

# SEVENTY-SEVENTH DAY

---

---

SATURDAY, MAY 24, 2003

---

---

## PROCEEDINGS

---

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by Senator Whitmire.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Lucio.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Jeffrey D. Long, Faith Harvest Church, Argyle, offered the invocation as follows:

Our heavenly Father, in whom there is no variableness or shadow of turning, and whose mercy is new every morning, we thank You for the love that You have demonstrated to the world through Your son, Jesus Christ. Father, it is in You that we live, breath, and have our being, for You created us in Your likeness and in Your image that we may be the reflection of Your character and nature. I ask You today, to bless this Senate, and this great State of Texas. Just as our forefathers, who paved the way to this unprecedented time in our history, these men and women before us today continue to build the bridges of hope for every citizen of Texas into the next century. Because this state rises and falls on the shoulders of each Senator represented here, I ask You for Godly wisdom, courage, and knowledge to be given to each man and woman in this chamber. In Jesus' name we ask. Amen.

Senator Armbrister moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

## LEAVE OF ABSENCE

On motion of Senator Wentworth, Senator Lucio was granted leave of absence for today on account of important business.

### PHYSICIAN OF THE DAY

Senator Shapiro was recognized and presented Dr. Jeff Burchard of Allen as the Physician of the Day.

The Senate welcomed Dr. Burchard and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

### SENATE BILL 1317 WITH HOUSE AMENDMENTS

Senator Van de Putte called **SB 1317** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer, Senator Whitmire in Chair, laid the bill and the House amendments before the Senate.

#### Floor Amendment No. 1

Amend **SB 1317** in Section 3 of the bill, in added Section 146.0041(b), Health and Safety Code (page 2, line 25, house committee report), by striking "The department shall refuse" and substituting "The department may refuse".

#### Floor Amendment No. 2

Amend **SB 1317** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 146, Health and Safety Code, is amended by adding Section 146.0126 to read as follows:

Sec. 146.0126. TONGUE SPLITTING PROHIBITED. (a) For purposes of this section, "tongue splitting" means cutting a human tongue into two or more parts.

(b) Person may not perform tongue splitting.

The amendments were read.

Senator Van de Putte moved to concur in the House amendments to **SB 1317**.

The motion prevailed by a viva voce vote.

**(Senator Armbrister in Chair)**

### SENATE BILL 273 WITH HOUSE AMENDMENT

Senator Shapleigh called **SB 273** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### Committee Amendment No. 1

Amend **SB 273** (engrossed version) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 52.021(i), Government Code, is amended to read as follows:

(i) Rules applicable to a court reporter are also applicable to a court reporting firm. The board may enforce this subsection by assessing a reasonable fee against a court reporting firm. This subsection does not apply to court reporting services

performed outside of this state by a foreign shorthand reporter who is not certified in this state for use in a court proceeding in this state, provided that the work resulting from those services is produced and billed wholly outside of this state.

The amendment was read.

Senator Shapleigh moved to concur in the House amendment to **SB 273**.

The motion prevailed by a viva voce vote.

### **SENATE BILL 1147 WITH HOUSE AMENDMENT**

Senator Shapleigh called **SB 1147** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### **Floor Amendment No. 1**

Amend **SB 1147** (committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Subchapter C, Chapter 2003, Government Code, is amended by adding Section 2003.057 to read as follows:

Sec. 2003.057. HEARING TRANSLATOR. If a translator is requested for all or part of a hearing conducted by the office, the office shall provide an appropriate translator for that purpose.

The amendment was read.

Senator Shapleigh moved to concur in the House amendment to **SB 1147**.

The motion prevailed by a viva voce vote.

### **SENATE CONCURRENT RESOLUTION 53**

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, Charles Edward Taylor, who built the first engines for Orville and Wilbur Wright's airplanes, made an incalculable contribution to the development of aviation; and

WHEREAS, Born May 24, 1868, in Illinois, Mr. Taylor began working as a machinist for the two brothers at the Wright Cycle Company in Dayton, Ohio, in 1902; after six weeks on the job, he had built the first engine used to power the Wright Flyer, and his place in aviation history was secured with the Wright brothers' first successful flight at Kitty Hawk on December 17, 1903; and

WHEREAS, In the early years of the fledgling industry, Mr. Taylor maintained a constant presence in aviation development; he continued to design and build aircraft engines and accompanied the Wright brothers to flight demonstrations in Europe, United States government test flights in Fort Myer, Virginia, and further demonstrations at the Hudson-Fulton Exposition in New York; moreover, he served as the mechanic for the first successful transcontinental flight in the United States; and

WHEREAS, Mr. Taylor's career in aviation construction and maintenance spanned more than 60 years, and the Federal Aviation Administration has honored this achievement with the establishment of the Charles Edward Taylor Master Mechanic Award, which recognizes persons with 50 or more years of aviation maintenance experience; and

WHEREAS, Charles Edward Taylor played a fundamental role in the early development of powered flight, and the exacting vocation he pioneered has become an essential part of the fabric of modern life; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby declare May 24, 2003, as Aviation Maintenance Technician Day in Texas in tribute to Charles Edward Taylor and to all aviation maintenance technicians who have followed in his footsteps.

WILLIAMS

The resolution was read.

On motion of Senator Williams, the resolution was considered immediately and was adopted by a viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 199 REREFERRED**

Senator Van de Putte submitted a Motion In Writing requesting that **HCR 199** be withdrawn from the Committee on State Affairs and rereferred to the Committee on Veteran Affairs and Military Installations.

The Motion In Writing prevailed without objection.

#### **HOUSE CONCURRENT RESOLUTION 101 REREFERRED**

Senator Van de Putte submitted a Motion In Writing requesting that **HCR 101** be withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Veteran Affairs and Military Installations.

The Motion In Writing prevailed without objection.

#### **CONCLUSION OF MORNING CALL**

The Presiding Officer, Senator Armbrister in Chair, at 10:18 a.m. announced the conclusion of morning call.

