

By: Rodriguez

H.B. No. 3982

Substitute the following for H.B. No. 3982:

By: Kuempel

C.S.H.B. No. 3982

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to exceptions from the registration requirement for the  
3 practice of landscape architecture.

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

5 SECTION 1. Section 1052.003(a), Occupations Code, is  
6 amended to read as follows:

7 (a) A person may not engage in the practice of landscape  
8 architecture unless the person holds a certificate of registration  
9 under this chapter or the person:

10 (1) is a nurseryman, gardener, landscape designer, or  
11 landscape contractor who is preparing a landscape planting plan,  
12 providing consultation or installing plant material for a landscape  
13 planting project, or maintaining an existing landscape [~~holds a~~  
14 ~~license or permit issued by the Department of Agriculture, if that~~  
15 ~~license or permit authorizes the person to engage in the business of~~  
16 ~~selling nursery stock in this state~~];

17 (2) [~~is a building designer,~~  
18 [~~(3) is a landscape contractor,~~  
19 [~~(4) is a landscape designer,~~  
20 [~~(5) is a golf course designer or planner involved in~~  
21 ~~services such as consultation, investigation, reconnaissance,~~  
22 ~~research, design, preparation of drawings and specifications, and~~  
23 ~~supervision, if the dominant purpose of the service is golf course~~  
24 ~~design or planning,~~

1           ~~[(6)]~~ makes a plan, drawing, or specification for  
2 personal use, if the plan, drawing, or specification is for  
3 property that is owned by that person;

4           (3) ~~[(7) makes a plan, drawing, or specification for a~~  
5 ~~single-family residence;~~

6           ~~[(8) makes a plan, drawing, or specification for a~~  
7 ~~multifamily residential project that is not an assisted living~~  
8 ~~facility as defined by Section 247.002, Health and Safety Code;~~

9           ~~[(9) makes a plan, drawing, or specification for~~  
10 ~~residential housing owned and operated by an institution of higher~~  
11 ~~education as defined by Section 61.003, Education Code;~~

12           ~~[(10)]~~ is engaged in the location, arrangement, and  
13 design of any tangible objects and features that are incidental and  
14 necessary to landscape development, preservation, and aesthetic  
15 and functional enhancement, if that engagement is for:

16                   (A) the design of structures or facilities with  
17 separate and self-contained purposes that are ordinarily included  
18 in the practice of engineering or architecture; or

19                   (B) the making of land surveys for official  
20 approval or recording;

21           (4) ~~[(11)]~~ is licensed in this state to practice~~+~~

22                   ~~[(A)]~~ architecture~~,~~~~+~~

23                   ~~[(B)]~~ engineering~~,~~~~+~~ or

24                   ~~[(C)]~~ land surveying and is providing services  
25 for which the person is licensed; or

26           (5) ~~[(12) is primarily engaged in the business of park~~  
27 ~~and recreation planning and involved in services such as~~

1 ~~consultation, investigation, reconnaissance, research, design,~~  
2 ~~preparation of drawings and specifications, and supervision, if the~~  
3 ~~dominant purpose of those services is park and recreation design~~  
4 ~~and planning,~~

5 ~~[(13) is primarily engaged in maintaining an existing~~  
6 ~~landscape,~~

7 ~~[(14)]~~ makes a plan, drawing, or specification for  
8 property primarily used for farm, ranch, agriculture, wildlife  
9 management, or habitat restoration purposes[~~, or~~

10 ~~[(15) is a volunteer acting under the direction of a~~  
11 ~~governmental entity for a public purpose].~~

12 SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2009.