

## **BILL ANALYSIS**

Senate Research Center  
80R20276 YDB-D

C.S.H.B. 2060  
By: Geren (Estes)  
Business & Commerce  
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Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The legislature created the Texas Board of Architectural Examiners (board) in 1937 to regulate architects and added to the board's duties the regulation of landscape architects and interior designers in 1979 and 1991, respectively. The board's three key functions are licensing qualified applicants, ensuring compliance with board rules and statutes, and providing information to licensees and the public. The board underwent sunset review in 2003.

H.B. 2060 contains statutory modifications to assist the board in carrying out its duties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Board of Architectural Examiners in SECTION 9 (Section 1052.153, Occupations Code), SECTION 10 (Section 1052.155, Occupations Code), SECTION 11 (Section 1053.156, Occupations Code) and SECTION 13 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1051.0015, Occupations Code, as follows:

Sec. 1051.0015. PURPOSE OF REGISTRATION REQUIREMENT. Provides that the purpose of Section 1051.701(a) (regarding required registration of architects), rather than Section 1051.301(a) (regarding administration of examination to disabled applicants), is to safeguard life, health, property, and the public welfare, and to protect the public against the irresponsible practice of architecture.

SECTION 2. Amends Section 1051.101(b), Occupations Code, to prohibit a member of the Texas Board of Architectural Examiners (board) from being 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, rather than providing that not more than one board member may be an officer or a member of the faculty or the governing board of a school or college that teaches architecture, interior design, or landscape architecture.

SECTION 3. Amends Sections 1051.107(b) and (c), Occupations Code, as follows:

(b) Requires the board to annually, rather than each January, elect from its members an assistant presiding officer.

(c) Deletes existing text authorizing the secretary-treasurer of the board to be a member of the board.

SECTION 4. Amends Sections 1051.353(c) and (d), Occupations Code, as follows:

(c) Authorizes a person whose certificate of registration has been expired for more than 90 days but less than two years, rather than one year, to renew the certificate by paying to the board a renewal fee equal to two times the normally required renewal fee.

(d) Prohibits a person whose certificate of registration has been expired for two years, rather than one year, or more from renewing the certificate.

SECTION 5. Amends Sections 1051.357(a), (c), and (d), Occupations Code, as follows:

(a) Makes nonsubstantive changes.

(c) Authorizes, rather than prohibits, an architect, rather than a person, whose certificate of registration is on emeritus status to engage in the practice of architecture as defined by Sections 1051.001(7)(D), (E), (F), (G), and (H) (regarding definitions). Authorizes an architect, rather than a person, whose certificate of registration is on emeritus status to prepare plans and specifications described by Sections 1051.606(a)(3) and (4) (regarding activities of certain persons not represented to be architects), rather than Section 1051.056(a)(3) or (4). Makes conforming and nonsubstantive changes.

(d) Requires the board to change an architect's certificate of registration from emeritus status to active status, rather than requiring the board to remove a person's certificate of registration from emeritus status, under certain circumstances. Makes a nonsubstantive change.

SECTION 6 Amends Section 1051.455(b), Occupations Code, to provide that a proceeding under this section (Hearing) relating to a landscape architect or an interior designer is subject to Chapter 2001 (Administrative Procedure), Government Code.

SECTION 7. Amends Section 1051.457(a), Occupations Code, to provide that the board's order becomes final as provided by Section 2001.144 (Decisions; When Final), Government Code, if the person on whom an administrative penalty is imposed holds a certificate of registration issued by the board, rather than is an architect.

SECTION 8. Amends Section 1052.151, Occupations Code, as follows:

Sec. 1052.151. REGISTRATION REQUIRED; EXCEPTIONS. (a) Authorizes a person to engage in the practice of landscape architecture if the person is authorized under Section 1052.003 (Practice of Landscape Architecture) to engage in the practice of landscape architecture without holding a certificate of registration.

(b) Prohibits a person from representing the person to be a landscape architect using 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 under this chapter (Landscape Architects), except as provided by Subsections (c) and (d), rather than prohibiting a person from representing the person to be a landscape architect unless the person holds a certificate of registration or is exempt from registration under this chapter.

(c) Authorizes a business entity to engage in the practice of landscape architecture without holding a certificate of registration under certain conditions.

(d) Authorizes a business entity to 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 certain conditions.

SECTION 9. Amends Sections 1052.153(b) and (d), Occupations Code, as follows:

(b) Requires the board by rule to 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) Requires the board, at least annually, to administer the examination or enter into a contract with a nationally recognized testing organization to administer the examination. Requires the board, in the manner provided by board rule, to provide reasonable public

notice of the dates on and locations at which each portion of the examination will be administered. Deletes existing text requiring the board to administer the examination at its office in Austin or at another location designated by the board.

SECTION 10. Amends Subchapter D, Chapter 1052, Occupations Code, by adding Section 1052.155, as follows:

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

(b) Sets forth the eligibility requirements for emeritus status for a landscape architect.

(c) Sets forth certain provisions that apply to a landscape architect whose certificate of registration is on emeritus status.

(d) Requires the board to change certain landscape architects' certificates of registration from emeritus status to active status.

(e) Prohibits the renewal fee charged under Subsection (c) from exceeding an amount reasonable and necessary to recover the costs of administering this section.

SECTION 11. Amends Subchapter D, Chapter 1053, Occupations Code, by adding Section 1053.156, as follows:

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

(b) Sets forth the eligibility requirements for emeritus status for an interior designer.

(c) Sets forth certain provisions that apply to an interior designer whose certificate of registration is on emeritus status.

(d) Requires the board to change certain interior designers' certificates of registration from emeritus status to active status.

(e) Prohibits the renewal fee charged under Subsection (c) from exceeding an amount reasonable and necessary to recover the costs of administering this section.

SECTION 12. Repealer: Sections 1051.157 (Information on State Employee Incentive Program) and 1051.213 (Recommendation of Rehabilitation Codes and Provisions), Occupations Code.

SECTION 13. Requires the board to adopt rules necessary to implement the changes in law made by this Act to Chapters 1051, 1052, and 1053, Occupations Code, not later than December 1, 2007.

SECTION 14. Provides that the changes in law made by this Act to Chapters 1051, 1052, and 1053, Occupations Code, apply to a board member appointed to the board or a certificate of registration renewed under that chapter on or after the effective date of this Act.

SECTION 15. Effective date: September 1, 2007.