#### **SENATE BILL 1955 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration **SB 1955** at this time on its second reading:

**SB 1955**, Relating to the Red River Redevelopment Authority; providing the power of eminent domain and the power to issue bonds.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1955 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1955** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 529 ON SECOND READING**

On motion of Senator Deuell and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 529** at this time on its second reading:

**CSHB 529**, Relating to the ineligibility of a delinquent child support obligor to receive state-funded or state-administered student financial assistance.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 529 ON THIRD READING**

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 529** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1723 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1723** at this time on its second reading:

**CSHB 1723**, Relating to the performance of asbestos surveys.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1723 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1723** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1446 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 1446** at this time on its second reading:

**CSHB 1446**, Relating to the eligibility of certain children for certain health benefit coverage.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1446 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1446** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**HOUSE BILL 2169 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2169** at this time on its second reading:

**HB 2169**, Relating to the payment of retirement benefits to retirees who are employed by certain public educational institutions.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **HB 2169** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 822, Government Code, is amended by adding Section 822.0015 to read as follows:

Sec. 822.0015. OPTIONAL MEMBERSHIP FOR CERTAIN OFFICIALS. (a) In lieu of participating in the Employees Retirement System of Texas, the commissioner of education may elect to participate in the retirement system in the same manner and under the same conditions as a member who is an employee of the public school system.

(b) An election by the commissioner of education to participate in the retirement system must be on a form prescribed by the retirement system for that purpose.

(c) Notwithstanding Section 821.001, if the commissioner of education elects to participate in the retirement system, the State Board of Education is the employer of the commissioner for purposes of this subtitle.

SECTION \_\_\_\_\_. (a) Notwithstanding Section 830.106, Government Code, a commissioner of education who is a participant in the optional retirement program under Chapter 830, Government Code, on the effective date of this Act may make a one-time election to cease active participation in the program and become a member of the Teacher Retirement System of Texas under Section 822.0015, Government Code, as added by this Act, on or after that date.

(b) A commissioner of education who makes the one-time election under Subsection (a) of this section is not eligible to again participate in the optional retirement program under Chapter 830, Government Code, after making the election.

The committee amendment was read and was adopted without objection.

Senator Shapiro offered the following amendment to the bill:

### **Floor Amendment No. 1**

Amend **HB 2169** (committee report version) as follows:

On page 2, lines 2-7, strike "April 22" and substitute "May 24".

On page 2, lines 2-9, strike "April 22" and substitute "May 24".

The floor amendment was read and was adopted without objection.

On motion of Senator Shapiro and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 2169** as amended was passed to third reading by a viva voce vote.

### **HOUSE BILL 2169 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2169** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Staples.

Absent: Ratliff.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1. (Same as previous roll call)

**(Senator Carona in Chair)**

**SENATE RESOLUTION 944**

Senator Armbrister offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Michael W. Lehr for his many years of outstanding service to the Texas Retired Teachers Association; and

WHEREAS, Currently a resident of Taylor, Mike Lehr earned his bachelor's degree and master's degree from McMurry University in Abilene; and

WHEREAS, Since 1987, Mr. Lehr has served as the legislative coordinator for the Texas Retired Teachers Association, and from 1994 through January of 2003, he served as the association's executive director; he was a volunteer to the association's state office for 10 years and was a part-time employee for seven years; upon his retirement, he was appointed executive director emeritus; and

WHEREAS, For his dedication and commitment to the interests and needs of the education community and the senior citizens of Texas, Mike has received the Texas Retired Educator Award and the E. L. Galyean Award from the Texas Retired Teachers Association; in addition, he earned the National Retired Educator Award for the State of Texas from the National Retired Teachers Association; and

WHEREAS, Prior to his service with the Texas Retired Teachers Association, Mike enjoyed a long and distinguished career in education; he spent 16 years with the San Angelo Independent School District as a teacher and principal, and he held a number of administrative positions with the Austin Independent School District until his retirement in 1985; and

WHEREAS, Mike also served as chief of staff to the Texas House of Representatives' Committee on Public Education during the 64th Legislative Session and to its Special Committee on Alternatives to Public School Financing in 1976; and

WHEREAS, An active member of numerous professional organizations, Mike has served as area vice president of the Texas Association for the Improvement of Reading, as founder and president of the Association of Compensatory Educators of Texas, as Texas Representative to the National Association of Secondary School Principals, and as a member and leader of a wide array of other associations and committees; and

WHEREAS, Mike Lehr brought a wealth of experience and expertise to his position as the executive director of the Texas Retired Teachers Association, and he deserves recognition for his exceptional leadership and accomplishments; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby commend Michael W. Lehr for his many years of invaluable service to the Texas Retired Teachers Association and extend best wishes to him for his future endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Thursday, May 22, 2003.



**GUEST PRESENTED**

Senator Armbrister was recognized and introduced to the Senate Michael W. Lehr of Taylor.

The Senate welcomed its guest.

**HOUSE BILL 284 ON SECOND READING**

Senator Staples moved to suspend the regular order of business to take up for consideration **HB 284** at this time on its second reading:

**HB 284**, Relating to the applicability of the offense of unlawfully carrying a weapon to certain persons carrying a weapon in a recreational vehicle.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 284 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 284** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE****HOUSE BILL 2470 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSHB 2470** at this time on its second reading:

**CSHB 2470**, Relating to buyback programs of commercial licenses for certain aquatic animals and the promotion and marketing of the shrimp industry in this state and to funding those activities.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE****HOUSE BILL 2470 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2470** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE BILL 1704 ON SECOND READING**

Senator Janek moved to suspend the regular order of business to take up for consideration **HB 1704** at this time on its second reading:

**HB 1704**, Relating to certain eligibility requirements for a license to carry a concealed handgun.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 1704 ON THIRD READING**

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1704** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**HOUSE BILL 3366 ON SECOND READING**

Senator Williams moved to suspend the regular order of business to take up for consideration **HB 3366** at this time on its second reading:

**HB 3366**, Relating to licensing and regulation of certain pilots, pilotage rates, and pilot service.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 3366 ON THIRD READING**

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3366** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3152 ON SECOND READING**

Senator Jackson moved to suspend the regular order of business to take up for consideration **CSHB 3152** at this time on its second reading:

**CSHB 3152**, Relating to the potability of and requirements for removing contaminants from groundwater.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Jackson offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 3152** (page 6, line 13) by adding the following language to the end of subchapter (g):

Nothing in this subchapter is meant to alter or supersede any requirement of a federally authorized environmental program administered by the State of Texas.

