

By: Geren

H.B. No. 2060

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Board of Architectural Examiners; providing penalties.

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

SECTION 1. Section 1051.0015, Occupations Code, is amended to read as follows:

Sec. 1051.0015. PURPOSE OF REGISTRATION REQUIREMENT. The purpose of Section 1051.701(a) [~~1051.301(a)~~] is to:

(1) safeguard life, health, property, and the public welfare; and

(2) protect the public against the irresponsible practice of architecture.

SECTION 2. Section 1051.101(b), Occupations Code, is amended to read as follows:

(b) Not more than one board member may be:

(1) a stockholder or owner of an interest in a school or college that teaches architecture, interior design, or landscape architecture; or

(2) a full-time [~~an officer or a~~] member of the faculty or administration of the [~~governing board of a school or college that teaches~~] architecture, interior design, or landscape architecture department of a school or college whose position is the primary employment of the board member.

SECTION 3. Sections 1051.107(b) and (c), Occupations Code,

are amended to read as follows:

(b) The ~~[Each January, the]~~ board annually shall elect from its members an assistant presiding officer.

(c) The board shall appoint a secretary-treasurer of the board to serve at the pleasure of the board. ~~[The secretary-treasurer may be, but is not required to be, a member of the board.]~~

SECTION 4. Section 1051.353, Occupations Code, is amended by amending Subsections (c) and (d) and adding Subsection (c-1) to read as follows:

(c) A person whose certificate of registration has been expired for more than 90 days but less than two years ~~[one year]~~ may renew the certificate by paying to the board a renewal fee equal to two times the normally required renewal fee.

(c-1) A person whose certificate of registration has been expired for two years or more but less than five years may renew the certificate by paying to the board a renewal fee equal to three times the normally required renewal fee.

(d) A person whose certificate of registration has been expired for five years ~~[one year]~~ or more may not renew the certificate. The person may obtain a new certificate of registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate.

SECTION 5. Sections 1051.357(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) The board by rule shall establish a procedure by which

1 an architect may place the architect's ~~[person's]~~ certificate of
2 registration on emeritus status. The architect ~~[person]~~ must apply
3 for emeritus status, on a form prescribed by the board, before the
4 architect's ~~[person's]~~ certificate of registration expires.

5 (c) An architect ~~[A person]~~ whose certificate of
6 registration is on emeritus status:

7 (1) may ~~[not]~~ engage in the practice of architecture
8 as defined by Sections 1051.001(7)(D), (E), (F), (G), and (H);

9 (2) may prepare ~~[except for the preparation of]~~ plans
10 and specifications described by Sections 1051.606(a)(3) and (4)
11 ~~[Section 1051.056(a)(3) or (4)]~~;

12 (3) ~~[(2)]~~ may use the title "Emeritus Architect" or
13 "Architect Emeritus";

14 (4) ~~[(3)]~~ must pay a renewal fee on a date and in a
15 manner prescribed by board rule; and

16 (5) ~~[(4)]~~ is exempt from continuing education
17 requirements under this chapter.

18 (d) The board shall change an architect's ~~[remove a~~
19 ~~person's]~~ certificate of registration from emeritus status to
20 active status if the architect ~~[person]~~:

21 (1) requests in writing that the board remove the
22 architect's ~~[person's]~~ certificate of registration from emeritus
23 status;

24 (2) pays an administrative fee; and

25 (3) complies with education or other requirements
26 established by board rule.

27 SECTION 6. Subchapter H, Chapter 1051, Occupations Code, is

1 amended by adding Section 1051.404 to read as follows:

2 Sec. 1051.404. FAILURE TO RESPOND TO AN INQUIRY OF THE
3 BOARD. A person shall answer an inquiry of the board concerning any
4 matter under the jurisdiction of the board not later than the 30th
5 day after the day the person receives notice of the inquiry. This
6 section applies to any person who receives an inquiry, including a
7 person who holds a certificate of registration issued under this
8 subtitle. A person who fails to respond to an inquiry of the board
9 concerning a matter under the jurisdiction of the board is subject
10 to the imposition of an administrative penalty under Subchapter I.

11 SECTION 7. Section 1051.455(b), Occupations Code, is
12 amended to read as follows:

13 (b) A proceeding under this section relating to an
14 architect, a landscape architect, or an interior designer is
15 subject to Chapter 2001, Government Code.

16 SECTION 8. Section 1051.457(a), Occupations Code, is
17 amended to read as follows:

18 (a) If the person on whom an administrative penalty is
19 imposed holds a certificate of registration issued by the board [~~is~~
20 ~~an architect~~], the board's order becomes final as provided by
21 Section 2001.144, Government Code. If the person does not hold a
22 certificate of registration issued by the board, the board's order
23 becomes final on the 20th day after the date the order is issued.

24 SECTION 9. Section 1051.653, Occupations Code, is amended
25 by amending Subsections (c) and (d) and adding Subsections (e) and
26 (f) to read as follows:

27 (c) The board shall set the amount of the scholarship, which

1 may not exceed ~~[is the lesser of:~~

2 ~~[(1) \$500; or~~

3 ~~[(2)]~~ the amount of the required examination fee.

4 (d) Scholarships under this section are funded by the
5 scholarship fund for architectural examination. The board shall
6 deposit the amount added to each renewal fee under Sections
7 1051.355(b)(2) and 1051.651(b)(1)(B) to the credit of the
8 scholarship fund. The scholarship fund for architectural
9 examination is a reserved fund held outside the state treasury in an
10 account in the Texas Treasury Safekeeping Trust Company. Money in
11 the scholarship fund may be used by the board only to:

12 (1) provide scholarships to applicants for
13 examination under this chapter; and

14 (2) pay the administrative costs, including the cost
15 of providing public notice about the scholarship, associated with
16 the examination fee scholarship program ~~[Section 1051.651(b)]~~.

17 (e) Interest earned on the scholarship fund for
18 architectural examination applicants shall be credited to the fund.
19 At the end of each state fiscal year, any unexpended balance in the
20 scholarship fund shall remain in the fund. The board may not
21 annually use more than 15 percent of the balance in the scholarship
22 fund ~~[amount appropriated to the board for scholarships under this~~
23 ~~section]~~ to pay the costs of administering the scholarships.

24 (f) The board may contract with the Texas Higher Education
25 Coordinating Board or a private entity to administer the
26 examination fee scholarship program established under this
27 section.

SECTION 10. Section 1052.151, Occupations Code, is amended to read as follows:

Sec. 1052.151. REGISTRATION REQUIRED. (a) For purposes of this section:

(1) "Business" means a firm, partnership, corporation, association, sole proprietorship, organization, business trust, trust, estate, or any other legal entity.

(2) "Person" means a natural person.

(b) A person may not engage in the practice of landscape architecture unless the person holds a certificate of registration under this chapter.

(c) ~~[(b)]~~ A person may not represent the person to be a landscape architect unless the person holds a certificate of registration ~~[or is exempt from registration]~~ under this chapter.

(d) Except as provided by Section 1052.003, a business may not engage in the practice of landscape architecture or use the term "landscape architect," "landscape architectural," or "landscape architecture," or any similar term to describe the business or the services the business provides, unless any practice of landscape architecture performed for the business is performed by or under the supervision and control of a person registered as a landscape architect under this chapter who is a regular full-time employee of the business.

SECTION 11. Sections 1052.153(b) and (d), Occupations Code, are amended to read as follows:

(b) The board shall prescribe the scope of the examination and the methods of procedure with special reference to the

1 applicant's ability that will ensure the safety of the public
2 welfare and property rights. The board by rule may adopt the
3 examination of the Council of Landscape Architectural Registration
4 Boards or the examination of a nationally recognized testing
5 organization whose examination is determined by the board to be at
6 least as stringent as the council's examination.

