ARCHITECTS, LANDSCAPE
17 ARCHITECTS, AND INTERIOR DESIGNERS

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

20 PART 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS, LANDSCAPE
21 ARCHITECTS, AND INTERIOR DESIGNERS

22 SECTION 2.02. Existing Subchapters F, H, J, and K, Chapter
23 1051, Occupations Code, are designated as part of the new Part 2 of
24 Chapter 1051.

25 SECTION 2.03. The heading to existing Subchapter F, Chapter
26 1051, Occupations Code, is amended to read as follows:

1 complaints from consumers and service recipients. The rules must
2 address each phase of the complaint process, including complaint
3 intake, preliminary evaluation, investigation, adjudication,
4 sanctions, and public disclosure.

5 (b) The board [~~by rule~~] shall establish methods by which
6 consumers and service recipients are notified of the name, mailing
7 address, and telephone number of the board for the purpose of
8 directing complaints to the board. The board may provide for that
9 notice:

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

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

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

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

21 (1) the name of the person who filed the complaint
22 unless the complaint is filed anonymously;

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

24 (3) the subject matter of the complaint;

25 (4) the name of each person contacted in relation to
26 the complaint;

27 (5) a summary of the results of the review or

1 investigation of the complaint; and

2 (6) an explanation of the reason the file was closed,
3 if the board closed the file without taking action other than to
4 investigate the complaint.

5 (b) The board shall provide to the person filing the
6 complaint and to each person who is a subject of the complaint a
7 copy of the board's policies and procedures relating to complaint
8 investigation and resolution.

9 (c) The [~~If a written complaint is filed with the board that~~
10 ~~the board has the authority to resolve, the~~] board, at least
11 quarterly [~~and~~] until final disposition of the complaint, shall
12 notify the person filing [~~parties to~~] the complaint and each person
13 who is a subject of the complaint of the status of the investigation
14 [~~complaint~~] unless the notice would jeopardize an [~~undercover~~]
15 investigation.

16 SECTION 2.07. Subsection (a), Section 1051.254,
17 Occupations Code, is amended to read as follows:

18 (a) The board shall develop and implement policies that
19 provide the public with a reasonable opportunity to appear before
20 the board and to speak on any issue under the jurisdiction of the
21 board.

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

25 SUBCHAPTER F. GENERAL REGISTRATION REQUIREMENTS

26 Sec. 1051.301. ADMINISTRATION OF EXAMINATION TO DISABLED
27 APPLICANTS. The board by rule shall ensure that an examination

1 under this subtitle is administered to applicants with disabilities
2 in compliance with the Americans with Disabilities Act of 1990 (42
3 U.S.C. Section 12101 et seq.) and its subsequent amendments.

4 Sec. 1051.302. EXAMINATION FEE. Notwithstanding Section
5 2113.203, Government Code, the board may delegate the collection of
6 any examination fee prescribed by the board to the person who
7 conducts the examination.

8 Sec. 1051.303. REFUND POLICY. The board by rule shall adopt
9 a comprehensive refund policy for applicants who are not able to
10 take an examination under this subtitle after paying the
11 examination fee. The comprehensive refund policy must include:

12 (1) a list of the circumstances under which the board
13 will refund the examination fee to an applicant who does not take
14 the examination;

15 (2) the required documentation to support a refund
16 request;

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

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

20 Sec. 1051.304. EXAMINATION RESULTS. (a) Not later than
21 the 30th day after the date a person takes an examination under this
22 subtitle, the board shall notify the person of the results of the
23 examination.

24 (b) If an examination is graded or reviewed by a testing
25 service:

26 (1) the board shall notify the person of the results of
27 the examination not later than the 14th day after the date the board

1 receives the results from the testing service; and

2 (2) if notice of the examination results will be
3 delayed for longer than 90 days after the examination date, the
4 board shall notify the person of the reason for the delay before the
5 90th day.

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

8 (d) If requested in writing by a person who fails an
9 examination administered under this subtitle, the board shall
10 provide the person with an analysis of the person's performance on
11 the examination.

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

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

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

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

22 (c) An applicant under this section must:

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

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

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

7 Sec. 1051.307. ROSTER OF APPLICANTS. The board shall
8 maintain a roster of all persons who apply for a certificate of
9 registration under this subtitle. The roster must include the
10 following information about each applicant:

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

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

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

14 (4) the applicant's educational and other
15 qualifications;

16 (5) whether the applicant took the examination;

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

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

20 and

21 (8) any other information the board considers
22 necessary.