The floor amendment was read and was adopted without objection.

On motion of Senator Jackson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 3152** as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3152 ON THIRD READING**

Senator Jackson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3152** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**HOUSE BILL 1197 ON SECOND READING**

Senator Wentworth moved to suspend the regular order of business to take up for consideration **HB 1197** at this time on its second reading:

**HB 1197**, Relating to authorization for a development agreement between a municipality and an owner of land in the municipality's extraterritorial jurisdiction.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 1197 ON THIRD READING**

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1197** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3242 ON SECOND READING**

Senator Estes moved to suspend the regular order of business to take up for consideration **CSHB 3242** at this time on its second reading:

**CSHB 3242**, Relating to the use of the reverse auction procedure by the Texas Building and Procurement Commission.

The motion prevailed by a viva voce vote.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 3242 ON THIRD READING**

Senator Estes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 3242** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time.

Senator Estes offered the following amendment to the bill:

**Floor Amendment No. 1 on Third Reading**

Amend **CSHB 3242** as follows:

(1) Strike SECTION 1 of the bill (Senate committee printing, page 1, lines 13-25) and substitute the following:

SECTION 1. Section 2155.062, Government Code, is amended by amending Subsections (a) and (d) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsection (e), in [the] purchasing goods and services the commission may use, but is not limited to, the:

- (1) contract purchase procedure;
- (2) multiple award contract procedure, including under any schedules developed under Subchapter I;
- (3) open market purchase procedure; or
- (4) reverse auction procedure.

(d) In this subchapter [section], "reverse auction procedure" means:

(1) a real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

(2) a bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled Internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

(e) The commission and other state agencies may not use the reverse auction procedure in purchasing services related to the construction, remodeling, repair, or maintenance of a building or other public work.

(2) In SECTION 2 of the bill, in proposed Section 2155.085(a), Government Code (Senate committee printing, page 1, line 31), immediately preceding "made by a state agency", insert "that are".

(3) In SECTION 2 of the bill, in proposed Section 2155.085(a), Government Code (Senate committee printing, page 1, line 32) immediately following "fiscal year", insert ", and for which the reverse auction procedure may be used.".

The floor amendment was read and was adopted without objection.

On motion of Senator Estes and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 3242** as amended was finally passed by a viva voce vote.

### **HOUSE BILL 917 ON SECOND READING**

Senator Janek moved to suspend the regular order of business to take up for consideration **HB 917** at this time on its second reading:

**HB 917**, Relating to the authority of counties and municipalities to incur debt to participate in erosion response projects undertaken by the General Land Office.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

#### **Floor Amendment No. 1**

Amend **HB 917** by striking subsection (3) and (4) of SECTION 1 of the bill (Senate committee report version page 1, lines 22-28) and inserting the following:

(3) for purposes of implementing the Coastal Erosion Planning and Response Act, subchapter H, Chapter 33, Natural Resources Code:

(A) participate as a qualified project partner for an erosion response project undertaken by the General Land Office, as those terms are defined in Section 33.601, Natural Resources Code; and

(B) undertake or contribute to the funding of:

(i) beach renourishment on public beaches, as defined by Section 61.012, Natural Resources Code, or

(ii) any other erosion response project as defined by Section 33.601, Natural Resources Code, on waterways, bays, and bay shorelines.

The floor amendment was read and was adopted without objection.

On motion of Senator Janek and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 917** as amended was passed to third reading by a viva voce vote.

**HOUSE BILL 917 ON THIRD READING**

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 917** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**GUESTS PRESENTED**

Senator Shapleigh was recognized and introduced to the Senate students from Helen Ball Elementary School in Socorro, accompanied by their teachers and sponsors.

The Senate welcomed its guests.

**(Senator Armbrister in Chair)**

**COMMITTEE SUBSTITUTE  
HOUSE BILL 320 ON SECOND READING**

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 320** at this time on its second reading:

**CSHB 320**, Relating to the refusal to administer or consent to the administration of certain psychiatric or psychological treatment to a child.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 320** (Senate committee printing) as follows:

(1) In Section 3 of the bill, in added Section 26.009, Education Code (page 1, lines 56-57), strike "examination, test, or treatment" and substitute "examination or any other test"

(2) In Section 3 of the bill, in added Section 26.009, Education Code (page 1, lines 60-61), strike "examinations, tests, and treatments" and substitute "examinations and any other tests"

(3) In Section 3 of the bill, in added Section 26.009, Education Code (page 1, lines 62-63), strike "examinations, tests, and treatments" and substitute "examinations and any other tests"

The floor amendment was read and was adopted without objection.

On motion of Senator Fraser and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 320** as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 320 ON THIRD READING**

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 320** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 894 WITH HOUSE AMENDMENTS**

Senator Bivins called **SB 894** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Floor Amendment No. 1**

Amend **SB 894** between Sections 1 and 2 of the bill (House committee report, page 2, between lines 23 and 24), by inserting the following new section, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_\_. Section 42.006, Education Code, is amended by adding Subsection (d) to read as follows:

(d) The commissioner's rules must ensure that the Public Education Information Management System links student performance data to other related information for purposes of efficient and effective allocation of scarce school resources.

**Floor Amendment No. 2**

Amend **SB 894** by inserting the following appropriately numbered SECTION and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 39, Education Code, is amended by adding Section 39.056 to read as follows:

Sec. 39.056. EXPECTED NUMBER OF GRADUATES, DROPOUT COUNT, AND DROPOUT RATE; REPORT. (a) In this section:

(1) "A" is the number of students enrolled at a campus at grade level 9;  
(2) "B" is the number of students not enrolled at a campus at grade level 9 who subsequently enroll at the campus at the same grade level as the students described by Subdivision (1);

(3) "C" is the number of those students described by Subdivisions (1) and (2) who remain enrolled at the same campus but have not met the requirements of Chapter 28, Education Code;

(4) "D" is the number of those students described by Subdivisions (1) and (2):

(A) who enroll at another campus, including a private school campus, in a program that grants a high school diploma; and

(B) whose enrollment is verified by the receiving campus;

(5) "E" is the number of students described by Subdivisions (1) and (2) who die while enrolled at the campus before receiving a high school diploma;

(6) "F" is the number of students described by Subdivisions (1) and (2) who receive a high school diploma before completing grade level 12;

(7) "G" is the number of students who meet the requirements of Chapter 28, Education Code.

