

BILL ANALYSIS

Senate Research Center
80R6026 BEF-F

H.B. 1567
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Business & Commerce
5/12/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current text of Section 1052.151(b), Occupations Code, allows a person to represent herself or himself as a landscape architect if she or he is exempt from registration under Chapter 1052 (Landscape Architects). It is unclear how this provision came into existence. Technically, there are no exemptions from Chapter 1052, although Section 1052.003 lists several licensees of other professions who may practice landscape architecture under certain circumstances. However, under Section 1052.003(b), none of those licenses or unregistered persons may use the title "landscape architect" or the term "landscape architecture" or any similar term. There is no discernible public purpose for allowing a person who is not registered as a landscape architect to represent herself or himself as a landscape architect.

H.B. 1567 harmonizes Section 1052.151 and Section 1052.003(b).

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1052.151, Occupations Code, as follows:

Sec. 1052.151. REGISTRATION REQUIRED. (a) Prohibits a person from engaging in the practice of landscape architecture unless the person is authorized under Section 1052.003 (Practice of Landscape Architecture) to engage in the practice of landscape architecture without holding a certificate of registration.

(b) Prohibits a person from representing the person to be a landscape architect or using the term "landscape architect," "landscape architectural," or "landscape architecture" or any similar term to describe the person's services unless the person holds a certificate of registration under this chapter. Deletes existing text prohibiting a person from representing the person to be a landscape architect unless is exempt from registration under this chapter.

(c) Authorizes a business entity, notwithstanding Subsection (a), to engage in the practice of landscape architecture without holding a certificate of registration under this chapter if the entity is authorized under Section 1052.003 to engage in the practice of landscape architecture without holding a certificate of registration, or any landscape architecture performed on behalf of the entity is performed by or under the supervision and control of a person who holds a certificate of registration under this chapter, and is a regular, full-time employee of the business.

(d) Authorizes a business entity, notwithstanding Subsection (b), to use the term "landscape architect," "landscape architectural," or "landscape architecture" or any similar term to describe the entity or the services provided by the entity without holding a certificate of registration under this chapter if any practice of landscape architecture performed on behalf of the entity is performed by or under the supervision and control of a person who holds a certificate of registration under this chapter, and is a regular, full-time employee of the business.

SECTION 2. Effective date: September 1, 2007.