

1-1 By: Jackson S.B. No. 283
1-2 (In the Senate - Filed March 10, 2003; March 17, 2003, read
1-3 first time and referred to Committee on Government Organization;
1-4 April 15, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 15, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 283 By: Brimer

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the continuation and functions of the Texas Board of
1-11 Architectural Examiners, including functions affecting architects,
1-12 landscape architects, and interior designers; providing a criminal
1-13 penalty.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 ARTICLE 1. PROVISIONS AFFECTING THE TEXAS BOARD OF ARCHITECTURAL
1-16 EXAMINERS AND RELATED ADMINISTRATIVE MATTERS

1-17 SECTION 1.01. The heading to Chapter 1051, Occupations
1-18 Code, is amended to read as follows:

1-19 CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL EXAMINERS; GENERAL
1-20 PROVISIONS AFFECTING ARCHITECTS, LANDSCAPE ARCHITECTS, AND
1-21 INTERIOR DESIGNERS; PROVISIONS AFFECTING ONLY ARCHITECTS

1-22 SECTION 1.02. Chapter 1051, Occupations Code, is amended by
1-23 adding a heading for a new Part 1 of that chapter to read as follows:

1-24 PART 1. GENERAL PROVISIONS; BOARD OF ARCHITECTURAL EXAMINERS

1-25 SECTION 1.03. Existing Subchapters A, C, D, and E, Chapter
1-26 1051, Occupations Code, are designated as part of the new Part 1 of
1-27 Chapter 1051.

1-28 SECTION 1.04. Sections 1051.001, 1051.002, and 1051.004,
1-29 Occupations Code, are amended to read as follows:

1-30 Sec. 1051.001. DEFINITIONS. In this subtitle [~~chapter~~]:

1-31 (1) "Architect" means a person registered under this
1-32 chapter to engage in the practice of architecture.

1-33 (2) "Board" means the Texas Board of Architectural
1-34 Examiners.

1-35 (3) "Interior design" means the:

1-36 (A) identification, research, or development of
1-37 a creative solution to a problem relating to the function or quality
1-38 of an interior environment;

1-39 (B) performance of a service relating to an
1-40 interior space, including programming, design analysis, space
1-41 planning of non-load-bearing interior construction, and
1-42 application of aesthetic principles, by using specialized
1-43 knowledge of interior construction, building codes, equipment,
1-44 materials, or furnishings; or

1-45 (C) preparation of an interior design plan,
1-46 specification, or related document about the design of a
1-47 non-load-bearing interior space.

1-48 (4) "Interior designer" means a person registered
1-49 under this subtitle to practice interior design.

1-50 (5) "Landscape architect" means a person registered
1-51 under this subtitle to practice landscape architecture.

1-52 (6) "Landscape architecture":

1-53 (A) means the art and science of landscape
1-54 analysis, landscape planning, and landscape design;

1-55 (B) includes the performance of professional
1-56 services such as consultation, investigation, research, the
1-57 preparation of general development and detailed site design plans,
1-58 the preparation of studies, the preparation of specifications, and
1-59 responsible supervision related to the development of landscape
1-60 areas for:

1-61 (i) the planning, preservation,
1-62 enhancement, and arrangement of land forms, natural systems,
1-63 features, and plantings, including ground and water forms;

2-1 (ii) the planning and design of vegetation,
 2-2 circulation, walks, and other landscape features to fulfill
 2-3 aesthetic and functional requirements;
 2-4 (iii) the formulation of graphic and
 2-5 written criteria to govern the planning and design of landscape
 2-6 construction development programs, including:
 2-7 (a) the preparation, review, and
 2-8 analysis of master and site plans for landscape use and
 2-9 development;
 2-10 (b) the analysis of environmental,
 2-11 physical, and social considerations related to land use;
 2-12 (c) the preparation of drawings,
 2-13 construction documents, and specifications; and
 2-14 (d) construction observation;
 2-15 (iv) design coordination and review of
 2-16 technical submissions, plans, and construction documents prepared
 2-17 by persons working under the direction of the landscape architect;
 2-18 (v) the preparation of feasibility studies,
 2-19 statements of probable construction costs, and reports and site
 2-20 selection for landscape development and preservation;
 2-21 (vi) the integration, site analysis, and
 2-22 determination of the location of buildings, structures, and
 2-23 circulation and environmental systems;
 2-24 (vii) the analysis and design of:
 2-25 (a) site landscape grading and
 2-26 drainage;
 2-27 (b) systems for landscape erosion and
 2-28 sediment control; and
 2-29 (c) pedestrian walkway systems;
 2-30 (viii) the planning and placement of
 2-31 uninhabitable landscape structures, plants, landscape lighting,
 2-32 and hard surface areas;
 2-33 (ix) the collaboration of landscape
 2-34 architects with other professionals in the design of roads,
 2-35 bridges, and structures regarding the functional, environmental,
 2-36 and aesthetic requirements of the areas in which they are to be
 2-37 placed; and
 2-38 (x) field observation of landscape site
 2-39 construction, revegetation, and maintenance; and
 2-40 (C) does not include:
 2-41 (i) traffic, roadway, or pavement
 2-42 engineering;
 2-43 (ii) the design of utilities;
 2-44 (iii) the engineering or study of
 2-45 hydrologic management of stormwater systems or floodplains;
 2-46 (iv) the making of final plats; or
 2-47 (v) a service or function within the
 2-48 practice of architecture, engineering, or public surveying as
 2-49 defined by this chapter or Chapter 1001 or 1071.
 2-50 (7) "Practice of architecture" means a service or
 2-51 creative work that involves the application of the art and science
 2-52 of developing design concepts, planning for functional
 2-53 relationships and intended uses, and establishing the form,
 2-54 appearance, aesthetics, and construction details for the
 2-55 construction, enlargement, or alteration of a building or environs,
 2-56 the proper application of which requires education, training, and
 2-57 experience in those matters.
 2-58 Sec. 1051.002. EFFECT ON MUNICIPALITY. This subtitle
 2-59 [chapter] does not:
 2-60 (1) preempt a municipal ordinance; or
 2-61 (2) restrict or expand the authority of a
 2-62 municipality.
 2-63 Sec. 1051.003 [1051.004]. APPLICATION OF SUNSET ACT. The
 2-64 Texas Board of Architectural Examiners is subject to Chapter 325,
 2-65 Government Code (Texas Sunset Act). Unless continued in existence
 2-66 as provided by that chapter, the board is abolished and this
 2-67 subtitle [chapter] expires September 1, 2015 [2003].
 2-68 SECTION 1.05. The heading to existing Subchapter C, Chapter
 2-69 1051, Occupations Code, is amended to read as follows:

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

SECTION 1.06. Section 1051.103, Occupations Code, is amended to read as follows:

Sec. 1051.103. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

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

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

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

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

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

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

SECTION 1.07. Subsections (a) and (c), Section 1051.105, Occupations Code, are amended to read as follows:

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

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

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

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

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

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

SECTION 1.08. Existing Subchapter C, Chapter 1051, Occupations Code, is amended by adding Section 1051.112 to read as follows:

Sec. 1051.112. TRAINING. (a) A person who is appointed to

4-1 and qualifies for office as a member of the board may not vote,
4-2 deliberate, or be counted as a member in attendance at a meeting of
4-3 the board until the person completes a training program that
4-4 complies with this section.

4-5 (b) The training program must provide the person with
4-6 information regarding:

- 4-7 (1) this subtitle;
- 4-8 (2) the programs operated by the board;
- 4-9 (3) the role and functions of the board;
- 4-10 (4) the rules of the board, with an emphasis on the
- 4-11 rules that relate to disciplinary and investigatory authority;
- 4-12 (5) the current budget for the board;
- 4-13 (6) the results of the most recent formal audit of the
- 4-14 board;

- 4-15 (7) the requirements of:
- 4-16 (A) the open meetings law, Chapter 551,
- 4-17 Government Code;
- 4-18 (B) the public information law, Chapter 552,
- 4-19 Government Code;
- 4-20 (C) the administrative procedure law, Chapter
- 4-21 2001, Government Code; and
- 4-22 (D) other laws relating to public officials,
- 4-23 including conflict-of-interest laws; and
- 4-24 (8) any applicable ethics policies adopted by the
- 4-25 board or the Texas Ethics Commission.

4-26 (c) A person appointed to the board is entitled to
4-27 reimbursement, as provided by the General Appropriations Act, for
4-28 the travel expenses incurred in attending the training program
4-29 regardless of whether the attendance at the program occurs before
4-30 or after the person qualifies for office.

4-31 SECTION 1.09. The heading to existing Subchapter D, Chapter
4-32 1051, Occupations Code, is amended to read as follows:

4-33 SUBCHAPTER C [D]. EXECUTIVE DIRECTOR AND PERSONNEL

4-34 SECTION 1.10. Sections 1051.153, 1051.154, and 1051.156,
4-35 Occupations Code, are amended to read as follows:

4-36 Sec. 1051.153. DIVISION OF RESPONSIBILITIES. The board
4-37 shall develop and implement policies that clearly separate the
4-38 policymaking [~~define the respective~~] responsibilities of the board
4-39 and the management responsibilities of the executive director and
4-40 the staff of the board.