23 SECTION 2.09. The heading to existing Subchapter H, Chapter
24 1051, Occupations Code, is amended to read as follows:

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

26 SECTION 2.10. Sections 1051.351 through 1051.354,
27 Occupations Code, are amended to read as follows:

1 Sec. 1051.351. ANNUAL RENEWAL REQUIRED. (a) A person who
2 is otherwise eligible to renew a certificate of registration under
3 this subtitle may renew an unexpired certificate by paying the
4 required renewal fee to the board before the expiration date of the
5 certificate. A person whose certificate of registration has
6 expired may not engage in activities that require registration
7 until the certificate of registration has been renewed [~~An original~~
8 ~~certificate of registration is valid for the balance of the current~~
9 ~~registration year and may be renewed annually. A certificate of~~
10 ~~registration that has been renewed expires on the first anniversary~~
11 ~~of the renewal date].~~

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

17 (c) For the [~~a~~] year in which the certificate of
18 registration expiration date is changed, the board shall prorate
19 renewal fees [~~shall be prorated~~] on a monthly basis so that each
20 certificate holder pays only that portion of the registration fee
21 that is allocable to the number of months during which the
22 certificate is valid. On renewal of the certificate of
23 registration on the new expiration date, the total registration
24 renewal fee is payable.

25 Sec. 1051.352. NOTICE OF EXPIRATION. Not later than the
26 30th [~~31st~~] day before the [~~expiration~~] date [~~of~~] a person's
27 certificate of registration is scheduled to expire, the board shall

1 send written notice of the impending expiration to the person at the
2 person's last known address according to the records of the board
3 ~~[records]~~.

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

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

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

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

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

14 ~~[(A) any unpaid]~~ renewal fee that is equal to
15 1-1/2 times the normally required renewal fee~~, and~~

16 ~~[(B) a penalty fee in an amount determined by the~~
17 ~~board, and~~

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

20 (c) A ~~[The board may set a penalty fee for a]~~ person whose
21 certificate of registration has been expired for more ~~[less]~~ than
22 90 days ~~[in an amount that is different from the penalty fee for a~~
23 ~~person whose certificate of registration has been expired for~~
24 ~~longer than 90 days]~~ but less than one year may renew the
25 certificate by paying to the board a renewal fee equal to two times
26 the normally required renewal fee.

27 (d) A person whose ~~[The board shall issue a certificate of~~

1 ~~renewal of a person's]~~ certificate of registration has been expired
2 for one year or more may not renew the certificate. The person may
3 obtain a new certificate of registration by complying with the
4 requirements and procedures, including the examination
5 requirements, for obtaining an original certificate [~~on receipt of:~~
6 ~~(1) the required fees, as provided by this section,~~
7 ~~and~~
8 ~~(2) the required proof of compliance with the board's~~
9 ~~continuing education requirement]~~.

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

25 Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL.

26 (a) A person required to register under this subtitle [~~An~~
27 ~~architect]~~ who is on active duty as a member of the United States

1 military is exempt from the payment of any fee during the person's
2 term of service if the person:

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

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

8 (b) A person who is exempt from payment of a fee under
9 Subsection (a):

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

12 (2) is entitled to have the person's name continued on
13 the list of architects, landscape architects, or interior
14 designers.

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

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

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

27 (1) the amount determined by the board as reasonable

1 and necessary to cover the costs of administering this section; and

2 (2) except as provided by Subsection (e), the
3 additional amount required under Section 1051.651(b)(1)(B)
4 [~~1051.204(b)(1)(B)~~] for the examination fee scholarship program.

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

8 (e) The additional amount of the renewal fee described by
9 Subsection (b)(2) does not apply to a person registered under
10 Chapter 1052 or 1053.

11 SECTION 2.12. Subsections (a) and (d), Section 1051.356,
12 Occupations Code, are amended to read as follows:

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

18 (d) A person is exempt from the continuing education
19 requirements of this section if the person is, as of September 1,
20 1999, engaged in teaching the subject matter for which the person is
21 registered under this subtitle [~~architecture~~] as a full-time
22 faculty member or other permanent employee of an institution of
23 higher education, as defined by Section 61.003, Education Code.

