

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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

amended by adding Section 1051.404 to read as follows:

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

SECTION 7. 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 8. 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 9. Section 1051.653, Occupations Code, is amended by amending Subsections (c) and (d) and adding Subsections (e) and (f) to read as follows:

(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.

ADOPTED

MAY 23 2007

*Atty. Gen.*  
Secretary of the Senate

By: Eeren/Estes

H.B. No. 2000

Substitute the following for H.B. No. 2000:

By: pto

C.S. \_\_\_\_ B. No. \_\_\_\_

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(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,

1 are amended to read as follows:

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

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

8 SECTION 4. Sections 1051.353(c) and (d), Occupations Code,  
9 are amended to read as follows:

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

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

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

22 (a) The board by rule shall establish a procedure by which  
23 an architect may place the architect's [~~person's~~] certificate of  
24 registration on emeritus status. The architect [~~person~~] must apply  
25 for emeritus status, on a form prescribed by the board, before the  
26 architect's [~~person's~~] certificate of registration expires.

27 (c) An architect [~~A person~~] whose certificate of

1 registration is on emeritus status:

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

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

7 (3) ~~[(2)]~~ may use the title "Emeritus Architect" or  
8 "Architect Emeritus";

9 (4) ~~[(3)]~~ must pay a renewal fee on a date and in a  
10 manner prescribed by board rule; and

11 (5) ~~[(4)]~~ is exempt from continuing education  
12 requirements under this chapter.

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

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

19 (2) pays an administrative fee; and

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

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

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

27 SECTION 7. Section 1051.457(a), Occupations Code, is

1 amended to read as follows:

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

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

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

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

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

18 (b) Except as provided by Subsections (c) and (d), a [A]  
19 person may not represent the person to be a landscape architect or  
20 use the term "landscape architect," "landscape architectural," or  
21 "landscape architecture" or any similar term to describe the  
22 person's services unless the person holds a certificate of  
23 registration [~~or is exempt from registration~~] under this chapter.

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

27 (1) the entity is authorized under Section 1052.003 to

1 engage in the practice of landscape architecture without holding a  
2 certificate of registration; or

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

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

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

10 (d) A business entity may use the term "landscape  
11 architect," "landscape architectural," or "landscape architecture"  
12 or any similar term to describe the entity or the services provided  
13 by the entity without holding a certificate of registration under  
14 this chapter if any practice of landscape architecture performed on  
15 behalf of the entity is performed by or under the supervision and  
16 control of a person who:

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

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

20 SECTION 9. Sections 1052.153(b) and (d), Occupations Code,  
21 are amended to read as follows:

22 (b) The board shall prescribe the scope of the examination  
23 and the methods of procedure with special reference to the  
24 applicant's ability that will ensure the safety of the public  
25 welfare and property rights. The board by rule may adopt the  
26 examination of the Council of Landscape Architectural Registration  
27 Boards or the examination of a nationally recognized testing

1 organization whose examination is determined by the board to be at  
2 least as stringent as the council's examination.

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

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

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

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

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

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

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

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



1 Section 1052.003(a);

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

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

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

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

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

14 (2) pays an administrative fee; and

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

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

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

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

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

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

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

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

8                (1) may use the title "Emeritus Interior Designer" or  
9 "Interior Designer Emeritus";

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

12               (3) is exempt from continuing education requirements  
13 under this chapter.

14        (d) The board shall change an interior designer's  
15 certificate of registration from emeritus status to active status  
16 if the interior designer:

17               (1) requests in writing that the board change the  
18 interior designer's certificate of registration from emeritus  
19 status to active status;

20               (2) pays an administrative fee; and

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

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

26        SECTION 12. Sections 1051.157 and 1051.213, Occupations  
27 Code, are repealed.

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

5           SECTION 14. The changes in law made by this Act to Chapters  
6 1051, 1052, and 1053, Occupations Code, apply to a board member  
7 appointed to the Texas Board of Architectural Examiners or a  
8 certificate of registration renewed under that chapter on or after  
9 the effective date of this Act.

10          SECTION 15. This Act takes effect September 1, 2007.



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 15, 2007**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2060** by Geren (Relating to the Texas Board of Architectural Examiners; providing penalties. ), **Committee Report 2nd House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 459 Board of Architectural Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, JRO, MW



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**May 8, 2007**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2060** by Geren (Relating to the Texas Board of Architectural Examiners; providing penalties.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 459 Board of Architectural Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, JRO, MW





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 26, 2007**

**TO:** Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2060** by Geren (Relating to the Texas Board of Architectural Examiners; providing penalties.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 459 Board of Architectural Examiners, 781 Higher Education Coordinating Board

**LBB Staff:** JOB, JRO, MW

