

1-1 By: Geren (Senate Sponsor - Estes) H.B. No. 2060
1-2 (In the Senate - Received from the House May 3, 2007;
1-3 May 7, 2007, read first time and referred to Committee on Business
1-4 and Commerce; May 18, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 18, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2060 By: Estes

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

1-10 relating to the Texas Board of Architectural Examiners; providing
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 1051.0015, Occupations Code, is amended
1-14 to read as follows:

1-15 Sec. 1051.0015. PURPOSE OF REGISTRATION REQUIREMENT. The
1-16 purpose of Section 1051.701(a) ~~[1051.301(a)]~~ is to:

1-17 (1) safeguard life, health, property, and the public
1-18 welfare; and

1-19 (2) protect the public against the irresponsible
1-20 practice of architecture.

1-21 SECTION 2. Section 1051.101(b), Occupations Code, is
1-22 amended to read as follows:

1-23 (b) Not more than one board member may be:

1-24 (1) a stockholder or owner of an interest in a school
1-25 or college that teaches architecture, interior design, or landscape
1-26 architecture; or

1-27 (2) a full-time [an officer or a] member of the faculty
1-28 or administration of the [governing board of a school or college
1-29 that teaches] architecture, interior design, or landscape
1-30 architecture department of a school or college whose position is
1-31 the primary employment of the board member.

1-32 SECTION 3. Sections 1051.107(b) and (c), Occupations Code,
1-33 are amended to read as follows:

1-34 (b) The [Each January, the] board annually shall elect from
1-35 its members an assistant presiding officer.

1-36 (c) The board shall appoint a secretary-treasurer of the
1-37 board to serve at the pleasure of the board. ~~[The~~
1-38 ~~secretary-treasurer may be, but is not required to be, a member of~~
1-39 ~~the board.]~~

1-40 SECTION 4. Sections 1051.353(c) and (d), Occupations Code,
1-41 are amended to read as follows:

1-42 (c) A person whose certificate of registration has been
1-43 expired for more than 90 days but less than two years ~~[one year]~~ may
1-44 renew the certificate by paying to the board a renewal fee equal to
1-45 two times the normally required renewal fee.

1-46 (d) A person whose certificate of registration has been
1-47 expired for two years ~~[one year]~~ or more may not renew the
1-48 certificate. The person may obtain a new certificate of
1-49 registration by complying with the requirements and procedures,
1-50 including the examination requirements, for obtaining an original
1-51 certificate.

1-52 SECTION 5. Sections 1051.357(a), (c), and (d), Occupations
1-53 Code, are amended to read as follows:

1-54 (a) The board by rule shall establish a procedure by which
1-55 an architect may place the architect's [person's] certificate of
1-56 registration on emeritus status. The architect [person] must apply
1-57 for emeritus status, on a form prescribed by the board, before the
1-58 architect's [person's] certificate of registration expires.

1-59 (c) An architect [A person] whose certificate of
1-60 registration is on emeritus status:

1-61 (1) may [not] engage in the practice of architecture
1-62 as defined by Sections 1051.001(7)(D), (E), (F), (G), and (H);

1-63 (2) may prepare [except for the preparation of] plans

and specifications described by Sections 1051.606(a)(3) and (4)
~~[Section 1051.056(a)(3) or (4)]~~;

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

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

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

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

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

(2) pays an administrative fee; and

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

SECTION 6. Section 1051.455(b), Occupations Code, is
 amended to read as follows:

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

SECTION 7. Section 1051.457(a), Occupations Code, is
 amended to read as follows:

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

SECTION 8. Section 1052.151, Occupations Code, is amended
 to read as follows:

Sec. 1052.151. REGISTRATION REQUIRED; EXCEPTIONS. (a) A
 person may not engage in the practice of landscape architecture
 unless the person:

(1) holds a certificate of registration under this
chapter; or

(2) is authorized under Section 1052.003 to engage in
the practice of landscape architecture without holding a
certificate of registration.

(b) Except as provided by Subsections (c) and (d), a ~~[A]~~
 person may not represent the person to be a landscape architect or
use 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 ~~[or is exempt from registration]~~ under this chapter.

(c) A business entity may engage in the practice of
 landscape architecture without holding a certificate of
 registration under this chapter if:

(1) the entity is authorized under Section 1052.003 to
engage in the practice of landscape architecture without holding a
certificate of registration; or

(2) any landscape architecture performed on behalf of
the entity is performed by or under the supervision and control of a
person who:

(A) holds a certificate of registration under
this chapter; and

(B) is a regular, full-time employee of the
entity.

(d) A business entity may 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:

(1) holds a certificate of registration under this
chapter; and

(2) is a regular, full-time employee of the entity.

SECTION 9. 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 applicant's ability that will ensure the safety of the public welfare and property rights. The board by rule may adopt the examination of the Council of Landscape Architectural Registration Boards or the examination of a nationally recognized testing organization whose examination is determined by the board to be at least as stringent as the council's examination.

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

SECTION 10. Subchapter D, Chapter 1052, Occupations Code, is amended by adding Section 1052.155 to read as follows:

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

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

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

(2) is 65 years of age or older.

(c) A landscape architect whose certificate of registration is on emeritus status:

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

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

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

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

(d) The board shall change a landscape architect's certificate of registration from emeritus status to active status if the landscape architect:

(1) requests in writing that the board change the landscape architect's certificate of registration from emeritus status to active status;

(2) pays an administrative fee; and

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

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

SECTION 11. Subchapter D, Chapter 1053, Occupations Code, is amended by adding Section 1053.156 to read as follows:

Sec. 1053.156. EMERITUS STATUS; INTERIOR DESIGNERS. (a) The board by rule shall establish a procedure by which an interior designer may place the interior designer's certificate of registration on emeritus status. The interior designer must apply for emeritus status, on a form prescribed by the board, before the interior designer's certificate of registration expires.

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

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

(2) is 65 years of age or older.

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

4-1 (1) may use the title "Emeritus Interior Designer" or
4-2 "Interior Designer Emeritus";

4-3 (2) must pay a renewal fee on a date and in a manner
4-4 prescribed by board rule; and

4-5 (3) is exempt from continuing education requirements
4-6 under this chapter.

4-7 (d) The board shall change an interior designer's
4-8 certificate of registration from emeritus status to active status
4-9 if the interior designer:

4-10 (1) requests in writing that the board change the
4-11 interior designer's certificate of registration from emeritus
4-12 status to active status;

4-13 (2) pays an administrative fee; and

4-14 (3) complies with education or other requirements
4-15 established by board rule.

4-16 (e) The renewal fee charged under Subsection (c) may not
4-17 exceed an amount reasonable and necessary to recover the costs to
4-18 administer this section.

4-19 SECTION 12. Sections 1051.157 and 1051.213, Occupations
4-20 Code, are repealed.

4-21 SECTION 13. Not later than December 1, 2007, the Texas Board
4-22 of Architectural Examiners shall adopt the rules necessary to
4-23 implement the changes in law made by this Act to Chapters 1051,
4-24 1052, and 1053, Occupations Code.

4-25 SECTION 14. The changes in law made by this Act to Chapters
4-26 1051, 1052, and 1053, Occupations Code, apply to a board member
4-27 appointed to the Texas Board of Architectural Examiners or a
4-28 certificate of registration renewed under that chapter on or after
4-29 the effective date of this Act.

4-30 SECTION 15. This Act takes effect September 1, 2007.

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