(8) "EG" is the expected number of graduates;

(9) "DC" is the dropout count;

(10) "DR" is the dropout rate.

(b) In addition to the computation of dropout rates under Section 39.051(b)(2), the agency shall compute the following dropout information for school campuses, school districts, and the state and make the information available to the public in an annual report:

(1) the expected number of graduates, as determined by the formula:

$$\underline{EG = (A + B) - (C + D + E + F);}$$

(2) the dropout count of students at a school campus, as determined by the formula:

$$\underline{DC = EG - G; \text{ and}}$$

(3) the dropout rate of students at a school campus, as determined by the formula:

$$\underline{DR = (DC / (A + B)) \times 100.}$$

(c) The expected number of graduates, dropout count, and dropout rate of students enrolled in a school district or in this state are computed under this section in the same manner as the expected number of graduates, dropout count, and dropout rate of a campus under this section.

(d) The agency may not use for purposes of accountability or accreditation the expected number of graduates, dropout count, or dropout rate computed under this section.

The amendments were read.

Senator Bivins moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The Presiding Officer asked if there were any motions to instruct the conference committee on **SB 894** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Bivins, Chair; Shapiro, Barrientos, Staples, and Williams.



**HOUSE BILL 864 ON SECOND READING**

On motion of Senator Staples and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 864** at this time on its second reading:

**HB 864**, Relating to prohibiting the introduction or possession of certain items in correctional facilities or on certain property of the Texas Department of Criminal Justice; providing penalties.

The bill was read second time.

Senator Staples offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 864** as follows:

In Section 1 of the bill, Section 38.1(a)(1), Penal Code, (committee printing, page 1, line 18) between "physician" and ";" insert "or practitioner, as defined in Section 551.003, Occupations Code."

The floor amendment was read and was adopted without objection.

On motion of Senator Staples and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 864** as amended was passed to third reading by a viva voce vote.

**HOUSE BILL 864 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 864** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**HOUSE JOINT RESOLUTION 23 ON SECOND READING**

On motion of Senator Carona and by unanimous consent, the regular order of business was suspended to take up for consideration **HJR 23** at this time on its second reading:

**HJR 23**, Proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.

The resolution was read second time.

Senator Carona offered the following amendment to the resolution:

**Floor Amendment No. 1**

Amend **HJR 23** in SECTION 2 of the resolution (committee printing page 1, line 18), by striking "November 4" and substituting "September 13".

The floor amendment was read and was adopted by a viva voce vote.

## RECORD OF VOTES

Senators Barrientos and Wentworth asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1.

On motion of Senator Carona and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

**HJR 23** as amended was passed to third reading by a viva voce vote.

### HOUSE JOINT RESOLUTION 23 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 23** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

### HOUSE BILL 1459 ON SECOND READING

On motion of Senator Janek and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 1459** at this time on its second reading:

**HB 1459**, Relating to hotel taxes in certain coastal municipalities with a population of less than 5,000.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

#### Floor Amendment No. 1

Amends **HB 1459** (Senate committee report version) as follows:

(1) In SECTION 1 of the bill in proposed Section 351.1055, Tax Code, strike subsection (c) (page 1, lines 27-30), insert the following:

(c) Notwithstanding any other provision of this chapter, a municipality that has a population of less than 5,000 adjacent to a home-rule city with a population of less than 80,000 may use all or any portion of the revenue heretofore or hereafter derived from the municipal hotel tax:

(2) In SECTION 2 of the bill, in proposed 351.003©), Tax Code (page 1, line 42-43), strike "an eligible coastal" and insert "a" before "municipality".

The floor amendment was read and was adopted without objection.

On motion of Senator Janek and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 1459** as amended was passed to third reading by a viva voce vote.

**HOUSE BILL 1459 ON THIRD READING**

Senator Janek moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1459** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**HOUSE BILL 2668 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 2668** at this time on its second reading:

**HB 2668**, Relating to the punishment and sentencing of defendants convicted of certain offenses under the Texas Controlled Substances Act.

The bill was read second time and was passed to third reading by a viva voce vote.

**RECORD OF VOTE**

Senator Williams asked to be recorded as voting "Nay" on the passage of **HB 2668** to third reading.

**HOUSE BILL 2668 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2668** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Williams.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Williams asked to be recorded as voting "Nay" on the final passage of **HB 2668**.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 547 ON SECOND READING**

On motion of Senator Averitt and by unanimous consent, the regular order of business was suspended to take up for consideration **CSHB 547** at this time on its second reading:

**CSHB 547**, Relating to the distance between certain pits that are part of quarrying operations in certain counties and adjacent property.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSHB 547**, by striking SECTION 2 and inserting a new SECTION 2 to read as follows:

(e) Prior to September 1, 2005, the commission may not review an application for or issue a permit, permit amendment, or other authorization to operate a quarry or pit associated with a rock crushing facility if the commission receives from an affected municipality a resolution in opposition to issuance of the permit, permit amendment, or other authorization for the rock crushing facility.

(f) For purposes of this section, an "affected municipality" means a municipality whose primary source of drinking water is an aquifer comprised in whole or in part of water bearing limestone or dolomite which is located in a county:

(1) that is adjacent to a county with a population of 500,000 or more; and  
(2) in which is located a portion of a water body into which a discharge is prohibited by the commission under 30 Texas Administrative Code Chapter 311.

The floor amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTES**

Senators Van de Putte and Wentworth asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1.

On motion of Senator Averitt and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**CSHB 547** as amended was passed to third reading by a viva voce vote.

**RECORD OF VOTE**

Senator Wentworth asked to be recorded as voting "Nay" on the passage of **CSHB 547** to third reading.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 547 ON THIRD READING**

Senator Averitt moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 547** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Wentworth.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**RECORD OF VOTE**

Senator Wentworth asked to be recorded as voting "Nay" on the final passage of **CSHB 547**.