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

1 SUBCHAPTER H. GENERAL DISCIPLINARY PROCEDURES

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

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

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

14 Sec. 1051.402. PUBLICATION OF DISCIPLINARY ORDERS AND
15 SANCTIONS. The board by rule shall provide for the publication of
16 all disciplinary orders and sanctions imposed by the board under
17 this subtitle. A certificate holder may not negotiate with the
18 board to keep the board from publishing the settlement of a
19 disciplinary action.

20 Sec. 1051.403. REINSTATEMENT. The board may issue or
21 reinstate a certificate of registration under this section to an
22 applicant who:

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

26 (2) presents evidence to support the issuance or
27 reinstatement of the certificate.

1 SECTION 2.14. The heading to existing Subchapter J, Chapter
2 1051, Occupations Code, is amended to read as follows:

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

4 SECTION 2.15. Section 1051.451, Occupations Code, is
5 amended to read as follows:

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

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

15 (a) The amount of an administrative penalty may not exceed
16 \$5,000 [~~\$1,000~~].

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

22 SECTION 2.17. The heading to existing Subchapter K, Chapter
23 1051, Occupations Code, is amended to read as follows:

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

25 SECTION 2.18. Section 1051.501, Occupations Code, is
26 amended to read as follows:

27 Sec. 1051.501. GENERAL ENFORCEMENT AUTHORITY. (a) A

1 violation of this subtitle [~~chapter~~] shall be reported to the
2 board.

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

5 SECTION 2.19. Subsection (a), Section 1051.502,
6 Occupations Code, is amended to read as follows:

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

12 SECTION 2.20. Section 1051.504, Occupations Code, is
13 amended to read as follows:

14 Sec. 1051.503 [~~1051.504~~]. CUMULATIVE EFFECT OF
15 PROVISIONS. An action or penalty authorized by this subtitle
16 [~~subchapter~~] is in addition to any other action or penalty provided
17 by law.

18 SECTION 2.21. Existing Subchapter K, Chapter 1051,
19 Occupations Code, is amended by adding Sections 1051.504 and
20 1051.505 to read as follows:

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

1 prohibiting the conduct described in the notice.

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

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

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

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

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

14 (e) The board shall adopt rules necessary to implement this
15 section.

16 Sec. 1051.505. RESTITUTION. (a) The board may order a
17 person registered under this subtitle to pay restitution to a
18 consumer instead of or in addition to assessing an administrative
19 penalty under this chapter.

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

24 ARTICLE 3. PROVISIONS AFFECTING ONLY ARCHITECTS

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

1 PART 3. PROVISIONS APPLYING ONLY TO ARCHITECTS

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

5 SECTION 3.03. Chapter 1051, Occupations Code, is amended by
6 adding a new Subchapter K to the new Part 3 of that chapter to read
7 as follows:

8 SUBCHAPTER K. GENERAL PROVISIONS: ARCHITECTS

9 Sec. 1051.551. ENFORCEMENT BY CERTAIN PUBLIC OFFICIALS.

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

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

19 SECTION 3.04. The heading to existing Subchapter B, Chapter
20 1051, Occupations Code, is amended to read as follows:

21 SUBCHAPTER L [~~B~~]. EXEMPTIONS

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

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

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

27 Sec. 1051.602 [~~1051.052~~]. ACTIVITIES OF ARCHITECT OR

1 ENGINEER EMPLOYEE.

2 SECTION 3.07. Section 1051.053, Occupations Code, is
3 amended to read as follows:

4 Sec. 1051.603 [~~1051.053~~]. LANDSCAPE ARCHITECTURE. This
5 part [~~chapter~~] does not:

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

9 SECTION 3.08. Section 1051.054, Occupations Code, is
10 amended to read as follows:

11 Sec. 1051.604 [~~1051.054~~]. INTERIOR DESIGN. This part
12 [~~chapter~~] does not:

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

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

18 Sec. 1051.605 [~~1051.055~~]. EMPLOYEE OF CERTAIN UTILITIES OR
19 AFFILIATES.

20 SECTION 3.10. Subsection (b), existing Section 1051.055,
21 Occupations Code, is amended to read as follows:

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

- 25 (1) the title or classification in connection with an
26 offer to the public to perform architectural services; and
27 (2) a name, title, or other word that tends to convey

1 the impression that a person not registered as an architect under
2 this chapter is offering to the public to perform architectural
3 services.

