

## **BILL ANALYSIS**

Senate Research Center  
83R3945 MAW-D

H.B. 1717  
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Business & Commerce  
5/2/2013  
Engrossed

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

H.B. 1717 is the sunset bill for the Texas Board of Architectural Examiners (TBAE). TBAE regulates architects, landscape architects, and registered interior designers. To fulfill its mission of protecting the public, TBAE licenses these design professionals, investigates complaints, and takes disciplinary actions against individuals who violate TBAE's statute or rules.

TBAE is subject to the Sunset Act and will be abolished on September 1, 2013, unless continued by the legislature. The Sunset Advisory Commission concluded that Texas has an ongoing need for the functions of TBAE, but that changes are needed to ensure public protection and effective state regulation of interior designers.

H.B. 1717 amends current law relating to the continuation and functions of the Texas Board of Architectural Examiners, and changes certain fees.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to Texas Board of Architectural Examiners in SECTION 9 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1051.003, Occupations Code, as follows:

Sec. 1051.003. APPLICATION OF SUNSET ACT. Provides that the Texas Board of Architectural Examiners (TBAE) is subject to Chapter 325 (Sunset Law), Government Code (Texas Sunset Act). Provides that, unless continued in existence as provided by that chapter, TBAE is abolished and this subtitle expires September 1, 2025, rather than 2013.

SECTION 2. Amends Subchapter F, Chapter 1051, Occupations Code, by adding Section 1051.3041, as follows:

Sec. 1051.3041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR REGISTRATION. (a) Requires TBAE to require that an applicant for a certificate of registration submit a complete and legible set of fingerprints, on a form prescribed by TBAE, to TBAE or to the Department of Public Safety of the State of Texas (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI).

(b) Prohibits TBAE from issuing a certificate of registration to a person who does not comply with the requirements of Subsection (a).

(c) Requires TBAE to conduct a criminal history check of each applicant for a certificate of registration using information provided by the individual under this section and made available to TBAE by DPS, the FBI, and any other criminal justice agency under Chapter 411 (Department of Public Safety of the State of Texas), Government Code.

(d) Authorizes TBAE to enter into an agreement with DPS to administer a criminal history check required under this section and authorizes DPS to collect from each applicant the costs incurred by DPS in conducting the criminal history check.

SECTION 3. Amends Section 1051.351, Occupations Code, by adding Subsection (c-1), as follows:

(c-1) Prohibits a person who holds a certificate of registration issued under Chapter 1053 (Interior Designers) without examination, notwithstanding Subsection (a) (relating to authorizing an person who is otherwise eligible to renew a certificate of registration under this subtitle to renew an unexpired certificate by paying a certain fee), from renewing the certificate on or after September 1, 2016, unless, before September 1, 2016, the person has passed the registration examination adopted by TBAE under Section 1053.154 (Examination Required) and in effect on September 1, 2013. Provides that this subsection expires January 1, 2018.

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

(b) Authorizes a person whose certificate of registration has been expired for 90 days or less to renew the certificate by paying to TBAE a renewal fee that is equal to 1-1/2 times the required renewal fee, rather than the normally required renewal fee, set by TBAE under Section 1051.651(b) (relating to a required renewal fee set by TBAE).

(c) Makes a conforming change.

(e) Makes a conforming change.

SECTION 5. Amends Subchapter G, Chapter 1051, Occupations Code, by adding Section 1051.3531, as follows:

Sec. 1051.3531. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR RENEWAL. (a) Requires an applicant renewing a certificate of registration to submit a complete and legible set of fingerprints for purposes of performing a criminal history check of the applicant as provided by Section 1051.3041.

(b) Prohibits TBAE from renewing the certificate of registration of a person who does not comply with the requirement of Subsection (a).

(c) Provides that a holder of a certificate of registration is not required to submit fingerprints under this section for the renewal of the certificate of registration if the holder has previously submitted fingerprints under Section 1051.3041 for the initial issuance of the certificate of registration or this section as part of a prior renewal of a certificate of registration.

SECTION 6. Amends Section 1051.452(a), Occupations Code, as follows:

(a) Prohibits the amount of an administrative penalty from exceeding \$5,000 for each violation. Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 7. Amends Section 1051.652(a), Occupations Code, to provide that the fee for the issuance of a certificate of registration under this chapter, rather than the fee for the issuance of a certificate to an applicant possessing a license or certificate to practice architecture in another state, and the fee for the renewal of a certificate of registration under this chapter are increased by \$200.

SECTION 8. Repealer: Section 1053.158 (Registration Without Examination), Occupations Code.

SECTION 9. (a) Requires TBAE, not later than December 1, 2013, to adopt rules necessary to implement the changes in law made by this Act to Chapter 1051, Occupations Code.

(b) Provides that Sections 1051.3041 and 1051.3531, Occupations Code, as added by this Act, and Sections 1051.353 and 1051.652, Occupations Code, as amended by this Act, apply only to an application for a certificate of registration or renewal of a certificate of registration filed with TBAE on or after January 1, 2014. Provides that an application filed before that date is governed by the law in effect at the time the application was filed, and the former law is continued in effect for that purpose.

(c) Provides that Section 1051.452(a), Occupations Code, as amended by this Act, applies only to a violation of Subtitle B (Regulation of Architecture and Related Practices), Title 6 (Regulation of Engineering, Architecture, Land Surveying, and Related Practices), Occupations Code, committed on or after the effective date of this Act. Provides that a violation committed before that date is governed by the law in effect at the time the violation was committed, and the former law is continued in effect for that purpose.

SECTION 10. Effective date: September 1, 2013.