**SENATE RULES SUSPENDED  
(Posting Rules)**

On motion of Senator Bivins and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Finance might meet and consider the following bills today:

**HB 179, HB 651, HB 3607, HB 2424, HB 2425, HB 3318.**

**HOUSE BILL 411 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 411** at this time on its second reading:

**HB 411**, Relating to improvement of science instruction and student performance in public schools.

The bill was read second time.

Senator Ellis offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **HB 411**, by adding a new Section 5, as follows and renumber the following sections appropriately:

SECTION 5, Section 39.023(a), Education Code is amended to read as follows:  
39.023 Adoption and Administration of Instruments

(a) The agency shall adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science. All students, except students assessed under Subsection (b) or (1) or exempted under Section 39.027, shall be assessed in:

(1) mathematics, annually in grades three through seven without the aid of technology and in grades eight through 11 with the aid of technology on any assessment instruments that include algebra;

(2) reading, annually in grades three through nine;

(3) writing, including spelling and grammar, in grades four and seven;

(4) English language arts, in grade 10;

(5) social studies, in grades eight and 10; ~~and~~

(6) science, in grades five, eight and 10; and

(7) any other subject and grade required by federal law.

The committee amendment was read and was adopted without objection.

Senator Carona offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **HB 411** by adding the following:

Sec. 29.909. TECHNOLOGY PILOT PROGRAM. (a) The commissioner, in coordination with an accredited senior college or university, may by rule establish a pilot program that permits a public school to use technology, including the Internet, to deliver a significant portion of the school's instruction outside of a central campus to students statewide.

(b) For funding purposes, the commissioner shall include students participating in a school district program under Subsection (a) in the computation of the average daily attendance of the district providing the program.

The floor amendment was read and was adopted without objection.

On motion of Senator Ellis and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

**HB 411** as amended was passed to third reading by a viva voce vote.

#### **HOUSE BILL 411 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 411** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

#### **STATEMENT OF LEGISLATIVE INTENT**

Senator Ellis submitted the following statement of legislative intent for Floor Amendment No. 1 to **HB 411**:

Senator Carona offered and I accepted this amendment with the intent and understanding that this program would be a small technology outreach pilot program and nothing more. This program is not intended to be a voucher of any kind, nor is it intended to cost the state any sizeable amount of money.

ELLIS

#### **HOUSE BILL 725 ON SECOND READING**

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration **HB 725** at this time on its second reading:

**HB 725**, Relating to the participation of community supervision and corrections department employees, retired employees, and dependents of employees and retired employees in the group benefits program for state employees.

The bill was read second time and was passed to third reading by a viva voce vote.

#### **HOUSE BILL 725 ON THIRD READING**

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 725** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Lucio.

The bill was read third time and was passed by a viva voce vote.

**(President in Chair)****SENATE BILL 283 WITH HOUSE AMENDMENTS**

Senator Jackson called **SB 283** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 283** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the continuation and functions of the Texas Board of Architectural Examiners, including functions affecting architects, landscape architects, and interior designers; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. PROVISIONS AFFECTING THE BOARD OF  
ARCHITECTURAL EXAMINERS AND  
RELATED ADMINISTRATIVE MATTERS

SECTION 1.01. The heading to Chapter 1051, Occupations Code, is amended to read as follows:

CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL  
EXAMINERS; GENERAL PROVISIONS AFFECTING ARCHITECTS,  
LANDSCAPE ARCHITECTS, AND INTERIOR DESIGNERS;  
PROVISIONS AFFECTING ONLY ARCHITECTS

SECTION 1.02. Chapter 1051, Occupations Code, is amended by adding a heading for a new Part 1 of that chapter to read as follows:

PART 1. GENERAL PROVISIONS; BOARD OF  
ARCHITECTURAL EXAMINERS

SECTION 1.03. Existing Subchapters A, C, D, and E, Chapter 1051, Occupations Code, are designated as part of the new Part 1 of Chapter 1051.

SECTION 1.04. Sections 1051.001, 1051.002, and 1051.004, Occupations Code, are amended to read as follows:

Sec. 1051.001. DEFINITIONS. In this subtitle [~~chapter~~]:

(1) "Architect" means a person registered under this chapter to engage in the practice of architecture.

(2) "Board" means the Texas Board of Architectural Examiners.

(3) "Interior design" means the:

(A) identification, research, or development of a creative solution to a problem relating to the function or quality of an interior environment;

(B) performance of a service relating to an interior space, including programming, design analysis, space planning of non-load-bearing interior construction, and application of aesthetic principles, by using specialized knowledge of interior construction, building codes, equipment, materials, or furnishings; or

(C) preparation of an interior design plan, specification, or related document about the design of a non-load-bearing interior space.

(4) "Interior designer" means a person registered under this subtitle to practice interior design.

(5) "Landscape architect" means a person registered under this subtitle to practice landscape architecture.

(6) "Landscape architecture":

(A) means the art and science of landscape analysis, landscape planning, and landscape design;

(B) includes the performance of professional services such as consultation, investigation, research, the preparation of general development and detailed site design plans, the preparation of studies, the preparation of specifications, and responsible supervision related to the development of landscape areas for:

(i) the planning, preservation, enhancement, and arrangement of land forms, natural systems, features, and plantings, including ground and water forms;

(ii) the planning and design of vegetation, circulation, walks, and other landscape features to fulfill aesthetic and functional requirements;

(iii) the formulation of graphic and written criteria to govern the planning and design of landscape construction development programs, including:

(a) the preparation, review, and analysis of master and site plans for landscape use and development;

(b) the analysis of environmental, physical, and social considerations related to land use;

(c) the preparation of drawings, construction documents, and specifications; and

(d) construction observation;

(iv) design coordination and review of technical submissions, plans, and construction documents prepared by persons working under the direction of the landscape architect;

(v) the preparation of feasibility studies, statements of probable construction costs, and reports and site selection for landscape development and preservation;

(vi) the integration, site analysis, and determination of the location of buildings, structures, and circulation and environmental systems;

(vii) the analysis and design of:

(a) site landscape grading and drainage;

(b) systems for landscape erosion and sediment control; and

(c) pedestrian walkway systems;

(viii) the planning and placement of uninhabitable landscape structures, plants, landscape lighting, and hard surface areas;

(ix) the collaboration of landscape architects with other professionals in the design of roads, bridges, and structures regarding the functional, environmental, and aesthetic requirements of the areas in which they are to be placed; and

(x) field observation of landscape site construction, revegetation, and maintenance; and

(C) does not include:



(i) traffic, roadway, or pavement engineering;  
(ii) the design of utilities;  
(iii) the engineering or study of hydrologic management of stormwater systems or floodplains;  
(iv) the making of final plats; or  
(v) a service or function within the practice of architecture, engineering, or public surveying as defined by this chapter or Chapter 1001 or 1071.