4-41 Sec. 1051.154. QUALIFICATIONS AND STANDARDS OF CONDUCT
4-42 INFORMATION. The executive director or the executive director's
4-43 designee [~~board~~] shall provide [~~, as often as necessary,~~] to [~~its~~]
4-44 members of the board and to agency employees, as often as necessary,
4-45 information regarding the requirements [~~their~~].

4-46 [(1) qualifications] for office or employment under
4-47 this chapter, including information regarding a person's [~~, and~~
4-48 [(2)] responsibilities under applicable laws relating
4-49 to standards of conduct for state officers or employees.

4-50 Sec. 1051.156. EQUAL EMPLOYMENT OPPORTUNITY POLICY;
4-51 REPORT. (a) The executive director or the executive director's
4-52 designee shall prepare and maintain a written policy statement that
4-53 implements a program [~~to ensure implementation~~] of [~~an~~] equal
4-54 employment opportunity to ensure that [~~program under which~~] all
4-55 personnel decisions [~~transactions~~] are made without regard to race,
4-56 color, disability, sex, religion, age, or national origin.

4-57 (b) The policy statement must include:

4-58 (1) personnel policies, including policies relating
4-59 to recruitment, evaluation, selection, [~~appointment,~~] training,
4-60 and promotion of personnel, that show the intent of the board to
4-61 avoid the unlawful employment practices described by Chapter 21,
4-62 Labor Code; and

4-63 (2) an [~~a comprehensive~~] analysis of the extent to
4-64 which the composition of the board's personnel is in accordance
4-65 with [~~board workforce that meets~~] federal and state law and a
4-66 description of reasonable methods to achieve compliance with
4-67 federal and state law [~~guidelines,~~

4-68 [(3) procedures by which a determination can be made
4-69 of significant underuse in the board workforce of all persons for

whom federal or state guidelines encourage a more equitable balance, and

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

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

(1) ~~[cover an annual period;~~
~~[(2)]~~ be updated ~~[at least]~~ annually;

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

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

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

SECTION 1.11. Existing Subchapter D, Chapter 1051, Occupations Code, is amended by adding Section 1051.157 to read as follows:

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

SECTION 1.12. The heading to existing Subchapter E, Chapter 1051, Occupations Code, is amended to read as follows:

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

SECTION 1.13. Section 1051.202, Occupations Code, is amended to read as follows:

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

SECTION 1.14. Subsections (a) and (b), Section 1051.203, Occupations Code, are amended to read as follows:

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

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

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

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

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

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

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

SECTION 1.15. The heading to existing Section 1051.207, Occupations Code, is amended to read as follows:

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

SECTION 1.16. Subsection (a), existing Section 1051.207, Occupations Code, is amended to read as follows:

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

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

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

SECTION 1.17. The heading to existing Section 1051.208, Occupations Code, is amended to read as follows:

6-1 Sec. 1051.205 [~~1051.208~~]. PUBLIC RECORDS.
6-2 SECTION 1.18. Existing Section 1051.208, Occupations Code,
6-3 is amended by amending Subsection (b) and adding Subsection (d) to
6-4 read as follows:

6-5 (b) The records must include[+] ~~(1)~~
6-6 [~~(1)~~] a record of:
6-7 (1) [~~(A)~~] each issuance or renewal of a certificate of
6-8 registration; and
6-9 (2) [~~(B)~~] each refusal to issue or renew a certificate
6-10 of registration[+] ~~(2)~~
6-11 [~~(2)~~] the name and, if known, the place of residence of
6-12 each architect; and
6-13 [~~(3)~~] the date and serial number of the architect's
6-14 certificate of registration].

6-15 (d) The board shall maintain records or an official roster
6-16 showing:
6-17 (1) the name and, if known, the address of each person
6-18 registered under this subtitle; and
6-19 (2) the date and registration number of each
6-20 certificate of registration issued under this subtitle.

6-21 SECTION 1.19. The heading to existing Section 1051.209,
6-22 Occupations Code, is amended to read as follows:

6-23 Sec. 1051.206 [~~1051.209~~]. BOARD SEAL.

6-24 SECTION 1.20. Existing Subchapter E, Chapter 1051,
6-25 Occupations Code, is amended by adding Sections 1051.207 through
6-26 1051.212 to read as follows:

6-27 Sec. 1051.207. RULES ON CONSEQUENCES OF CRIMINAL
6-28 CONVICTION. The board shall adopt rules as necessary to comply with
6-29 Chapter 53.

6-30 Sec. 1051.208. STANDARDS OF CONDUCT. The board by rule
6-31 shall establish standards of conduct for persons regulated under
6-32 this subtitle.

6-33 Sec. 1051.209. ATTORNEY GENERAL AS LEGAL ADVISOR. The
6-34 attorney general shall act as legal advisor to the board and shall
6-35 provide legal assistance to enforce this subtitle. This section
6-36 does not relieve a local prosecuting attorney of any duty under the
6-37 law.

6-38 Sec. 1051.210. TECHNOLOGY POLICY. The board shall develop
6-39 and implement a policy that requires the executive director and
6-40 board employees to research and propose appropriate technological
6-41 solutions to improve the board's ability to perform its functions.
6-42 The technological solutions must:

6-43 (1) ensure that the public is able to easily find
6-44 information about the board through the Internet;

6-45 (2) ensure that persons who want to use the board's
6-46 services are able to:

6-47 (A) interact with the board through the Internet;
6-48 and

6-49 (B) access any service that can be provided
6-50 effectively through the Internet; and

6-51 (3) be cost-effective and be developed through the
6-52 board's planning process.

6-53 Sec. 1051.211. NEGOTIATED RULEMAKING AND ALTERNATIVE
6-54 DISPUTE RESOLUTION. (a) The board shall develop and implement a
6-55 policy to encourage the use of:

6-56 (1) negotiated rulemaking procedures under Chapter
6-57 2008, Government Code, for the adoption of board rules; and

6-58 (2) appropriate alternative dispute resolution
6-59 procedures under Chapter 2009, Government Code, to assist in the
6-60 resolution of internal and external disputes under the board's
6-61 jurisdiction.

6-62 (b) The board's procedures relating to alternative dispute
6-63 resolution must conform, to the extent possible, to any model
6-64 guidelines issued by the State Office of Administrative Hearings
6-65 for the use of alternative dispute resolution by state agencies.

6-66 (c) The board shall designate a trained person to:

6-67 (1) coordinate the implementation of the policy
6-68 adopted under Subsection (a);

6-69 (2) serve as a resource for any training needed to

7-1 implement the procedures for negotiated rulemaking or alternative
 7-2 dispute resolution; and

7-3 (3) collect data concerning the effectiveness of those
 7-4 procedures, as implemented by the board.

7-5 Sec. 1051.212. JOINT ADVISORY COMMITTEE ON THE PRACTICES OF
 7-6 ENGINEERING, ARCHITECTURE, AND LANDSCAPE ARCHITECTURE. (a) The
 7-7 Joint Advisory Committee on the Practices of Engineering,
 7-8 Architecture, and Landscape Architecture is an advisory committee
 7-9 to the board and to the Texas Board of Professional Engineers. The
 7-10 advisory committee consists of:

7-11 (1) three members of the board appointed by the board;
 7-12 and

7-13 (2) three members of the Texas Board of Professional
 7-14 Engineers appointed by that board.

7-15 (b) Members of the advisory committee serve staggered
 7-16 six-year terms, with the terms of one member appointed by the board
 7-17 and one member appointed by the Texas Board of Professional
 7-18 Engineers expiring each odd-numbered year.

7-19 (c) The advisory committee shall meet at least twice a year.

7-20 (d) The advisory committee shall work to resolve issues that
 7-21 result from the overlap between activities that constitute the
 7-22 practices of engineering and architecture and those that constitute
 7-23 the practices of engineering and landscape architecture. The
 7-24 advisory committee shall assist each agency in protecting the
 7-25 public rather than advancing the interests of either agency or the
 7-26 profession it regulates.

7-27 (e) The advisory committee shall issue advisory opinions to
 7-28 the board and to the Texas Board of Professional Engineers on
 7-29 matters relating to the practice of engineering and the practice of
 7-30 architecture or landscape architecture, including:

7-31 (1) opinions on whether certain activities constitute
 7-32 the practice of engineering or the practice of architecture or
 7-33 landscape architecture;

7-34 (2) specific disciplinary proceedings initiated by
 7-35 either agency; and

7-36 (3) the need for persons working on particular
 7-37 projects to be registered by the board or licensed by the Texas
 7-38 Board of Professional Engineers.

7-39 (f) If the advisory committee issues an advisory opinion to
 7-40 the board or the Texas Board of Professional Engineers on a matter,
 7-41 that agency shall notify the committee of the final action taken
 7-42 with regard to the matter. The advisory committee shall consider
 7-43 the action taken by the agency on the matter in any advisory opinion
 7-44 subsequently issued by the committee on a related matter.

7-45 (g) The board and the Texas Board of Professional Engineers
 7-46 shall enter into a memorandum of understanding regarding the
 7-47 advisory committee that includes the composition and purpose of the
 7-48 committee.