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

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

8 SECTION 3.12. Subsection (a), existing Section 1051.056,
9 Occupations Code, is amended to read as follows:

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

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

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

18 (A) does not open or maintain an office in this
19 state; and

20 (B) complies with the requirements of Subsection
21 (b);

22 (3) prepares architectural plans and specifications
23 for or observes or supervises the alteration of a building, unless
24 the alteration involves a substantial structural or exitway change
25 to the building; or

26 (4) prepares the architectural plans and
27 specifications for or observes or supervises the construction,

1 enlargement, or alteration of a privately owned building that is:

2 (A) a building used primarily for:

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

4 or

5 (ii) storage of raw agricultural
6 commodities;

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

9 (C) a multifamily dwelling not exceeding a height
10 of two stories and not exceeding 16 units per building; ~~or~~

11 (D) a commercial building that does not exceed
12 ~~[exceeding]~~ a height of two stories or ~~[and not exceeding]~~ a square
13 footage of 20,000 square feet; or

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

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

18 SUBCHAPTER M. BOARD POWERS AND DUTIES: ARCHITECTS

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

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

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

27 (A) the amount determined by the board as

1 reasonable and necessary to cover administrative costs; and

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

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

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

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

15 Sec. 1051.652. FEE INCREASE. (a) The fee for the issuance
16 of a certificate to an applicant possessing a license or
17 certificate to practice architecture in another state and the fee
18 for the renewal of a certificate under this chapter are increased by
19 \$200.

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

23 Sec. 1051.653. EXAMINATION FEE SCHOLARSHIPS. (a) The
24 board shall administer scholarships to applicants for examination
25 under this part in a manner the board determines best serves the
26 public purpose of:

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

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

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

5 (4) identifying, recognizing, and supporting
6 outstanding applicants who plan to pursue careers in architecture.

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

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

12 (1) \$500; or

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

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

19 Sec. 1051.654. DESIGN AND APPROVAL OF ARCHITECT'S SEAL.

20 (a) The board shall prescribe and approve the seal to be used by an
21 architect.

22 (b) The design of the seal must be the same as the design
23 used by the board, except that the words "Registered Architect,
24 State of Texas" must be used instead of "Texas Board of
25 Architectural Examiners."

26 SECTION 3.14. The heading to existing Subchapter G, Chapter
27 1051, Occupations Code, is amended to read as follows:

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

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

4 Sec. 1051.701 [~~1051.301~~]. REGISTRATION REQUIRED. (a) A
5 person may not engage in the practice of architecture or offer or
6 attempt to engage in the practice of architecture unless the person
7 is registered as an architect under this chapter.

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

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

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

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

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

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

27 Sec. 1051.703 [~~1051.303~~]. CERTAIN PLANS OR SPECIFICATIONS

1 TO BE PREPARED ONLY BY ARCHITECT.

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

4 Sec. 1051.704 [~~1051.304~~]. EXAMINATION; ISSUANCE OF
5 CERTIFICATE.

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

8 Sec. 1051.705 [~~1051.305~~]. ELIGIBILITY AND APPLICATION FOR
9 EXAMINATION.

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

13 (b) The applicant must~~+~~
14 [~~(1)~~] present to the board:
15 (1) [~~(A)~~] a diploma showing that the applicant meets
16 the education requirement established by Subsection (a)(1); and
17 (2) [~~(B)~~] evidence acceptable to the board that the
18 applicant meets the experience requirement established by
19 Subsection (a)(2).

20 (c) The~~+, and~~
21 [~~(2) pay to the~~] board shall set an examination [~~a~~] fee
22 [~~not to exceed \$300~~] in an amount [~~set by the board as~~] reasonable
23 and necessary to cover the cost of [~~administering~~] the examination.

24 SECTION 3.22. The heading to existing Subchapter I, Chapter
25 1051, Occupations Code, is amended to read as follows:

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

27 SECTION 3.23. Existing Sections 1051.401 and 1051.402,

1 Occupations Code, are amended to read as follows:

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

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

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

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

9 [~~(3)~~] reprimand a certificate [~~the~~] holder [~~of a~~
10 ~~certificate of registration~~]; or

11 (3) [~~(4)~~] impose an administrative penalty on a person
12 under Subchapter I [~~J~~].