(7) "Practice of architecture" means a service or creative work that involves the application of the art and science of developing design concepts, planning for functional relationships and intended uses, and establishing the form, appearance, aesthetics, and construction details for the construction, enlargement, or alteration of a building or environs, the proper application of which requires education, training, and experience in those matters.

Sec. 1051.002. EFFECT ON MUNICIPALITY. This subtitle [~~chapter~~] does not:

- (1) preempt a municipal ordinance; or
- (2) restrict or expand the authority of a municipality.

Sec. 1051.003 [~~1051.004~~]. APPLICATION OF SUNSET ACT. The Texas Board of Architectural Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subtitle [~~chapter~~] expires September 1, 2015 [~~2003~~].

SECTION 1.05. The heading to existing Subchapter C, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER B [~~C~~]. TEXAS BOARD OF  
ARCHITECTURAL EXAMINERS

SECTION 1.06. Section 1051.101, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

- (1) three [~~four~~] architect members;
- (2) two [~~one~~] interior designer members [~~member~~] registered under Chapter 1053;
- (3) one landscape architect member registered under Chapter 1052; and
- (4) three members who represent the public, at least one of whom is a person with a physical disability.

(d) A member appointed under Subsections (a)(1)-(3) to represent a specific profession may not be registered to practice another profession regulated by the board.

SECTION 1.07. Section 1051.103, Occupations Code, is amended to read as follows:

Sec. 1051.103. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a [~~nonprofit,~~] cooperative[;] and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person [~~An officer, employee, or paid consultant of a Texas trade association in the field of architecture, interior design, or landscape architecture~~] may not be a member of the board and may not be a board [~~an~~] 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 [of the board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for salary group B9 of the position classification salary schedule.~~

~~[(e) A] person [who] is [the spouse of] an officer, employee [manager], 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 [may not be a member of the board and may not be an employee of the board who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for salary group B9 of the position classification salary schedule].

~~(c) [(d)]~~ A person may not be a [serve as a board] member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the ~~[board's]~~ operation of the board.

SECTION 1.08. Sections 1051.105(a) and (c), Occupations Code, are amended to read as follows:

(a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office [appointment] the qualifications required by Section 1051.101 ~~[or 1051.102];~~

(2) does not maintain during service on the board the qualifications required by Section 1051.101 ~~[or 1051.102];~~

(3) is ineligible for membership under [violates a prohibition established by] Section 1051.102 or 1051.103;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved[, unless the absence is excused] by a majority vote of the board.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

SECTION 1.09. Existing Subchapter C, Chapter 1051, Occupations Code, is amended by adding Section 1051.112 to read as follows:

Sec. 1051.112. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) this subtitle;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the board;

(6) the results of the most recent formal audit of the board;

(7) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;

(B) the public information law, Chapter 552, Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code;

and

(D) other laws relating to public officials, including conflict-of-interest

laws; and

(8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 1.10. The heading to existing Subchapter D, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER C ~~D~~. EXECUTIVE DIRECTOR AND PERSONNEL

SECTION 1.11. Sections 1051.153, 1051.154, and 1051.156, Occupations Code, are amended to read as follows:

Sec. 1051.153. DIVISION OF RESPONSIBILITIES. The board shall develop and implement policies that clearly separate the policymaking ~~[define the respective]~~ responsibilities of the board and the management responsibilities of the executive director and the staff of the board.

Sec. 1051.154. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION. The executive director or the executive director's designee ~~[board]~~ shall provide~~[, as often as necessary,]~~ to [its] members of the board and to agency employees, as often as necessary, information regarding the requirements ~~[their-~~

(1) qualifications] for office or employment under this chapter, including information regarding a person's ~~[, and~~

(2)] responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 1051.156. EQUAL EMPLOYMENT OPPORTUNITY POLICY; REPORT.

(a) The executive director or the executive director's designee shall prepare and maintain a written policy statement that implements a program ~~[to ensure~~

~~implementation~~ of ~~[an]~~ equal employment opportunity to ensure that [program under which] all personnel decisions [transactions] are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, [appointment,] training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an [a comprehensive] analysis of the extent to which the composition of the board's personnel is in accordance with [board workforce that meets] federal and state law and a description of reasonable methods to achieve compliance with federal and state law [guidelines;

~~[(2) procedures by which a determination can be made of significant underuse in the board workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and~~

~~[(4) reasonable methods to appropriately address those areas of significant underuse].~~

(c) The [(b) A] policy statement [prepared under Subsection (a)] must:

(1) [cover an annual period;

~~[(2)]~~ be updated [at least] annually;

(2) be reviewed by the Commission on Human Rights for compliance with Subsection (b)(1); and

(3) be filed with the governor's office [governor].

~~[(c) The governor shall deliver a biennial report to the legislature based on the information received under Subsection (b). The report may be made separately or as a part of other biennial reports made to the legislature.]~~

SECTION 1.12. Existing Subchapter D, Chapter 1051, Occupations Code, is amended by adding Section 1051.157 to read as follows:

Sec. 1051.157. INFORMATION ON STATE EMPLOYEE INCENTIVE PROGRAM. The executive director or the executive director's designee shall provide to board employees information and training on the benefits and methods of participation in the state employee incentive program under Subchapter B, Chapter 2108, Government Code.

SECTION 1.13. The heading to existing Subchapter E, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER D [E]. BOARD POWERS AND DUTIES

SECTION 1.14. 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 [chapter], including rules regulating the practices [practice] of architecture, landscape architecture, and interior design.