7-49 ARTICLE 2. PROVISIONS AFFECTING ARCHITECTS, LANDSCAPE
 7-50 ARCHITECTS, AND INTERIOR DESIGNERS

7-51 SECTION 2.01. Chapter 1051, Occupations Code, is amended by
 7-52 adding a heading for a new Part 2 of that chapter to read as follows:

7-53 PART 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS, LANDSCAPE
 7-54 ARCHITECTS, AND INTERIOR DESIGNERS

7-55 SECTION 2.02. Existing Subchapters F, H, J, and K, Chapter
 7-56 1051, Occupations Code, are designated as part of the new Part 2 of
 7-57 Chapter 1051.

7-58 SECTION 2.03. The heading to existing Subchapter F, Chapter
 7-59 1051, Occupations Code, is amended to read as follows:

7-60 SUBCHAPTER E [F]. PUBLIC INTEREST INFORMATION AND COMPLAINT
 7-61 PROCEDURES

7-62 SECTION 2.04. The heading to Section 1051.251, Occupations
 7-63 Code, is amended to read as follows:

7-64 Sec. 1051.251. PUBLIC INTEREST INFORMATION; DISPLAY OF
 7-65 CERTIFICATE.

7-66 SECTION 2.05. Section 1051.251, Occupations Code, is
 7-67 amended by amending Subsection (a) and adding Subsections (c) and
 7-68 (d) to read as follows:

7-69 (a) The board shall prepare information of public interest

8-1 describing the functions of the board and the procedures by which
 8-2 complaints are filed with and resolved by the board. The
 8-3 information must include information for prospective applicants
 8-4 regarding the qualifications and requirements for registration
 8-5 under this subtitle [~~chapter~~].

8-6 (c) In each written contract in which a person registered
 8-7 under this subtitle agrees to practice the person's profession in
 8-8 this state, the person shall include the name, mailing address, and
 8-9 telephone number of the board and a statement that the board has
 8-10 jurisdiction over a person registered under this subtitle.

8-11 (d) A person registered under this subtitle shall
 8-12 prominently display the person's certificate of registration in the
 8-13 person's place of business.

8-14 SECTION 2.06. Sections 1051.252 and 1051.253, Occupations
 8-15 Code, are amended to read as follows:

8-16 Sec. 1051.252. COMPLAINTS. (a) The board by rule shall
 8-17 establish a comprehensive procedure for receiving and adjudicating
 8-18 complaints from consumers and service recipients. The rules must
 8-19 address each phase of the complaint process, including complaint
 8-20 intake, preliminary evaluation, investigation, adjudication,
 8-21 sanctions, and public disclosure.

8-22 (b) The board [~~by rule~~] shall establish methods by which
 8-23 consumers and service recipients are notified of the name, mailing
 8-24 address, and telephone number of the board for the purpose of
 8-25 directing complaints to the board. The board may provide for that
 8-26 notice:

8-27 (1) on each registration form, application, or written
 8-28 contract for services of a person regulated under this subtitle
 8-29 [~~chapter~~];

8-30 (2) on a sign prominently displayed in the place of
 8-31 business of each person regulated under this subtitle [~~chapter~~]; or

8-32 (3) in a bill for service provided by a person
 8-33 regulated under this subtitle [~~chapter~~].

8-34 Sec. 1051.253. COMPLAINT INFORMATION. (a) The board shall
 8-35 maintain a [~~keep an information~~] file on [~~about~~] each complaint
 8-36 filed with the board that the board has authority to resolve. The
 8-37 file must include:

8-38 (1) the name of the person who filed the complaint
 8-39 unless the complaint is filed anonymously;

8-40 (2) the date the complaint is received by the board;

8-41 (3) the subject matter of the complaint;

8-42 (4) the name of each person contacted in relation to
 8-43 the complaint;

8-44 (5) a summary of the results of the review or
 8-45 investigation of the complaint; and

8-46 (6) an explanation of the reason the file was closed,
 8-47 if the board closed the file without taking action other than to
 8-48 investigate the complaint.

8-49 (b) The board shall provide to the person filing the
 8-50 complaint and to each person who is a subject of the complaint a
 8-51 copy of the board's policies and procedures relating to complaint
 8-52 investigation and resolution.

8-53 (c) The [~~If a written complaint is filed with the board that~~
 8-54 ~~the board has the authority to resolve, the]~~ board, at least
 8-55 quarterly [~~and~~] until final disposition of the complaint, shall
 8-56 notify the person filing [~~parties to~~] the complaint and each person
 8-57 who is a subject of the complaint of the status of the investigation
 8-58 [~~complaint~~] unless the notice would jeopardize an [~~undercover~~]
 8-59 investigation.

8-60 SECTION 2.07. Subsection (a), Section 1051.254,
 8-61 Occupations Code, is amended to read as follows:

8-62 (a) The board shall develop and implement policies that
 8-63 provide the public with a reasonable opportunity to appear before
 8-64 the board and to speak on any issue under the jurisdiction of the
 8-65 board.

8-66 SECTION 2.08. Chapter 1051, Occupations Code, is amended by
 8-67 adding a new Subchapter F to the new Part 2 of that chapter to read
 8-68 as follows:

9-1 SUBCHAPTER F. GENERAL REGISTRATION REQUIREMENTS

9-2 Sec. 1051.301. ADMINISTRATION OF EXAMINATION TO DISABLED
 9-3 APPLICANTS. The board by rule shall ensure that an examination
 9-4 under this subtitle is administered to applicants with disabilities
 9-5 in compliance with the Americans with Disabilities Act of 1990 (42
 9-6 U.S.C. Section 12101 et seq.) and its subsequent amendments.

9-7 Sec. 1051.302. EXAMINATION FEE. Notwithstanding Section
 9-8 2113.203, Government Code, the board may delegate the collection of
 9-9 any examination fee prescribed by the board to the person who
 9-10 conducts the examination.

9-11 Sec. 1051.303. REFUND POLICY. The board by rule shall adopt
 9-12 a comprehensive refund policy for applicants who are not able to
 9-13 take an examination under this subtitle after paying the
 9-14 examination fee. The comprehensive refund policy must include:

9-15 (1) a list of the circumstances under which the board
 9-16 will refund the examination fee to an applicant who does not take
 9-17 the examination;

9-18 (2) the required documentation to support a refund
 9-19 request;

9-20 (3) the deadline for applying for a refund; and

9-21 (4) the amount of the examination fee the board may
 9-22 retain to cover administrative costs.

9-23 Sec. 1051.304. EXAMINATION RESULTS. (a) Not later than
 9-24 the 30th day after the date a person takes an examination under this
 9-25 subtitle, the board shall notify the person of the results of the
 9-26 examination.

9-27 (b) If an examination is graded or reviewed by a testing
 9-28 service:

9-29 (1) the board shall notify the person of the results of
 9-30 the examination not later than the 14th day after the date the board
 9-31 receives the results from the testing service; and

9-32 (2) if notice of the examination results will be
 9-33 delayed for longer than 90 days after the examination date, the
 9-34 board shall notify the person of the reason for the delay before the
 9-35 90th day.

9-36 (c) The board may require a testing service to notify a
 9-37 person of the results of the person's examination.

9-38 (d) If requested in writing by a person who fails an
 9-39 examination administered under this subtitle, the board shall
 9-40 provide the person with an analysis of the person's performance on
 9-41 the examination.

9-42 Sec. 1051.305. RECIPROCITY. (a) The board may waive any
 9-43 prerequisite to obtaining a certificate of registration under this
 9-44 subtitle for an applicant who holds a license or certificate of
 9-45 registration issued by another jurisdiction:

9-46 (1) that has licensing or registration requirements
 9-47 substantially equivalent to those of this state; or

9-48 (2) with which this state has a reciprocity agreement.

9-49 (b) The board may make an agreement, subject to the approval
 9-50 of the governor, with another state to allow for licensing by
 9-51 reciprocity.

9-52 (c) An applicant under this section must:

9-53 (1) apply in the same manner and form as any other
 9-54 applicant under this subtitle, except that the application must be
 9-55 accompanied by a fee in an amount set by the board as reasonable and
 9-56 necessary to cover the cost of processing and investigating the
 9-57 application and issuing the certificate of registration; and

9-58 (2) provide the board with documents and other
 9-59 evidence that substantiates the applicant's qualifications.

9-60 Sec. 1051.306. FIRM REGISTRATION NOT REQUIRED. The board
 9-61 may not require a firm, partnership, corporation, or association
 9-62 engaged in the practice of architecture, landscape architecture, or
 9-63 interior design to register with the board under this subtitle.

9-64 Sec. 1051.307. ROSTER OF APPLICANTS. The board shall
 9-65 maintain a roster of all persons who apply for a certificate of
 9-66 registration under this subtitle. The roster must include the
 9-67 following information about each applicant:

9-68 (1) the applicant's name, address, and age;

9-69 (2) the date the applicant filed the application;

- 10-1 (3) the applicant's place of business;
 10-2 (4) the applicant's educational and other
 10-3 qualifications;
 10-4 (5) whether the applicant took the examination;
 10-5 (6) whether the board issued a certificate of
 10-6 registration to the applicant or rejected the application;
 10-7 (7) the date of the board's action on the application;
 10-8 and
 10-9 (8) any other information the board considers
 10-10 necessary.

