

BILL ANALYSIS

Senate Research Center
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H.B. 2060
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Business & Commerce
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Engrossed

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 11 (Section 1052.153, Occupations Code), SECTION 12 (Section 1052.155, Occupations Code), SECTION 13 (Section 1053.156, Occupations Code) and SECTION 15 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 Section 1051.353, Occupations Code, by amending Subsections (c) and (d) and adding Subsection (c-1), 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.

(c-1) Authorizes a person whose certificate of registration has been expired for two years or more but less than five years to renew the certificate by paying to the board a renewal fee equal to three times the normally required renewal fee.

(d) Prohibits a person whose certificate of registration has been expired for five 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 Subchapter H, Chapter 1051, Occupations Code, as follows:

Sec. 1051.404. FAILURE TO RESPOND TO AN INQUIRY OF THE BOARD. Requires a person to 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. Provides that this section applies to any person who receives an inquiry, including a person who holds a certificate of registration issued under this subtitle (Regulation of Architecture and Related Practices). Provides that 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 (Administrative Penalty).

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

(c) Requires the board to set the amount of an Examination Fee Scholarship and prohibits the scholarship from exceeding the amount of the required examination fee, rather than providing that the amount of the scholarship is the lesser of \$500 or the amount of the required examination fee.

(d) Provides that scholarships under this section (Examination Fee Scholarships) are funded by the scholarship fund for architectural examination (fund). Requires the board to deposit the amount added to each renewal fee under Sections 1051.355(b)(2) (relating to inactive status) and 1051.651(b)(1)(B) (regarding fees) to the credit of the fund. Provides that the fund is a reserved fund held outside the state treasury in an account in the Texas Treasury Safekeeping Trust Company. Sets forth the purposes for which the board is authorized to use the money in the fund. Deletes existing text providing that

scholarships under this section are funded by the amount added to each renewal fee and Section 1051.651(b).

(e) Requires interest on the fund for architectural examination applicants to be credited to the fund. Requires any unexpended balance in the fund to remain the fund at the end of each state fiscal year. Prohibits the board from annually, rather than at any time, using any more than 15 percent of the balance in the fund to pay the costs of administering the scholarships.

(f) Authorizes the board to contract with the Texas Higher Education Coordinating Board or a private entity to administer the examination fee scholarship program established under this section.

SECTION 10. Amends Section 1052.151, Occupations Code, as follows:

Sec. 1052.151. REGISTRATION REQUIRED. (a) Defines "business" and "person."

(b) Redesignated from existing Subsection (a).

(c) Redesignated from existing Subsection (b). Deletes existing text authorizing a person who is exempt from registration under this chapter (Landscape Architects) to represent the person to be a landscape architect.

(d) Prohibits a business, except as provided by Section 1052.003 (Practice of Landscape Architecture), from engaging in the practice of landscape architecture or from using certain terms related to landscape architecture, 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. 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 12. 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 remove certain landscape architects' certificates of registration from emeritus 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 13. 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 remove certain interior designers' certificates of registration from emeritus 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 14. Repealer: Sections 1051.157 (Information on State Employee Incentive Program) and 1051.213 (Recommendation of Rehabilitation Codes and Provisions), Occupations Code.

SECTION 15. 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 16. 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 17. Effective date: September 1, 2007.