SECTION 1.15. Sections 1051.203(a) and (b), Occupations Code, are amended to read as follows:

(a) ~~The [Except as provided by Subsection (b) or (c), the] board may not adopt rules [a rule] restricting advertising or competitive bidding by a certificate holder except [person regulated by the board].~~

~~[(b) The board may adopt rules restricting advertising or competitive bidding] to prohibit [a] false, misleading, or deceptive practices [practice].~~

~~(b) In its rules to prohibit false, misleading, or deceptive practices, the board [A rule adopted under this subsection] may not include a rule that:~~

- ~~(1) restricts [restrict] the [person's] use of any advertising medium;~~
- ~~(2) restricts the use of a certificate holder's [restrict the person's] personal appearance or [the use of the person's] voice in an advertisement;~~
- ~~(3) relates [relate] to the size or duration of an advertisement by the certificate holder [person]; or~~
- ~~(4) restricts [restrict] the certificate holder's [person's] advertisement under a trade name.~~

SECTION 1.16. The heading to existing Section 1051.207, Occupations Code, is amended to read as follows:

Sec. 1051.204 [~~1051.207~~]. SUBPOENA.

SECTION 1.17. Existing Section 1051.207(a), Occupations Code, is amended to read as follows:

- (a) The board may request and, if necessary, compel by subpoena:
- (1) the attendance of witnesses for examination under oath; and
  - (2) the production for inspection or copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this subtitle [~~chapter~~].

SECTION 1.18. The heading to existing Section 1051.208, Occupations Code, is amended to read as follows:

Sec. 1051.205 [~~1051.208~~]. PUBLIC RECORDS.

SECTION 1.19. Existing Section 1051.208, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

- (b) The records must include[±]  
 [(±)] a record of:
- ~~(1) [(A)] each issuance or renewal of a certificate of registration; and~~
  - ~~(2) [(B)] each refusal to issue or renew a certificate of registration[±]  
 [(2) the name and, if known, the place of residence of each architect; and~~
  - ~~[(3) the date and serial number of the architect's certificate of registration].~~
- (d) The board shall maintain records or an official roster showing:
- (1) the name and, if known, the address of each person registered under this subtitle; and
  - (2) the date and registration number of each certificate of registration issued under this subtitle.

SECTION 1.20. The heading to existing Section 1051.209, Occupations Code, is amended to read as follows:

Sec. 1051.206 [~~1051.209~~]. BOARD SEAL.

SECTION 1.21. Existing Subchapter E, Chapter 1051, Occupations Code, is amended by adding Sections 1051.207-1051.212 to read as follows:

Sec. 1051.207. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. The board shall adopt rules as necessary to comply with Chapter 53.

Sec. 1051.208. STANDARDS OF CONDUCT. The board by rule shall establish standards of conduct for persons regulated under this subtitle.

Sec. 1051.209. ATTORNEY GENERAL AS LEGAL ADVISOR. The attorney general shall act as legal advisor to the board and shall provide legal assistance to enforce this subtitle. This section does not relieve a local prosecuting attorney of any duty under the law.

Sec. 1051.210. TECHNOLOGY POLICY. The board shall develop and implement a policy that requires the executive director and board employees to research and propose appropriate technological solutions to improve the board's ability to perform its functions. The technological solutions must:

(1) ensure that the public is able to easily find information about the board through the Internet;

(2) ensure that persons who want to use the board's services are able to:

(A) interact with the board through the Internet; and

(B) access any service that can be provided effectively through the Internet; and

(3) be cost-effective and be developed through the board's planning process.

Sec. 1051.211. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of board rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the board's jurisdiction.

(b) The board's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The board shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the board.

Sec. 1051.212. JOINT ADVISORY COMMITTEE ON THE PRACTICES OF ENGINEERING, ARCHITECTURE, AND LANDSCAPE ARCHITECTURE. (a) The Joint Advisory Committee on the Practices of Engineering, Architecture, and Landscape Architecture is an advisory committee to the board and to the Texas Board of Professional Engineers. The advisory committee consists of:

(1) three members of the board appointed by the board; and

(2) three members of the Texas Board of Professional Engineers appointed by that board.

(b) Members of the advisory committee serve staggered six-year terms, with the terms of one member appointed by the board and one member appointed by the Texas Board of Professional Engineers expiring each odd-numbered year.

(c) The advisory committee shall meet at least twice a year.

(d) The advisory committee shall work to resolve issues that result from the overlap between activities that constitute the practices of engineering and architecture and those that constitute the practices of engineering and landscape architecture. The advisory committee shall assist each agency in protecting the public rather than advancing the interests of either agency or the profession it regulates.

(e) The advisory committee shall issue advisory opinions to the board and to the Texas Board of Professional Engineers on matters relating to the practice of engineering and the practice of architecture or landscape architecture, including:

(1) opinions on whether certain activities constitute the practice of engineering or the practice of architecture or landscape architecture;

(2) specific disciplinary proceedings initiated by either agency; and

(3) the need for persons working on particular projects to be registered by the board or licensed by the Texas Board of Professional Engineers.

(f) If the advisory committee issues an advisory opinion to the board or the Texas Board of Professional Engineers on a matter, that agency shall notify the committee of the final action taken with regard to the matter. The advisory committee shall consider the action taken by the agency on the matter in any advisory opinion subsequently issued by the committee on a related matter.

(g) The board and the Texas Board of Professional Engineers shall enter into a memorandum of understanding regarding the advisory committee that includes the composition and purpose of the committee.

ARTICLE 2. PROVISIONS AFFECTING ARCHITECTS,  
LANDSCAPE ARCHITECTS, AND INTERIOR DESIGNERS

SECTION 2.01. Chapter 1051, Occupations Code, is amended by adding a heading for a new Part 2 of that chapter to read as follows:

PART 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS,  
LANDSCAPE ARCHITECTS, AND INTERIOR DESIGNERS

SECTION 2.02. Existing Subchapters F, H, J, and K, Chapter 1051, Occupations Code, are designated as part of the new Part 2 of Chapter 1051.

SECTION 2.03. The heading to existing Subchapter F, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER E [F]. PUBLIC INTEREST INFORMATION AND  
COMPLAINT PROCEDURES

SECTION 2.04. The heading to Section 1051.251, Occupations Code, is amended to read as follows:

Sec. 1051.251. PUBLIC INTEREST INFORMATION; DISPLAY OF CERTIFICATE.