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

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

19 (2) limit practice to the areas prescribed by the
20 board; or

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

24 Sec. 1051.752 [~~1051.402~~]. GROUNDS FOR DISCIPLINARY ACTION.

25 A person is subject to disciplinary action under Section 1051.751
26 [~~1051.401~~] for:

27 (1) a violation of this subtitle [~~chapter~~] or a board

1 rule adopted under this subtitle that applies to architects
2 [~~chapter~~];

3 (2) a failure to provide or to timely provide to the
4 Texas Department of Licensing and Regulation any document
5 designated by Article 9102, Revised Statutes, as a document the
6 person is required to provide to the department;

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

9 (4) gross incompetency in the practice of
10 architecture;

11 (5) recklessness in the practice of architecture,
12 including recklessness in the construction or alteration of a
13 building by an architect designing, planning, or observing the
14 construction or alteration; [~~or~~]

15 (6) dishonest practice in the practice of architecture
16 by the holder of a certificate of registration;

17 (7) giving false or forged evidence to the board or a
18 board member in obtaining or assisting another person to obtain a
19 certificate of registration;

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

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

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

1 SUBCHAPTER P. OTHER PENALTIES AND ENFORCEMENT PROVISIONS:

2 ARCHITECTS

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

6 (1) engages in the practice of architecture, or offers
7 or attempts to engage in the practice of architecture;

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

11 (3) advertises or puts out a sign, card, or drawing
12 designating the person as an architect or architectural designer or
13 uses another business or professional title that uses a form of the
14 word "architect."

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

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

21 ARTICLE 4. PROVISIONS AFFECTING ONLY LANDSCAPE ARCHITECTS

22 SECTION 4.01. Subchapter A, Chapter 1052, Occupations Code,
23 is amended by adding Sections 1052.004 and 1052.005 to read as
24 follows:

25 Sec. 1052.004. ACTIVITIES OF LANDSCAPE ARCHITECT EMPLOYEE.
26 This chapter does not limit the ability of an employee of a
27 landscape architect to act under the landscape architect's

1 instructions, control, or supervision.

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

5 (1) who does not represent that the person is a
6 landscape architect or use a business or professional title that
7 uses a form of the phrase "landscape architect"; and

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

10 (A) does not open or maintain a business in this
11 state; and

12 (B) complies with the requirements of Subsection
13 (b).

14 (b) A person described by Subsection (a) who agrees to
15 perform or represents that the person is able to perform a
16 professional service involved in the practice of landscape
17 architecture may perform a landscape architectural service in this
18 state only if, in performing the service, the person:

19 (1) employs a landscape architect registered under
20 this chapter as a consultant; or

21 (2) acts as a consultant of a landscape architect
22 registered in this state.

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

26 (a) The board may set a fee for a board action involving an
27 administrative expense in an amount that is reasonable and

1 necessary to cover the cost of administering this chapter, unless
2 the amount of the fee is set [~~by this chapter or~~] by the General
3 Appropriations Act.

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

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

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

10 SECTION 4.04. Subsection (a), Section 1052.056,
11 Occupations Code, is amended to read as follows:

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

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

16 Sec. 1052.251. DISCIPLINARY POWERS OF BOARD. (a) On a
17 determination that a ground for discipline exists under Section
18 1052.252, the board shall [~~may~~]:

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

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

23 [~~(3)~~] reprimand a certificate [~~the~~] holder [~~of a~~
24 ~~certificate of registration~~]; or

25 (3) [~~(4)~~] impose an administrative penalty on a person
26 under Subchapter I, Chapter 1051 [~~G~~].

27 (b) The board may place on probation a person whose

1 certificate of registration is suspended. If the suspension [~~of a~~
2 ~~person's certificate of registration~~] is probated, the board may
3 require the person to:

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

6 (2) limit practice to the areas prescribed by the
7 board; or

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

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

13 (1) violating this subtitle [~~chapter~~] or a board rule
14 adopted under this subtitle that applies to landscape architects
15 [~~chapter~~];

16 (2) using fraud or deceit in obtaining a certificate
17 of registration;

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

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

23 (5) holding the person out to the public as an engineer
24 or using the term "engineer," "engineered," "professional
25 engineer," or "P.E." or any other term tending to create the
26 impression that the person is authorized to practice engineering or
27 another profession unless the person is licensed under Chapter 1001

