

Amend HB 1717 (house committee printing) as follows:

(1) On page 2, strike lines 12 through 20.

(2) On page 4, strike line 16.

(3) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. The heading to Chapter 1051, Occupations Code, is amended to read as follows:

CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL EXAMINERS; GENERAL PROVISIONS AFFECTING ARCHITECTS AND [7] LANDSCAPE ARCHITECTS [~~7 AND INTERIOR DESIGNERS~~]; PROVISIONS AFFECTING ONLY ARCHITECTS

SECTION \_\_\_\_\_. Sections 1051.101(a) and (b), Occupations Code, are amended to read as follows:

(a) The Texas Board of Architectural Examiners consists of seven [~~nine~~] members appointed by the governor with the advice and consent of the senate as follows:

(1) four architect members registered under this chapter;

(2) [~~one interior designer member registered under Chapter 1053,~~

~~(3)] one landscape architect member registered under Chapter 1052; and~~

(3) two [~~(4) three~~] members who represent the public, at least one of whom is a person with a physical disability.

(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 member of the faculty or administration of the architecture [~~interior design~~] or landscape architecture department of a school or college whose position is the primary employment of the board member.

SECTION \_\_\_\_\_. Section 1051.102, Occupations Code, is amended to read as follows:

Sec. 1051.102. ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the board if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of architecture[~~interior design~~] or landscape architecture;

(2) is employed by or participates in the management of a business entity or other organization regulated by the board or receiving funds from the board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the board or receiving funds from the board; or

(4) uses or receives a substantial amount of tangible goods, services, or funds from the board, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

SECTION \_\_\_\_\_. Section 1051.103(b), Occupations Code, is amended to read as follows:

(b) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of architecture[~~interior design~~] or landscape architecture; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of architecture[~~interior design~~] or landscape architecture.

SECTION \_\_\_\_\_. Section 1051.104(a), Occupations Code, is amended to read as follows:

(a) Board members serve staggered six-year terms. The terms of two or three members expire on January 31 of each odd-numbered year.

SECTION \_\_\_\_\_. Section 1051.201, Occupations Code, is amended to read as follows:

Sec. 1051.201. SCOPE OF ADMINISTRATIVE AUTHORITY. The powers granted and duties delegated to the board under this chapter

are in addition to the powers granted and duties delegated to the board under Chapter [~~Chapters~~] 1052 [~~and 1053~~].

SECTION \_\_\_\_\_. Section 1051.202, Occupations Code, is amended to read as follows:

Sec. 1051.202. GENERAL RULEMAKING AUTHORITY. The board shall adopt reasonable rules and bylaws and prescribe forms as necessary to administer or enforce this subtitle, including rules regulating the practices of architecture and [7] landscape architecture [~~and interior design~~].

SECTION \_\_\_\_\_. The heading to Article 2, Chapter 1051, Occupations Code, is amended to read as follows:

ARTICLE 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS AND [7]  
LANDSCAPE ARCHITECTS [~~AND INTERIOR DESIGNERS~~]

SECTION \_\_\_\_\_. Section 1051.306, Occupations Code, is amended to read as follows:

Sec. 1051.306. FIRM REGISTRATION. The board by rule may require a firm, partnership, corporation, or association that engages in the practice of architecture or [7] landscape architecture [~~or interior design~~] to register with the board under this subtitle.

SECTION \_\_\_\_\_. Section 1051.354, Occupations Code, is amended to read as follows:

Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL. (a) A person required to register under this subtitle who is on active duty as a member of the United States military is exempt from the payment of any fee during the person's term of service if the person:

(1) is in good standing as an architect or [7] landscape architect [~~or interior designer~~] in this state; or

(2) was in good standing as an architect or [7] landscape architect [~~or interior designer~~] in this state at the time the person entered into military service.

(b) A person who is exempt from payment of a fee under Subsection (a):

(1) is exempt for the remainder of the fiscal year during which the person's active duty status expires; and

(2) is entitled to have the person's name continued on

the list of architects or [7] landscape architects [~~7 or interior designers~~].