10-11 SECTION 2.09. The heading to existing Subchapter H, Chapter
 10-12 1051, Occupations Code, is amended to read as follows:

10-13 SUBCHAPTER G [H]. RENEWAL OF CERTIFICATE OF REGISTRATION

10-14 SECTION 2.10. Sections 1051.351 through 1051.354,
 10-15 Occupations Code, are amended to read as follows:

10-16 Sec. 1051.351. ANNUAL RENEWAL REQUIRED. (a) A person who
 10-17 is otherwise eligible to renew a certificate of registration under
 10-18 this subtitle may renew an unexpired certificate by paying the
 10-19 required renewal fee to the board before the expiration date of the
 10-20 certificate. A person whose certificate of registration has
 10-21 expired may not engage in activities that require registration
 10-22 until the certificate of registration has been renewed [~~An original~~
 10-23 ~~certificate of registration is valid for the balance of the current~~
 10-24 ~~registration year and may be renewed annually. A certificate of~~
 10-25 ~~registration that has been renewed expires on the first anniversary~~
 10-26 ~~of the renewal date].~~

10-27 (b) The board by rule may adopt a system under which
 10-28 certificates of registration expire on various dates during the
 10-29 year. [~~The board shall adjust the date for mailing notice of~~
 10-30 ~~expiration and the period for renewal according to the system~~
 10-31 ~~adopted by the board under this subsection.]~~

10-32 (c) For the [a] year in which the certificate of
 10-33 registration expiration date is changed, the board shall prorate
 10-34 renewal fees [~~shall be prorated~~] on a monthly basis so that each
 10-35 certificate holder pays only that portion of the registration fee
 10-36 that is allocable to the number of months during which the
 10-37 certificate is valid. On renewal of the certificate of
 10-38 registration on the new expiration date, the total registration
 10-39 renewal fee is payable.

10-40 Sec. 1051.352. NOTICE OF EXPIRATION. Not later than the
 10-41 30th [~~31st~~] day before the [~~expiration~~] date [~~of~~] a person's
 10-42 certificate of registration is scheduled to expire, the board shall
 10-43 send written notice of the impending expiration to the person at the
 10-44 person's last known address according to the records of the board
 10-45 [~~records~~].

10-46 Sec. 1051.353. PROCEDURE FOR RENEWAL. (a) A person may
 10-47 renew an unexpired certificate of registration by[+]

10-48 [~~(1) paying the required renewal fee to the board~~
 10-49 ~~before the expiration date, and~~

10-50 [~~(2)~~] submitting proof satisfactory to the board of
 10-51 compliance with the board's continuing education requirement.

10-52 (b) A person whose certificate of registration has been
 10-53 expired for 90 days or less [~~than one year~~] may renew the [person's]
 10-54 certificate [~~of registration~~] by[+]

10-55 [~~(1)~~] paying to the board a[+]
 10-56 [~~(A) any unpaid~~] renewal fee that is equal to
 10-57 1-1/2 times the normally required renewal fee[, and]

10-58 [~~(B) a penalty fee in an amount determined by the~~
 10-59 ~~board, and~~

10-60 [~~(2) submitting proof satisfactory to the board of~~
 10-61 ~~compliance with the board's continuing education requirement].~~

10-62 (c) A [~~The board may set a penalty fee for a~~] person whose
 10-63 certificate of registration has been expired for more [~~less~~] than
 10-64 90 days [~~in an amount that is different from the penalty fee for a~~
 10-65 ~~person whose certificate of registration has been expired for~~
 10-66 ~~longer than 90 days] but less than one year may renew the
 10-67 certificate by paying to the board a renewal fee equal to two times
 10-68 the normally required renewal fee.~~

10-69 (d) A person whose [~~The board shall issue a certificate of~~

11-1 ~~renewal of a person's~~ certificate of registration has been expired
 11-2 for one year or more may not renew the certificate. The person may
 11-3 obtain a new certificate of registration by complying with the
 11-4 requirements and procedures, including the examination
 11-5 requirements, for obtaining an original certificate ~~[on receipt of:~~
 11-6 ~~[(1) the required fees, as provided by this section,~~
 11-7 ~~and~~
 11-8 ~~[(2) the required proof of compliance with the board's~~
 11-9 ~~continuing education requirement].~~

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

11-25 Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL.

11-26 (a) A person required to register under this subtitle ~~[An~~
 11-27 ~~architect]~~ who is on active duty as a member of the United States
 11-28 military is exempt from the payment of any fee during the person's
 11-29 term of service if the person:

11-30 (1) is in good standing as an architect, landscape
 11-31 architect, or interior designer in this state; or

11-32 (2) was in good standing as an architect, landscape
 11-33 architect, or interior designer in this state at the time the person
 11-34 entered into military service.

11-35 (b) A person who is exempt from payment of a fee under
 11-36 Subsection (a):

11-37 (1) is exempt for the remainder of the fiscal year
 11-38 during which the person's active duty status expires; and

11-39 (2) is entitled to have the person's name continued on
 11-40 the list of architects, landscape architects, or interior
 11-41 designers.

11-42 SECTION 2.11. Section 1051.355, Occupations Code, is
 11-43 amended by amending Subsections (a), (b), and (c) and adding
 11-44 Subsection (e) to read as follows:

11-45 (a) The board by rule shall establish a procedure by which a
 11-46 person who is registered under this subtitle ~~[an architect]~~ may
 11-47 place the person's certificate of registration on inactive status.
 11-48 The person must apply for inactive status, on a form prescribed by
 11-49 the board, before the person's certificate of registration expires.

11-50 (b) A person whose certificate of registration is on
 11-51 inactive status must pay an annual renewal fee on a date and in a
 11-52 manner prescribed by board rule. The board shall prescribe the
 11-53 renewal fee under this subsection in an amount equal to the sum of:

11-54 (1) the amount determined by the board as reasonable
 11-55 and necessary to cover the costs of administering this section; and

11-56 (2) except as provided by Subsection (e), the
 11-57 additional amount required under Section 1051.651(b)(1)(B)
 11-58 [1051.204(b)(1)(B)] for the examination fee scholarship program.

11-59 (c) A person whose certificate of registration is on
 11-60 inactive status may not perform any activity regulated under this
 11-61 subtitle ~~[chapter].~~

11-62 (e) The additional amount of the renewal fee described by
 11-63 Subsection (b)(2) does not apply to a person registered under
 11-64 Chapter 1052 or 1053.

11-65 SECTION 2.12. Subsections (a) and (d), Section 1051.356,
 11-66 Occupations Code, are amended to read as follows:

11-67 (a) The board shall recognize, prepare, or administer
 11-68 [require] continuing education programs for its certificate
 11-69 holders. A certificate holder must participate in the programs to

12-1 the extent required by the board to keep the person's [as a
 12-2 condition for renewal of a] certificate of registration.

12-3 (d) A person is exempt from the continuing education
 12-4 requirements of this section if the person is, as of September 1,
 12-5 1999, engaged in teaching the subject matter for which the person is
 12-6 registered under this subtitle [architecture] as a full-time
 12-7 faculty member or other permanent employee of an institution of
 12-8 higher education, as defined by Section 61.003, Education Code.

12-9 SECTION 2.13. Chapter 1051, Occupations Code, is amended by
 12-10 adding a new Subchapter H to the new Part 2 of that chapter to read
 12-11 as follows:

12-12 SUBCHAPTER H. GENERAL DISCIPLINARY PROCEDURES

12-13 Sec. 1051.401. RIGHT TO HEARING; APPEAL. (a) If the board
 12-14 proposes to suspend, revoke, or refuse to renew a person's
 12-15 certificate of registration, the person is entitled to a hearing.
 12-16 The hearing shall be held by an administrative law judge of the
 12-17 State Office of Administrative Hearings.

12-18 (b) The board shall prescribe procedures by which a decision
 12-19 to suspend or revoke or a refusal to renew a certificate of
 12-20 registration is made by or is appealable to the board.

12-21 (c) A hearing under this section is a contested case subject
 12-22 to Chapter 2001, Government Code, and must be conducted under rules
 12-23 enacted by the State Office of Administrative Hearings under
 12-24 Chapter 2003, Government Code.

12-25 Sec. 1051.402. PUBLICATION OF DISCIPLINARY ORDERS AND
 12-26 SANCTIONS. The board by rule shall provide for the publication of
 12-27 all disciplinary orders and sanctions imposed by the board under
 12-28 this subtitle. A certificate holder may not negotiate with the
 12-29 board to keep the board from publishing the settlement of a
 12-30 disciplinary action.

12-31 Sec. 1051.403. REINSTATEMENT. (a) A person whose
 12-32 application for the issuance of an original or renewal certificate
 12-33 of registration is denied or whose certificate of registration is
 12-34 revoked or suspended may not apply to the board for the issuance or
 12-35 reinstatement of a certificate of registration before the 180th day
 12-36 after the date of the denial, revocation, or suspension.

12-37 (b) The board may issue or reinstate a certificate of
 12-38 registration under this section to an applicant who:

12-39 (1) pays all fees and costs incurred by the board as a
 12-40 result of any proceeding that led to the denial, revocation, or
 12-41 suspension; and

12-42 (2) presents evidence to support the issuance or
 12-43 reinstatement of the certificate.