1 or another licensing law of this state, as applicable;

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

8 (7) committing an act of recklessness [~~gross~~
9 ~~negligence~~], gross incompetency, or misconduct in the practice of
10 landscape architecture; [~~or~~]

11 (8) failing to provide or to timely provide to the
12 Texas Department of Licensing and Regulation any document
13 designated by Article 9102, Revised Statutes, as a document the
14 person is required to provide to the department;

15 (9) acting dishonestly in the practice of landscape
16 architecture; or

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

19 ARTICLE 5. PROVISIONS AFFECTING ONLY INTERIOR DESIGNERS

20 SECTION 5.01. Section 1053.002, Occupations Code, is
21 amended to read as follows:

22 Sec. 1053.002. APPLICATION. (a) This chapter does not
23 apply to:

24 (1) a person who:

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

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

3 (i) does not open or maintain a business in
4 this state; and

5 (ii) complies with the requirements of
6 Subsection (b); or

7 (2) a person who is registered to practice
8 architecture in this state.

9 (b) A person described by Subsection (a)(1) who agrees to
10 perform or represents that the person is able to perform [~~This~~
11 ~~chapter does not:~~

12 ~~[(1) prohibit an employee of an interior designer or~~
13 ~~architect from performing]~~ an interior design service may perform
14 an interior design service in this state if, in performing the
15 service, the person:

16 (1) employs an [~~under the control, instruction, or~~
17 ~~supervision of the]~~ interior designer registered under this chapter
18 as a consultant [~~or architect~~]; or

19 (2) acts as a consultant of an interior designer
20 [~~restrict the practice or activities of or the provision of a~~
21 ~~service by a person engaged in a profession or occupation for which~~
22 ~~the person is licensed or]~~ registered in this state [~~under any other~~
23 ~~law~~].

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

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

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

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

6 (b) The design of the seal must be the same as the design
7 used by the board, except that the words "Registered Interior
8 Designer, State of Texas" must be used instead of "Texas Board of
9 Architectural Examiners."

10 SECTION 5.04. Section 1053.160, Occupations Code, is
11 amended to read as follows:

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

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

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

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

25 SECTION 5.05. Subsections (a) and (b), Section 1053.251,
26 Occupations Code, are amended to read as follows:

27 (a) On a determination that a ground for disciplinary action

1 exists under Section 1053.252, the board shall ~~[may]~~:

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

4 (2) ~~[place on probation a person whose certificate of~~
5 ~~registration has been suspended,~~

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

8 (3) ~~[(4)]~~ impose an administrative penalty on a person
9 under Subchapter I, Chapter 1051 [G].

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

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

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

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

21 SECTION 5.06. Section 1053.252, Occupations Code, is
22 amended to read as follows:

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

25 (1) violating this subtitle ~~[chapter]~~ or a board rule
26 adopted under this subtitle that applies to interior designers
27 ~~[chapter]~~;

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

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

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

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

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

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

14 (8) failing to provide or to timely provide to the
15 Texas Department of Licensing and Regulation any document
16 designated by Article 9102, Revised Statutes, as a document the
17 person is required to provide to the department;

18 (9) giving false or forged evidence to the board or a
19 member of the board in obtaining or assisting another person to
20 obtain a certificate of registration;

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

23 (11) acting dishonestly in the practice of interior
24 design.

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

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

2 ARTICLE 6. REHABILITATION CODES

3 SECTION 6.01. The heading to Subchapter G, Chapter 214,
4 Local Government Code, is amended to read as follows:

5 SUBCHAPTER G. BUILDING AND REHABILITATION CODES

6 SECTION 6.02. Subchapter G, Chapter 214, Local Government
7 Code, is amended by adding Section 214.215 to read as follows:

8 Sec. 214.215. ADOPTION OF REHABILITATION CODES OR
9 PROVISIONS. (a) In this section, "rehabilitation" means the
10 alteration, remodeling, enlargement, or repair of an existing
11 structure.

12 (b) A municipality that adopts a building code, other than
13 the International Residential Code adopted under Section 214.212,
14 shall adopt one of the following:

15 (1) prescriptive provisions for rehabilitation as
16 part of the municipality's building code; or

17 (2) the rehabilitation code that accompanies the
18 building code adopted by the municipality.