SECTION \_\_\_\_\_. Section 1051.355(e), Occupations Code, is amended to read as follows:

(e) The additional amount of the renewal fee described by Subsection (b)(2) does not apply to a person registered under Chapter 1052 [~~or 1053~~].

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

(b) A proceeding under this section relating to an architect or [7] a landscape architect [~~7 or an interior designer~~] is subject to Chapter 2001, Government Code.

SECTION \_\_\_\_\_. Section 1051.504(a), Occupations Code, is amended to read as follows:

(a) If it appears to the board that a person who is not registered under this subtitle is violating or has violated this subtitle, a rule adopted under this subtitle, or another state statute or rule relating to the practice of architecture or [7] landscape architecture [~~7 or interior design~~], the board after providing to the person notice and the opportunity for a hearing may issue a cease and desist order prohibiting the conduct described in the notice.

SECTION \_\_\_\_\_. The heading to Section 16.008, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 16.008. ARCHITECTS, ENGINEERS, [~~INTERIOR DESIGNERS,~~] AND LANDSCAPE ARCHITECTS FURNISHING DESIGN, PLANNING, OR INSPECTION OF CONSTRUCTION OF IMPROVEMENTS.

SECTION \_\_\_\_\_. Sections 16.008(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) A person must bring suit for damages for a claim listed in Subsection (b) against a registered or licensed architect, engineer, [~~interior designer,~~] or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than 10 years after the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real

property, the improvement, or the equipment.

(c) If the claimant presents a written claim for damages, contribution, or indemnity to the architect, engineer, [~~interior designer,~~] or landscape architect within the 10-year limitations period, the period is extended for two years from the day the claim is presented.

SECTION \_\_\_\_\_. Section 469.102(a), Government Code, is amended to read as follows:

(a) The architect, [~~interior designer,~~] landscape architect, or engineer who has overall responsibility for the design of a constructed or reconstructed building or facility shall submit the plans and specifications required under Section 469.101.

SECTION \_\_\_\_\_. Section 469.104, Government Code, is amended to read as follows:

Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS. The commission shall report to the Texas Board of Architectural Examiners, the Texas Board of Professional Engineers, or another appropriate licensing authority the failure of any architect, [~~interior designer,~~] landscape architect, or engineer to submit or resubmit in a timely manner plans and specifications to the department as required by this subchapter.

SECTION \_\_\_\_\_. Section 1001.063, Occupations Code, is amended to read as follows:

Sec. 1001.063. ARCHITECTS AND [~~7~~] LANDSCAPE ARCHITECTS [~~7~~ AND INTERIOR DESIGNERS]. This chapter or a rule adopted under this chapter does not prevent or otherwise restrict a person licensed as an architect under Chapter 1051 or [~~7~~] a landscape architect under Chapter 1052 [~~7, or an interior designer under Chapter 1053~~] from performing an act, service, or work that is within the definition of the person's practice under those chapters.

SECTION \_\_\_\_\_. The following laws are repealed:

- (1) Section 469.002(7), Government Code;
- (2) Sections 1051.001(3) and (4), Occupations Code;
- (3) Section 1051.604, Occupations Code; and
- (4) Chapter 1053, Occupations Code.

SECTION \_\_\_\_\_. (a) The repeal by this Act of Chapter 1053, Occupations Code, does not affect the validity of a proceeding

pending before a court or other governmental entity on the effective date of this Act.

(b) An offense under or other violation of Chapter 1053, Occupations Code, committed before the effective date of this Act is governed by the law in effect when the offense or violation was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense or violation was committed before the effective date of this Act if any element of the offense or violation occurred before that date.

(c) On the effective date of this Act:

(1) the term of the interior designer member of the Texas Board of Architectural Examiners expires; and

(2) the governor shall designate one public member of the Texas Board of Architectural Examiners whose term shall expire.