12-44 SECTION 2.14. The heading to existing Subchapter J, Chapter
 12-45 1051, Occupations Code, is amended to read as follows:

12-46 SUBCHAPTER I [J]. ADMINISTRATIVE PENALTY

12-47 SECTION 2.15. Section 1051.451, Occupations Code, is
 12-48 amended to read as follows:

12-49 Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. The
 12-50 board may impose an administrative penalty on a person who engages
 12-51 in conduct for which the person is subject to disciplinary action
 12-52 under this subtitle [Subchapter I], regardless of whether the
 12-53 person holds a certificate of registration issued under this
 12-54 subtitle [chapter].

12-55 SECTION 2.16. Section 1051.452, Occupations Code, is
 12-56 amended by amending Subsection (a) and adding Subsection (c) to
 12-57 read as follows:

12-58 (a) The amount of an administrative penalty may not exceed
 12-59 \$5,000 [\$1,000].

12-60 (c) The board by rule shall adopt an administrative penalty
 12-61 schedule for violations of this subtitle or board rules to ensure
 12-62 that the amounts of penalties imposed are appropriate to the
 12-63 violation. The board must provide the administrative penalty
 12-64 schedule to the public on request.

12-65 SECTION 2.17. The heading to existing Subchapter K, Chapter
 12-66 1051, Occupations Code, is amended to read as follows:

12-67 SUBCHAPTER J [K]. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

12-68 SECTION 2.18. Section 1051.501, Occupations Code, is
 12-69 amended to read as follows:

13-1 Sec. 1051.501. GENERAL ENFORCEMENT AUTHORITY. (a) A
13-2 violation of this subtitle [chapter] shall be reported to the
13-3 board.

13-4 (b) The board shall ensure that enforcement action is taken
13-5 against a person who violates this subtitle [chapter].

13-6 SECTION 2.19. Subsection (a), Section 1051.502,
13-7 Occupations Code, is amended to read as follows:

13-8 (a) The board may bring an action in its name to enjoin or
13-9 restrain a person from violating this subtitle [chapter], a rule
13-10 adopted under this subtitle [chapter], or another state statute or
13-11 rule relating to the professions regulated under this subtitle
13-12 [practice of architecture].

13-13 SECTION 2.20. Section 1051.504, Occupations Code, is
13-14 amended to read as follows:

13-15 Sec. 1051.503 [1051.504]. CUMULATIVE EFFECT OF
13-16 PROVISIONS. An action or penalty authorized by this subtitle
13-17 [subchapter] is in addition to any other action or penalty provided
13-18 by law.

13-19 SECTION 2.21. Existing Subchapter K, Chapter 1051,
13-20 Occupations Code, is amended by adding Sections 1051.504 and
13-21 1051.505 to read as follows:

13-22 Sec. 1051.504. CEASE AND DESIST ORDER. (a) If it appears
13-23 to the board that a person who is not registered under this subtitle
13-24 is violating or has violated this subtitle, a rule adopted under
13-25 this subtitle, or another state statute or rule relating to the
13-26 practice of architecture, landscape architecture, or interior
13-27 design, the board after providing to the person notice and the
13-28 opportunity for a hearing may issue a cease and desist order
13-29 prohibiting the conduct described in the notice.

13-30 (b) If the person does not request a hearing before the 22nd
13-31 day after the date of receiving notice under Subsection (a), the
13-32 board may:

- 13-33 (1) issue a cease and desist order; and
- 13-34 (2) refer the violation to the attorney general for
13-35 further action.

13-36 (c) If the person requests a hearing before the 22nd day
13-37 after the date of receiving notice under Subsection (a), the board
13-38 shall hold the hearing not later than the 30th day after the date
13-39 the board receives the request for the hearing.

13-40 (d) A hearing under this section is subject to Chapter 2001,
13-41 Government Code.

13-42 (e) The board shall adopt rules necessary to implement this
13-43 section.

13-44 Sec. 1051.505. RESTITUTION. (a) The board may order a
13-45 person registered under this subtitle to pay restitution to a
13-46 consumer instead of or in addition to assessing an administrative
13-47 penalty under this chapter.

13-48 (b) The amount of restitution ordered by the board may not
13-49 exceed the amount the consumer paid the person for a service
13-50 regulated under this subtitle. The board may not include an
13-51 estimation of other damages or harm in a restitution order.

13-52 ARTICLE 3. PROVISIONS AFFECTING ONLY ARCHITECTS

13-53 SECTION 3.01. Chapter 1051, Occupations Code, is amended by
13-54 adding a heading for a new Part 3 of that chapter to read as follows:

13-55 PART 3. PROVISIONS APPLYING ONLY TO ARCHITECTS

13-56 SECTION 3.02. Existing Subchapters B, G, and I, Chapter
13-57 1051, Occupations Code, are designated as a part of the new Part 3
13-58 of Chapter 1051.

13-59 SECTION 3.03. Chapter 1051, Occupations Code, is amended by
13-60 adding a new Subchapter K to the new Part 3 of that chapter to read
13-61 as follows:

13-62 SUBCHAPTER K. GENERAL PROVISIONS: ARCHITECTS

13-63 Sec. 1051.551. ENFORCEMENT BY CERTAIN PUBLIC OFFICIALS.

13-64 (a) A public official of this state or of a political subdivision
13-65 of this state who is responsible for enforcing laws that affect the
13-66 practice of architecture may accept an architectural plan,
13-67 specification, or other related document only if the plan,
13-68 specification, or document is prepared by an architect or by a
13-69 person acting under the supervision of an architect, as evidenced

14-1 by the architect's seal.

14-2 (b) Subsection (a) does not apply to a plan, specification,
 14-3 or document that is subject to an exemption from this chapter.

14-4 SECTION 3.04. The heading to existing Subchapter B, Chapter
 14-5 1051, Occupations Code, is amended to read as follows:

14-6 SUBCHAPTER L [~~B~~]. EXEMPTIONS

14-7 SECTION 3.05. The heading to Section 1051.051, Occupations
 14-8 Code, is amended to read as follows:

14-9 Sec. 1051.601 [~~1051.051~~]. ACTIVITIES OF LICENSED ENGINEER.

14-10 SECTION 3.06. The heading to Section 1051.052, Occupations
 14-11 Code, is amended to read as follows:

14-12 Sec. 1051.602 [~~1051.052~~]. ACTIVITIES OF ARCHITECT OR
 14-13 ENGINEER EMPLOYEE.

14-14 SECTION 3.07. Section 1051.053, Occupations Code, is
 14-15 amended to read as follows:

14-16 Sec. 1051.603 [~~1051.053~~]. LANDSCAPE ARCHITECTURE. This
 14-17 part [~~chapter~~] does not:

- 14-18 (1) limit the practice of landscape architecture; or
 14-19 (2) prohibit the use of the title "Landscape
 14-20 Architect" by a qualified person.

14-21 SECTION 3.08. Section 1051.054, Occupations Code, is
 14-22 amended to read as follows:

14-23 Sec. 1051.604 [~~1051.054~~]. INTERIOR DESIGN. This part
 14-24 [~~chapter~~] does not:

- 14-25 (1) limit the practice of interior design; or
 14-26 (2) prohibit the use of the title "Interior Designer"
 14-27 by a qualified person.

14-28 SECTION 3.09. The heading to Section 1051.055, Occupations
 14-29 Code, is amended to read as follows:

14-30 Sec. 1051.605 [~~1051.055~~]. EMPLOYEE OF CERTAIN UTILITIES OR
 14-31 AFFILIATES.

14-32 SECTION 3.10. Subsection (b), existing Section 1051.055,
 14-33 Occupations Code, is amended to read as follows:

14-34 (b) This chapter does not limit the use of a job title or
 14-35 personnel classification by an employee described by Subsection (a)
 14-36 if the employee does not use:

- 14-37 (1) the title or classification in connection with an
 14-38 offer to the public to perform architectural services; and
 14-39 (2) a name, title, or other word that tends to convey
 14-40 the impression that a person not registered as an architect under
 14-41 this chapter is offering to the public to perform architectural
 14-42 services.

14-43 SECTION 3.11. The heading to Section 1051.056, Occupations
 14-44 Code, is amended to read as follows:

14-45 Sec. 1051.606 [~~1051.056~~]. ACTIVITIES OF CERTAIN PERSONS
 14-46 NOT REPRESENTED TO BE ARCHITECTS.

14-47 SECTION 3.12. Subsection (a), existing Section 1051.056,
 14-48 Occupations Code, is amended to read as follows:

14-49 (a) This chapter does not apply to a person who does not
 14-50 represent that the person is an architect or architectural
 14-51 designer, or use another business or professional title that uses a
 14-52 form of the word "architect," and who:

- 14-53 (1) engages in or is employed in the practice of
 14-54 architecture solely as an officer or employee of the United States;
 14-55 (2) is a legally qualified architect residing in
 14-56 another state or country who:

14-57 (A) does not open or maintain an office in this
 14-58 state; and

14-59 (B) complies with the requirements of Subsection
 14-60 (b);

14-61 (3) prepares architectural plans and specifications
 14-62 for or observes or supervises the alteration of a building, unless
 14-63 the alteration involves a substantial structural or exitway change
 14-64 to the building; or

14-65 (4) prepares the architectural plans and
 14-66 specifications for or observes or supervises the construction,
 14-67 enlargement, or alteration of a privately owned building that is:

- 14-68 (A) a building used primarily for:
 14-69 (i) farm, ranch, or agricultural purposes;

15-1 or
 15-2 (ii) storage of raw agricultural
 15-3 commodities;
 15-4 (B) a single-family or dual-family dwelling or a
 15-5 building or appurtenance associated with the dwelling;
 15-6 (C) a multifamily dwelling not exceeding a height
 15-7 of two stories and not exceeding 16 units per building; ~~[or]~~
 15-8 (D) a commercial building that does not exceed
 15-9 [exceeding] a height of two stories or [and not exceeding] a square
 15-10 footage of 20,000 square feet; or
 15-11 (E) a warehouse that has limited public access.