19 (c) The rehabilitation code or prescriptive provisions do
20 not apply to the rehabilitation of a structure to which the
21 International Residential Code applies or to the construction of a
22 new structure.

23 (d) A municipality may:

24 (1) adopt the rehabilitation code or prescriptive
25 provisions for rehabilitation recommended by the Texas Board of
26 Architectural Examiners; or

27 (2) amend its rehabilitation code or prescriptive

1 provisions for rehabilitation.

2 (e) A municipality shall enforce the prescriptive
3 provisions for rehabilitation or the rehabilitation code in a
4 manner consistent with the enforcement of the municipality's
5 building code.

6 ARTICLE 7. REPEALER; TRANSITION PROVISIONS; EFFECTIVE DATE

7 SECTION 7.01. (a) Subchapters C, E, and G, Chapter 1052,
8 and Subchapters C, E, and G, Chapter 1053, Occupations Code, are
9 repealed.

10 (b) Existing Sections 1051.003, 1051.204, 1051.205,
11 1051.206, 1051.210, 1051.306, 1051.307, 1051.403, 1051.503,
12 1052.001, 1052.051, 1052.052, 1052.053, 1052.055, 1052.057,
13 1052.058, 1052.155, 1052.156, 1052.253, 1053.001, 1053.051,
14 1053.054, 1053.055, 1053.056, 1053.057, 1053.156, 1053.157,
15 1053.161, 1053.253, and 1053.254, Occupations Code, are repealed.

16 SECTION 7.02. Not later than March 1, 2004, the Texas Board
17 of Architectural Examiners shall:

18 (1) adopt rules as required by this Act; and

19 (2) set the fees required by this Act.

20 SECTION 7.03. (a) In accordance with Subsection (c),
21 Section 311.031, Government Code, which gives effect to a
22 substantive amendment enacted by the same legislature that codifies
23 the amended statute, the text of Subsection (b), Section 1051.355,
24 Occupations Code, as set out in this Act, gives effect to changes
25 made by Section 3, Chapter 861, Acts of the 77th Legislature,
26 Regular Session, 2001.

27 (b) In accordance with Subsection (c), Section 311.031,

1 Government Code, which gives effect to a substantive amendment
2 enacted by the same legislature that codifies the amended statute,
3 the text of Section 1051.402, Occupations Code, set out in this Act
4 as new Section 1051.752, Occupations Code, gives effect to changes
5 made by Section 2, Chapter 861, Acts of the 77th Legislature,
6 Regular Session, 2001.

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

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

19 (e) To the extent of any conflict, this Act prevails over
20 another Act of the 78th Legislature, Regular Session, 2003,
21 relating to nonsubstantive additions to and corrections in enacted
22 codes.

23 SECTION 7.04. (a) The changes in law made by this Act by
24 the amendment of Section 1051.103, Occupations Code, and the
25 addition of Section 1051.112, Occupations Code, in the prohibitions
26 on or qualifications of members of the Texas Board of Architectural
27 Examiners do not affect the entitlement of a member serving on the

1 Texas Board of Architectural Examiners immediately before
2 September 1, 2003, to continue to serve and function as a member of
3 the Texas Board of Architectural Examiners for the remainder of the
4 member's term. Those changes in law apply only to a member
5 appointed on or after September 1, 2003.

6 (b) Before adopting an administrative penalty schedule
7 under Subsection (c), Section 1051.452, Occupations Code, as added
8 by this Act, the Texas Board of Architectural Examiners shall hold a
9 public hearing that addresses the proposed administrative penalty
10 schedule. The board must allow members of the public to present
11 oral testimony or written documentation at the hearing.

12 SECTION 7.05. A municipality shall adopt prescriptive
13 provisions for rehabilitation or a rehabilitation code, as required
14 by Section 214.215, Local Government Code, as added by this Act, on
15 or before January 1, 2004.

16 SECTION 7.06. This Act does not affect the application of
17 the Americans with Disabilities Act of 1990 (42 U.S.C. Section
18 12101 et seq.).

19 SECTION 7.07. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 283 passed the Senate on April 25, 2003, by the following vote: Yeas 31, Nays 0; May 24, 2003, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2003, House granted request of the Senate; May 31, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 283 passed the House, with amendments, on May 20, 2003, by a non-record vote; May 26, 2003, House granted request of the Senate for appointment of Conference Committee; May 31, 2003, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor