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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Schaefer

1 Amend H.B. 1717 (house committee printing) as follows:

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

3 (2) On page 4, strike line 16.

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

7 SECTION _____. The heading to Chapter 1051, Occupations
8 Code, is amended to read as follows:

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

12 SECTION _____. Sections 1051.101(a) and (b), Occupations
13 Code, are amended to read as follows:

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

17 (1) four architect members registered under this
18 chapter;

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

21 ~~[43]]~~ one landscape architect member registered under
22 Chapter 1052; and

23 (3) two ~~[44] three]~~ members who represent the public,
24 at least one of whom is a person with a physical disability.

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

26 (1) a stockholder or owner of an interest in a school
27 or college that teaches architecture ~~[7 interior design,~~ or
28 landscape architecture; or

29 (2) a full-time member of the faculty or

1 administration of the architecture[~~, interior design,~~] or
2 landscape architecture department of a school or college whose
3 position is the primary employment of the board member.

4 SECTION _____. Section 1051.102, Occupations Code, is
5 amended to read as follows:

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

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

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

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

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

23 SECTION _____. Section 1051.103(b), Occupations Code, is
24 amended to read as follows:

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

31 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of
2 architecture[~~, interior design,~~] or landscape architecture; or

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

6 SECTION _____. Section 1051.104(a), Occupations Code, is
7 amended to read as follows:

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

11 SECTION _____. Section 1051.201, Occupations Code, is
12 amended to read as follows:

13 Sec. 1051.201. SCOPE OF ADMINISTRATIVE AUTHORITY. The
14 powers granted and duties delegated to the board under this chapter
15 are in addition to the powers granted and duties delegated to the
16 board under Chapter [~~Chapters~~] 1052 [~~and 1053~~].

17 SECTION _____. Section 1051.202, Occupations Code, is
18 amended to read as follows:

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

24 SECTION _____. The heading to Article 2, Chapter 1051,
25 Occupations Code, is amended to read as follows:

26 ARTICLE 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS AND [~~]~~
27 LANDSCAPE ARCHITECTS[~~, AND INTERIOR DESIGNERS~~]

28 SECTION _____. Section 1051.306, Occupations Code, is
29 amended to read as follows:

30 Sec. 1051.306. FIRM REGISTRATION. The board by rule may
31 require a firm, partnership, corporation, or association that

1 engages in the practice of architecture or [7] landscape
2 architecture [~~7, or interior design~~] to register with the board under
3 this subtitle.

4 SECTION _____. Section 1051.354, Occupations Code, is
5 amended to read as follows:

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

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

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

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

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

20 (2) is entitled to have the person's name continued on
21 the list of architects or [7] landscape architects [~~7, or interior~~
22 ~~designers~~].

23 SECTION _____. Section 1051.355(e), Occupations Code, is
24 amended to read as follows:

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

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

30 (b) A proceeding under this section relating to an architect
31 or [7] a landscape architect [~~7, or an interior designer~~] is subject

1 to Chapter 2001, Government Code.

2 SECTION _____. Section 1051.504(a), Occupations Code, is
3 amended to read as follows:

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

12 SECTION _____. The heading to Section 16.008, Civil Practice
13 and Remedies Code, is amended to read as follows:

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

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

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

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

1 is presented.

2 SECTION _____. Section 469.102(a), Government Code, is
3 amended to read as follows:

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

8 SECTION _____. Section 469.104, Government Code, is amended
9 to read as follows:

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

17 SECTION _____. Section 1001.063, Occupations Code, is
18 amended to read as follows:

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

26 SECTION _____. The following laws are repealed:

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

31 SECTION _____. (a) The repeal by this Act of Chapter 1053,

1 Occupations Code, does not affect the validity of a proceeding
2 pending before a court or other governmental entity on the
3 effective date of this Act.

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

11 (c) On the effective date of this Act:

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

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