15-12 SECTION 3.13. Chapter 1051, Occupations Code, is amended by
 15-13 adding a new Subchapter M to the new Part 3 of that chapter to read
 15-14 as follows:

15-15 SUBCHAPTER M. BOARD POWERS AND DUTIES: ARCHITECTS

15-16 Sec. 1051.651. FEES. (a) The board may set a fee for a
 15-17 board action involving an administrative expense in an amount that
 15-18 is reasonable and necessary to cover the cost of administering this
 15-19 chapter, unless the amount of the fee is set by this chapter or by
 15-20 the General Appropriations Act.

15-21 (b) The board shall set the required renewal fee for:
 15-22 (1) a resident of this state in an amount that is equal
 15-23 to the sum of:

15-24 (A) the amount determined by the board as
 15-25 reasonable and necessary to cover administrative costs; and

15-26 (B) an amount determined annually by the board as
 15-27 reasonable and necessary for the administration of the examination
 15-28 fee scholarship program under Section 1051.653; and

15-29 (2) nonresidents in an amount determined by the board.

15-30 (c) The board may accept payment of a fee by electronic
 15-31 means. The board may charge a fee to process the payment made by
 15-32 electronic means. The board shall set the processing fee in an
 15-33 amount that is reasonably related to the expense incurred by the
 15-34 board in processing the payment made by electronic means, not to
 15-35 exceed five percent of the amount of the fee for which the payment
 15-36 is made.

15-37 (d) A fee set by the board under this section may not be used
 15-38 for the purpose of earning additional revenue for the board.

15-39 Sec. 1051.652. FEE INCREASE. (a) The fee for the issuance
 15-40 of a certificate to an applicant possessing a license or
 15-41 certificate to practice architecture in another state and the fee
 15-42 for the renewal of a certificate under this chapter are increased by
 15-43 \$200.

15-44 (b) Of each fee increase collected, \$50 shall be deposited
 15-45 in the foundation school fund and \$150 shall be deposited in the
 15-46 general revenue fund.

15-47 Sec. 1051.653. EXAMINATION FEE SCHOLARSHIPS. (a) The
 15-48 board shall administer scholarships to applicants for examination
 15-49 under this part in a manner the board determines best serves the
 15-50 public purpose of:

15-51 (1) promoting the professional needs of the state;

15-52 (2) increasing the number of highly trained and
 15-53 educated architects available to serve the residents of the state;

15-54 (3) improving the state's business environment and
 15-55 encouraging economic development; and

15-56 (4) identifying, recognizing, and supporting
 15-57 outstanding applicants who plan to pursue careers in architecture.

15-58 (b) In determining what best serves the public purpose of
 15-59 the scholarships as described by Subsection (a), the board shall
 15-60 consider at least the financial need of each person who applies for
 15-61 a scholarship under this section.

15-62 (c) The amount of the scholarship is the lesser of:

15-63 (1) \$500; or

15-64 (2) the amount of the required examination fee.

15-65 (d) Scholarships under this section are funded by the amount
 15-66 added to each renewal fee under Section 1051.651(b). The board may
 15-67 not use more than 15 percent of the amount appropriated to the board
 15-68 for scholarships under this section to pay the costs of
 15-69 administering the scholarships.

16-1 Sec. 1051.654. DESIGN AND APPROVAL OF ARCHITECT'S SEAL.
16-2 (a) The board shall prescribe and approve the seal to be used by an
16-3 architect.

16-4 (b) The design of the seal must be the same as the design
16-5 used by the board, except that the words "Registered Architect,
16-6 State of Texas" must be used instead of "Texas Board of
16-7 Architectural Examiners."

16-8 SECTION 3.14. The heading to existing Subchapter G, Chapter
16-9 1051, Occupations Code, is amended to read as follows:

16-10 SUBCHAPTER N [G]. REGISTRATION OF ARCHITECTS [REQUIREMENTS]

16-11 SECTION 3.15. Existing Section 1051.301, Occupations Code,
16-12 is amended to read as follows:

16-13 Sec. 1051.701 [~~1051.301~~]. REGISTRATION REQUIRED. (a) A
16-14 person may not engage in the practice of architecture or offer or
16-15 attempt to engage in the practice of architecture unless the person
16-16 is registered as an architect under this chapter.

16-17 (b) A firm, partnership, corporation, or association,
16-18 including a firm, partnership, corporation, or joint stock
16-19 association engaged in the practice of engineering under Section
16-20 1001.405, may engage in the practice of architecture, represent to
16-21 the public that the entity is engaged in the practice of
16-22 architecture or is offering architectural services, or use the word
16-23 "architect" or "architecture" in any manner in its name only if any
16-24 practice of architecture or architectural service performed on
16-25 behalf of the entity is performed by or through a person registered
16-26 as an architect under this chapter.

16-27 SECTION 3.16. The heading to existing Section 1051.302,
16-28 Occupations Code, is amended to read as follows:

16-29 Sec. 1051.702 [~~1051.302~~]. USE OF ARCHITECT'S SEAL.

16-30 SECTION 3.17. Existing Section 1051.302, Occupations Code,
16-31 is amended by adding Subsection (d) to read as follows:

16-32 (d) A person may not present or attempt to use as the
16-33 person's own the seal of another person.

16-34 SECTION 3.18. The heading to existing Section 1051.303,
16-35 Occupations Code, is amended to read as follows:

16-36 Sec. 1051.703 [~~1051.303~~]. CERTAIN PLANS OR SPECIFICATIONS
16-37 TO BE PREPARED ONLY BY ARCHITECT.

16-38 SECTION 3.19. The heading to existing Section 1051.304,
16-39 Occupations Code, is amended to read as follows:

16-40 Sec. 1051.704 [~~1051.304~~]. EXAMINATION; ISSUANCE OF
16-41 CERTIFICATE.

16-42 SECTION 3.20. The heading to existing Section 1051.305,
16-43 Occupations Code, is amended to read as follows:

16-44 Sec. 1051.705 [~~1051.305~~]. ELIGIBILITY AND APPLICATION FOR
16-45 EXAMINATION.

16-46 SECTION 3.21. Existing Section 1051.305, Occupations Code,
16-47 is amended by amending Subsection (b) and adding Subsection (c) to
16-48 read as follows:

16-49 (b) The applicant must ~~+~~
16-50 [~~(1)~~] present to the board:
16-51 (1) [~~(A)~~] a diploma showing that the applicant meets
16-52 the education requirement established by Subsection (a)(1); and
16-53 (2) [~~(B)~~] evidence acceptable to the board that the
16-54 applicant meets the experience requirement established by
16-55 Subsection (a)(2).

16-56 (c) The ~~+~~ and
16-57 [~~(2)~~ ~~pay to the~~] board shall set an examination [a] fee
16-58 [~~not to exceed \$300~~] in an amount [~~set by the board as~~] reasonable
16-59 and necessary to cover the cost of [~~administering~~] the examination.

16-60 SECTION 3.22. The heading to existing Subchapter I, Chapter
16-61 1051, Occupations Code, is amended to read as follows:

16-62 SUBCHAPTER O [~~I~~]. DISCIPLINARY PROCEDURES FOR ARCHITECTS

16-63 SECTION 3.23. Existing Sections 1051.401 and 1051.402,
16-64 Occupations Code, are amended to read as follows:

16-65 Sec. 1051.751 [~~1051.401~~]. DISCIPLINARY POWERS OF BOARD.
16-66 (a) On a determination that a ground for discipline exists under
16-67 Section 1051.752 [~~1051.402~~], the board shall may:

16-68 (1) revoke, ~~or~~ suspend, or refuse to renew a
16-69 certificate of registration;

17-1 (2) ~~[place on probation a person whose certificate of~~
 17-2 ~~registration is suspended,~~
 17-3 ~~[(3)]~~ reprimand a certificate [the] holder [of a
 17-4 ~~certificate of registration]; or~~

17-5 (3) ~~[(4)]~~ impose an administrative penalty on a person
 17-6 under Subchapter I ~~[I]~~.

17-7 (b) The board may place on probation a person whose
 17-8 certificate of registration is suspended. If the suspension [of a
 17-9 person's certificate of registration] is probated, the board may
 17-10 require the person to:

17-11 (1) report regularly to the board on matters that are
 17-12 the basis of the probation;

17-13 (2) limit practice to the areas prescribed by the
 17-14 board; or

17-15 (3) continue or review [renew] professional education
 17-16 until the person attains a degree of skill satisfactory to the board
 17-17 in those areas that are the basis of the probation.

17-18 Sec. 1051.752 [1051.402]. GROUNDS FOR DISCIPLINARY ACTION.
 17-19 A person is subject to disciplinary action under Section 1051.751
 17-20 [1051.401] for:

17-21 (1) a violation of this subtitle [chapter] or a board
 17-22 rule adopted under this subtitle that applies to architects
 17-23 [chapter];

17-24 (2) a failure to provide or to timely provide to the
 17-25 Texas Department of Licensing and Regulation any document
 17-26 designated by Article 9102, Revised Statutes, as a document the
 17-27 person is required to provide to the department;

17-28 (3) a cause for which the board may refuse to issue a
 17-29 certificate of registration;

17-30 (4) gross incompetency in the practice of
 17-31 architecture;

17-32 (5) recklessness in the practice of architecture,
 17-33 including recklessness in the construction or alteration of a
 17-34 building by an architect designing, planning, or observing the
 17-35 construction or alteration; [or]

17-36 (6) dishonest practice in the practice of architecture
 17-37 by the holder of a certificate of registration;

17-38 (7) giving false or forged evidence to the board or a
 17-39 board member in obtaining or assisting another person to obtain a
 17-40 certificate of registration;

17-41 (8) aiding or abetting a person not registered under
 17-42 this subtitle in violating this subtitle; or

17-43 (9) using or attempting to use as the person's own the
 17-44 certificate of registration of another person.

17-45 SECTION 3.24. Chapter 1051, Occupations Code, is amended by
 17-46 adding a new Subchapter P to the new Part 3 of that chapter to read
 17-47 as follows:

17-48 SUBCHAPTER P. OTHER PENALTIES AND ENFORCEMENT PROVISIONS:
 17-49 ARCHITECTS

17-50 Sec. 1051.801. CRIMINAL PENALTY. (a) A person, whether
 17-51 acting independently or on behalf of the person's firm, commits an
 17-52 offense if, in violation of this chapter, the person:

17-53 (1) engages in the practice of architecture, or offers
 17-54 or attempts to engage in the practice of architecture;

17-55 (2) prepares architectural plans or specifications
 17-56 for and observes or supervises the construction, enlargement, or
 17-57 alteration of a building for another person; or

17-58 (3) advertises or puts out a sign, card, or drawing
 17-59 designating the person as an architect or architectural designer or
 17-60 uses another business or professional title that uses a form of the
 17-61 word "architect."

17-62 (b) An offense under this section is a misdemeanor
 17-63 punishable by a fine of not less than \$250 and not more than \$1,000.
 17-64 Each day of violation is a separate offense.

17-65 (c) In an action brought under this section, the board may
 17-66 be represented by a district or county attorney or by other counsel
 17-67 as necessary.

17-68 ARTICLE 4. PROVISIONS AFFECTING ONLY LANDSCAPE ARCHITECTS

17-69 SECTION 4.01. Subchapter A, Chapter 1052, Occupations Code,

18-1 is amended by adding Sections 1052.004 and 1052.005 to read as
18-2 follows:

18-3 Sec. 1052.004. ACTIVITIES OF LANDSCAPE ARCHITECT EMPLOYEE.
18-4 This chapter does not limit the ability of an employee of a
18-5 landscape architect to act under the landscape architect's
18-6 instructions, control, or supervision.

18-7 Sec. 1052.005. ACTIVITIES OF CERTAIN PERSONS NOT
18-8 REPRESENTED TO BE LANDSCAPE ARCHITECTS. (a) This chapter does not
18-9 apply to a person:

18-10 (1) who does not represent that the person is a
18-11 landscape architect or use a business or professional title that
18-12 uses a form of the phrase "landscape architect"; and

18-13 (2) who is a landscape architect licensed or
18-14 registered in another state or country who:

18-15 (A) does not open or maintain a business in this
18-16 state; and

18-17 (B) complies with the requirements of Subsection
18-18 (b).

18-19 (b) A person described by Subsection (a) who agrees to
18-20 perform or represents that the person is able to perform a
18-21 professional service involved in the practice of landscape
18-22 architecture may perform a landscape architectural service in this
18-23 state only if, in performing the service, the person:

18-24 (1) employs a landscape architect registered under
18-25 this chapter as a consultant; or

18-26 (2) acts as a consultant of a landscape architect
18-27 registered in this state.

18-28 SECTION 4.02. Section 1052.054, Occupations Code, is
18-29 amended by amending Subsection (a) and adding Subsection (d) to
18-30 read as follows:

18-31 (a) The board may set a fee for a board action involving an
18-32 administrative expense in an amount that is reasonable and
18-33 necessary to cover the cost of administering this chapter, unless
18-34 the amount of the fee is set [~~by this chapter or~~] by the General
18-35 Appropriations Act.

18-36 (d) A fee set by the board under this section may not be used
18-37 for the purpose of earning additional revenue for the board.

18-38 SECTION 4.03. The heading to Section 1052.056, Occupations
18-39 Code, is amended to read as follows:

18-40 Sec. 1052.056. [~~FORM AND~~] DESIGN AND APPROVAL OF LANDSCAPE
18-41 ARCHITECT'S SEAL.

18-42 SECTION 4.04. Subsection (a), Section 1052.056,
18-43 Occupations Code, is amended to read as follows:

18-44 (a) The board shall prescribe and approve [~~the form of~~] the
18-45 seal to be used by a landscape architect.

18-46 SECTION 4.05. Sections 1052.251 and 1052.252, Occupations
18-47 Code, are amended to read as follows:

18-48 Sec. 1052.251. DISCIPLINARY POWERS OF BOARD. (a) On a
18-49 determination that a ground for discipline exists under Section
18-50 1052.252, the board shall [~~may~~]:

18-51 (1) revoke, [~~or~~] suspend, or refuse to renew a
18-52 certificate of registration;

18-53 (2) [~~place on probation a person whose certificate of~~
18-54 ~~registration is suspended,~~

18-55 [~~(3)~~] reprimand a certificate [~~the~~] holder [~~of a~~
18-56 ~~certificate of registration~~]; or

18-57 (3) [~~(4)~~] impose an administrative penalty on a person
18-58 under Subchapter I, Chapter 1051 [G].

18-59 (b) The board may place on probation a person whose
18-60 certificate of registration is suspended. If the suspension [~~of a~~
18-61 person's certificate of registration] is probated, the board may
18-62 require the person to:

18-63 (1) report regularly to the board on matters that are
18-64 the basis of the probation;

18-65 (2) limit practice to the areas prescribed by the
18-66 board; or

18-67 (3) continue or review [~~renew~~] professional education
18-68 until the person attains a degree of skill satisfactory to the board
18-69 in those areas that are the basis of the probation.

19-1 Sec. 1052.252. GROUNDS FOR DISCIPLINARY ACTION. A person
19-2 is subject to disciplinary action under Section 1052.251 for:

19-3 (1) violating this subtitle [~~chapter~~] or a board rule
19-4 adopted under this subtitle that applies to landscape architects
19-5 [~~chapter~~];

19-6 (2) using fraud or deceit in obtaining a certificate
19-7 of registration;

19-8 (3) giving false or forged evidence to the board or a
19-9 member of the board in obtaining or assisting another person to
19-10 obtain a certificate of registration;

19-11 (4) using or attempting to use as the person's own the
19-12 certificate of registration of another person;

19-13 (5) holding the person out to the public as an engineer
19-14 or using the term "engineer," "engineered," "professional
19-15 engineer," or "P.E." or any other term tending to create the
19-16 impression that the person is authorized to practice engineering or
19-17 another profession unless the person is licensed under Chapter 1001
19-18 or another licensing law of this state, as applicable;

19-19 (6) holding the person out to the public as a surveyor
19-20 or using the term "surveyor," "surveyed," or "registered
19-21 professional land surveyor" or any other term tending to create the
19-22 impression that the person is authorized to practice surveying or
19-23 another profession unless the person is licensed under Chapter 1071
19-24 or another licensing law of this state, as applicable;

19-25 (7) committing an act of recklessness [~~gross~~
19-26 ~~negligence~~], gross incompetency, or misconduct in the practice of
19-27 landscape architecture; [~~or~~]

19-28 (8) failing to provide or to timely provide to the
19-29 Texas Department of Licensing and Regulation any document
19-30 designated by Article 9102, Revised Statutes, as a document the
19-31 person is required to provide to the department;

19-32 (9) acting dishonestly in the practice of landscape
19-33 architecture; or

19-34 (10) aiding or abetting a person not registered under
19-35 this subtitle in violating this subtitle.

19-36 ARTICLE 5. PROVISIONS AFFECTING ONLY INTERIOR DESIGNERS

19-37 SECTION 5.01. Section 1053.002, Occupations Code, is
19-38 amended to read as follows:

19-39 Sec. 1053.002. APPLICATION. (a) This chapter does not
19-40 apply to:

19-41 (1) a person who:

19-42 (A) [~~(1)~~] does not use the title "interior
19-43 designer" and does not use the term "interior design" to describe a
19-44 service the person offers or performs; and

19-45 (B) is an interior designer licensed or
19-46 registered in another state or country who:

19-47 (i) does not open or maintain a business in
19-48 this state; and

19-49 (ii) complies with the requirements of
19-50 Subsection (b); or

19-51 (2) a person who is registered to practice
19-52 architecture in this state.

19-53 (b) A person described by Subsection (a)(1) who agrees to
19-54 perform or represents that the person is able to perform [~~This~~
19-55 ~~chapter does not:~~

19-56 [~~(1) prohibit an employee of an interior designer or~~
19-57 ~~architect from performing]~~ an interior design service may perform
19-58 an interior design service in this state if, in performing the
19-59 service, the person:

19-60 (1) employs an [~~under the control, instruction, or~~
19-61 ~~supervision of the]~~ interior designer registered under this chapter
19-62 as a consultant [~~or architect~~]; or

19-63 (2) acts as a consultant of an interior designer
19-64 [~~restrict the practice or activities of or the provision of a~~
19-65 ~~service by a person engaged in a profession or occupation for which~~
19-66 ~~the person is licensed or]~~ registered in this state [~~under any other~~
19-67 ~~law~~].

19-68 SECTION 5.02. Section 1053.052, Occupations Code, is
19-69 amended by adding Subsection (d) to read as follows:

20-1 (d) A fee set by the board under this section may not be used
 20-2 for the purpose of earning additional revenue for the board.

20-3 SECTION 5.03. Subchapter B, Chapter 1053, Occupations Code,
 20-4 is amended by adding Section 1053.058 to read as follows:

20-5 Sec. 1053.058. DESIGN AND APPROVAL OF INTERIOR DESIGNER'S
 20-6 SEAL. (a) The board shall prescribe and approve the seal to be
 20-7 used by an interior designer.

20-8 (b) The design of the seal must be the same as the design
 20-9 used by the board, except that the words "Registered Interior
 20-10 Designer, State of Texas" must be used instead of "Texas Board of
 20-11 Architectural Examiners."

20-12 SECTION 5.04. Section 1053.160, Occupations Code, is
 20-13 amended to read as follows:

20-14 Sec. 1053.160. USE OF INTERIOR DESIGNER'S SEAL. (a) An
 20-15 interior designer shall maintain a [is entitled to use any] seal
 20-16 described by Section 1053.058 and shall stamp or impress the seal on
 20-17 each drawing or specification issued from the interior designer's
 20-18 office for use in this state [adopted by the board].

20-19 (b) A person may not use or attempt to use an interior
 20-20 designer's seal, a similar seal, or a replica of the seal unless the
 20-21 use is by or through an interior designer.

20-22 (c) An interior designer may not permit a person who is not
 20-23 an interior designer to use the interior designer's seal without
 20-24 the interior designer's personal supervision.

20-25 (d) A person may not present or attempt to use as the
 20-26 person's own the seal of another person.

20-27 SECTION 5.05. Subsections (a) and (b), Section 1053.251,
 20-28 Occupations Code, are amended to read as follows:

20-29 (a) On a determination that a ground for disciplinary action
 20-30 exists under Section 1053.252, the board shall [may]:

20-31 (1) revoke, [or] suspend, or refuse to renew a
 20-32 certification of registration;

20-33 (2) [place on probation a person whose certificate of
 20-34 registration has been suspended;

20-35 [~~(3)~~] reprimand a certificate [the] holder [of a
 20-36 certificate of registration]; or

20-37 (3) [~~(4)~~] impose an administrative penalty on a person
 20-38 under Subchapter I, Chapter 1051 [G].

20-39 (b) The board may place on probation a person whose
 20-40 certificate of registration is suspended. If the suspension [of a
 20-41 person's certificate of registration] is probated, the board may
 20-42 require the person to:

20-43 (1) report regularly to the board on matters that are
 20-44 the basis of the probation;

20-45 (2) limit practice to the areas prescribed by the
 20-46 board; or

20-47 (3) continue or review [renew] professional education
 20-48 until the person attains a degree of skill satisfactory to the board
 20-49 in those areas that are the basis of the probation.

20-50 SECTION 5.06. Section 1053.252, Occupations Code, is
 20-51 amended to read as follows:

20-52 Sec. 1053.252. GROUNDS FOR DISCIPLINARY ACTION. A person
 20-53 is subject to disciplinary action under Section 1053.251 for:

20-54 (1) violating this subtitle [chapter] or a board rule
 20-55 adopted under this subtitle that applies to interior designers
 20-56 [chapter];

20-57 (2) being convicted of a felony or of a misdemeanor
 20-58 involving moral turpitude;

20-59 (3) using fraud or deceit in obtaining or attempting
 20-60 to obtain a certificate of registration;

20-61 (4) committing an act of recklessness, gross
 20-62 incompetency, or misconduct in the practice of interior design
 20-63 [performing professional duties in a grossly negligent manner];

20-64 (5) practicing in a manner detrimental to the public
 20-65 health, safety, or welfare;

20-66 (6) advertising in a manner that tends to deceive or
 20-67 defraud the public;

20-68 (7) aiding or abetting any person not registered under
 20-69 this subtitle [chapter] in violating this subtitle [chapter]; [or]

21-1 (8) failing to provide or to timely provide to the
21-2 Texas Department of Licensing and Regulation any document
21-3 designated by Article 9102, Revised Statutes, as a document the
21-4 person is required to provide to the department;

21-5 (9) giving false or forged evidence to the board or a
21-6 member of the board in obtaining or assisting another person to
21-7 obtain a certificate of registration;

21-8 (10) using or attempting to use as the person's own the
21-9 certificate of registration of another person; or

21-10 (11) acting dishonestly in the practice of interior
21-11 design.

21-12 SECTION 5.07. The heading to Subchapter H, Chapter 1053,
21-13 Occupations Code, is amended to read as follows:

21-14 SUBCHAPTER H. [~~OTHER~~] PENALTIES

21-15 ARTICLE 6. REPEALER; TRANSITION PROVISIONS; EFFECTIVE DATE

21-16 SECTION 6.01. (a) Subchapters C, E, and G, Chapter 1052,
21-17 and Subchapters C, E, and G, Chapter 1053, Occupations Code, are
21-18 repealed.

21-19 (b) Existing Sections 1051.003, 1051.204, 1051.205,
21-20 1051.206, 1051.210, 1051.306, 1051.307, 1051.403, 1051.503,
21-21 1052.001, 1052.051, 1052.052, 1052.053, 1052.055, 1052.057,
21-22 1052.058, 1052.155, 1052.156, 1052.253, 1053.001, 1053.051,
21-23 1053.054, 1053.055, 1053.056, 1053.057, 1053.156, 1053.157,
21-24 1053.161, 1053.253, and 1053.254, Occupations Code, are repealed.

21-25 SECTION 6.02. Not later than March 1, 2004, the Texas Board
21-26 of Architectural Examiners shall:

21-27 (1) adopt rules as required by this Act; and

21-28 (2) set the fees required by this Act.

21-29 SECTION 6.03. (a) In accordance with Subsection (c),
21-30 Section 311.031, Government Code, which gives effect to a
21-31 substantive amendment enacted by the same legislature that codifies
21-32 the amended statute, the text of Subsection (b), Section 1051.355,
21-33 Occupations Code, as set out in this Act, gives effect to changes
21-34 made by Section 3, Chapter 861, Acts of the 77th Legislature,
21-35 Regular Session, 2001.

21-36 (b) In accordance with Subsection (c), Section 311.031,
21-37 Government Code, which gives effect to a substantive amendment
21-38 enacted by the same legislature that codifies the amended statute,
21-39 the text of Section 1051.402, Occupations Code, set out in this Act
21-40 as new Section 1051.752, Occupations Code, gives effect to changes
21-41 made by Section 2, Chapter 861, Acts of the 77th Legislature,
21-42 Regular Session, 2001.

21-43 (c) In accordance with Subsection (c), Section 311.031,
21-44 Government Code, which gives effect to a substantive amendment
21-45 enacted by the same legislature that codifies the amended statute,
21-46 the text of Section 1052.252, Occupations Code, as set out in this
21-47 Act, gives effect to changes made by Section 6, Chapter 861, Acts of
21-48 the 77th Legislature, Regular Session, 2001.

21-49 (d) In accordance with Subsection (c), Section 311.031,
21-50 Government Code, which gives effect to a substantive amendment
21-51 enacted by the same legislature that codifies the amended statute,
21-52 the text of Section 1053.252, Occupations Code, as set out in this
21-53 Act, gives effect to changes made by Section 9, Chapter 861, Acts of
21-54 the 77th Legislature, Regular Session, 2001.

21-55 (e) To the extent of any conflict, this Act prevails over
21-56 another Act of the 78th Legislature, Regular Session, 2003,
21-57 relating to nonsubstantive additions to and corrections in enacted
21-58 codes.

21-59 SECTION 6.04. (a) The changes in law made by this Act by
21-60 the amendment of Section 1051.103, Occupations Code, and the
21-61 addition of Section 1051.112, Occupations Code, in the prohibitions
21-62 on or qualifications of members of the Texas Board of Architectural
21-63 Examiners do not affect the entitlement of a member serving on the
21-64 Texas Board of Architectural Examiners immediately before
21-65 September 1, 2003, to continue to serve and function as a member of
21-66 the Texas Board of Architectural Examiners for the remainder of the
21-67 member's term. Those changes in law apply only to a member
21-68 appointed on or after September 1, 2003.

21-69 (b) Before adopting an administrative penalty schedule

22-1 under Subsection (c), Section 1051.452, Occupations Code, as added
22-2 by this Act, the Texas Board of Architectural Examiners shall hold a
22-3 public hearing that addresses the proposed administrative penalty
22-4 schedule. The board must allow members of the public to present
22-5 oral testimony or written documentation at the hearing.

22-6 SECTION 6.05. This Act takes effect September 1, 2003.

22-7

* * * * *