7 (d) The board at least annually shall administer the
8 examination or enter into a contract with a nationally recognized
9 testing organization to administer the examination. The board, in
10 the manner provided by board rule, shall provide reasonable public
11 notice of the dates on and locations at which each portion of the
12 examination will be administered [~~at its office in Austin or at~~
13 ~~another location designated by the board~~].

14 SECTION 12. Subchapter D, Chapter 1052, Occupations Code,
15 is amended by adding Section 1052.155 to read as follows:

16 Sec. 1052.155. EMERITUS STATUS; LANDSCAPE ARCHITECTS. (a)
17 The board by rule shall establish a procedure by which a landscape
18 architect may place the landscape architect's certificate of
19 registration on emeritus status. The landscape architect must
20 apply for emeritus status, on a form prescribed by the board, before
21 the landscape architect's certificate of registration expires.

22 (b) A landscape architect is eligible for emeritus status if
23 the landscape architect:

24 (1) has been a landscape architect for 20 years or
25 more; and

26 (2) is 65 years of age or older.

27 (c) A landscape architect whose certificate of registration

1 is on emeritus status:

2 (1) may not engage in the practice of landscape
3 architecture except to the extent that a person who does not hold a
4 certificate of registration as a landscape architect may under
5 Section 1052.003(a);

6 (2) may use the title "Emeritus Landscape Architect"
7 or "Landscape Architect Emeritus";

8 (3) must pay a renewal fee on a date and in a manner
9 prescribed by board rule; and

10 (4) is exempt from continuing education requirements
11 under this chapter.

12 (d) The board shall remove a landscape architect's
13 certificate of registration from emeritus status if the landscape
14 architect:

15 (1) requests in writing that the board remove the
16 landscape architect's certificate of registration from emeritus
17 status;

18 (2) pays an administrative fee; and

19 (3) complies with education or other requirements
20 established by board rule.

21 (e) The renewal fee charged under Subsection (c) may not
22 exceed an amount reasonable and necessary to recover the costs to
23 administer this section.

24 SECTION 13. Subchapter D, Chapter 1053, Occupations Code,
25 is amended by adding Section 1053.156 to read as follows:

26 Sec. 1053.156. EMERITUS STATUS; INTERIOR DESIGNERS. (a)
27 The board by rule shall establish a procedure by which an interior

1 designer may place the interior designer's certificate of
2 registration on emeritus status. The interior designer must apply
3 for emeritus status, on a form prescribed by the board, before the
4 interior designer's certificate of registration expires.

5 (b) An interior designer is eligible for emeritus status if
6 the interior designer:

7 (1) has been an interior designer for 20 years or more;
8 and

9 (2) is 65 years of age or older.

10 (c) An interior designer whose certificate of registration
11 is on emeritus status:

12 (1) may use the title "Emeritus Interior Designer" or
13 "Interior Designer Emeritus";

14 (2) must pay a renewal fee on a date and in a manner
15 prescribed by board rule; and

16 (3) is exempt from continuing education requirements
17 under this chapter.

18 (d) The board shall remove an interior designer's
19 certificate of registration from emeritus status if the interior
20 designer:

21 (1) requests in writing that the board remove the
22 interior designer's certificate of registration from emeritus
23 status;

24 (2) pays an administrative fee; and

25 (3) complies with education or other requirements
26 established by board rule.

27 (e) The renewal fee charged under Subsection (c) may not

1 exceed an amount reasonable and necessary to recover the costs to
2 administer this section.

3 SECTION 14. Sections 1051.157 and 1051.213, Occupations
4 Code, are repealed.

5 SECTION 15. Not later than December 1, 2007, the Texas Board
6 of Architectural Examiners shall adopt the rules necessary to
7 implement the changes in law made by this Act to Chapters 1051,
8 1052, and 1053, Occupations Code.

9 SECTION 16. The changes in law made by this Act to Chapters
10 1051, 1052, and 1053, Occupations Code, apply to a board member
11 appointed to the Texas Board of Architectural Examiners or a
12 certificate of registration renewed under that chapter on or after
13 the effective date of this Act.

14 SECTION 17. This Act takes effect September 1, 2007.