SECTION 2.05. Section 1051.251, Occupations Code, is amended by amending Subsection (a) and adding Subsections (c) and (d) to read as follows:

(a) The board shall prepare information of public interest describing the functions of the board and the procedures by which complaints are filed with and resolved by the board. The information must include information for prospective applicants regarding the qualifications and requirements for registration under this subtitle ~~[chapter]~~.

(c) In each written contract in which a person registered under this subtitle agrees to practice the person's profession in this state, the person shall include the name, mailing address, and telephone number of the board and a statement that the board has jurisdiction over a person registered under this subtitle.

(d) A person registered under this subtitle shall prominently display the person's certificate of registration in the person's place of business.

SECTION 2.06. Sections 1051.252 and 1051.253, Occupations Code, are amended to read as follows:

Sec. 1051.252. COMPLAINTS. (a) The board by rule shall establish a comprehensive procedure for receiving and adjudicating complaints from consumers and service recipients. The rules must address each phase of the complaint process, including complaint intake, preliminary evaluation, investigation, adjudication, sanctions, and public disclosure.

(b) The board [by rule] shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the board for the purpose of directing complaints to the board. The board may provide for that notice:

- (1) on each registration form, application, or written contract for services of a person regulated under this subtitle [chapter];
- (2) on a sign prominently displayed in the place of business of each person regulated under this subtitle [chapter]; or
- (3) in a bill for service provided by a person regulated under this subtitle [chapter].

Sec. 1051.253. COMPLAINT INFORMATION. (a) The board shall maintain a [keep an information] file on [about] each complaint filed with the board that the board has authority to resolve. The file must include:

- (1) the name of the person who filed the complaint unless the complaint is filed anonymously;
- (2) the date the complaint is received by the board;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint;

and

(6) an explanation of the reason the file was closed, if the board closed the file without taking action other than to investigate the complaint.

(b) The board shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.



(c) The [If a written complaint is filed with the board that the board has the authority to resolve, the] board, at least quarterly [and] until final disposition of the complaint, shall notify the person filing [parties to] the complaint and each person who is a subject of the complaint of the status of the investigation [complaint] unless the notice would jeopardize an [undercover] investigation.

SECTION 2.07. Section 1051.254(a), Occupations Code, is amended to read as follows:

(a) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

SECTION 2.08. Chapter 1051, Occupations Code, is amended by adding a new Subchapter F to the new Part 2 of that chapter to read as follows:

#### SUBCHAPTER F. GENERAL REGISTRATION REQUIREMENTS

Sec. 1051.301. ADMINISTRATION OF EXAMINATION TO DISABLED APPLICANTS. The board by rule shall ensure that an examination under this subtitle is administered to applicants with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and its subsequent amendments.

Sec. 1051.302. EXAMINATION FEE. Notwithstanding Section 2113.203, Government Code, the board may delegate the collection of any examination fee prescribed by the board to the person who conducts the examination.

Sec. 1051.303. REFUND POLICY. The board by rule shall adopt a comprehensive refund policy for applicants who are not able to take an examination under this subtitle after paying the examination fee. The comprehensive refund policy must include:

- (1) a list of the circumstances under which the board will refund the examination fee to an applicant who does not take the examination;
- (2) the required documentation to support a refund request;
- (3) the deadline for applying for a refund; and
- (4) the amount of the examination fee the board may retain to cover administrative costs.

Sec. 1051.304. EXAMINATION RESULTS. (a) Not later than the 30th day after the date a person takes an examination under this subtitle, the board shall notify the person of the results of the examination.

(b) If an examination is graded or reviewed by a testing service:

(1) the board shall notify the person of the results of the examination not later than the 14th day after the date the board receives the results from the testing service; and

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall notify the person of the reason for the delay before the 90th day.

(c) The board may require a testing service to notify a person of the results of the person's examination.

(d) If requested in writing by a person who fails an examination administered under this subtitle, the board shall provide the person with an analysis of the person's performance on the examination.

Sec. 1051.305. RECIPROCITY. (a) The board may waive any prerequisite to obtaining a certificate of registration under this subtitle for an applicant who holds a license or certificate of registration issued by another jurisdiction:

(1) that has licensing or registration requirements substantially equivalent to those of this state; or

(2) with which this state has a reciprocity agreement.

(b) The board may make an agreement, subject to the approval of the governor, with another state to allow for licensing by reciprocity.

(c) An applicant under this section must:

(1) apply in the same manner and form as any other applicant under this subtitle, except that the application must be accompanied by a fee in an amount set by the board as reasonable and necessary to cover the cost of processing and investigating the application and issuing the certificate of registration; and

(2) provide the board with documents and other evidence that substantiates the applicant's qualifications.

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

Sec. 1051.307. ROSTER OF APPLICANTS. The board shall maintain a roster of all persons who apply for a certificate of registration under this subtitle. The roster must include the following information about each applicant:

(1) the applicant's name, address, and age;

(2) the date the applicant filed the application;

(3) the applicant's place of business;

(4) the applicant's educational and other qualifications;

(5) whether the applicant took the examination;

(6) whether the board issued a certificate of registration to the applicant or rejected the application;

(7) the date of the board's action on the application; and

(8) any other information the board considers necessary.

SECTION 2.09. The heading to existing Subchapter H, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER G ~~H~~. RENEWAL OF CERTIFICATE  
OF REGISTRATION

SECTION 2.10. Sections 1051.351-1051.354, Occupations Code, are amended to read as follows:

Sec. 1051.351. ANNUAL RENEWAL REQUIRED. (a) A person who is otherwise eligible to renew a certificate of registration under this subtitle may renew an unexpired certificate by paying the required renewal fee to the board before the expiration date of the certificate. A person whose certificate of registration has expired may not engage in activities that require registration until the certificate of registration has been renewed [An original certificate of registration is valid for the balance of the current registration year and may be renewed annually. A certificate of registration that has been renewed expires on the first anniversary of the renewal date].

(b) The board by rule may adopt a system under which certificates of registration expire on various dates during the year. ~~[The board shall adjust the date for mailing notice of expiration and the period for renewal according to the system adopted by the board under this subsection.]~~

(c) For the [a] year in which the certificate of registration expiration date is changed, the board shall prorate renewal fees ~~[shall be prorated]~~ on a monthly basis so that each certificate holder pays only that portion of the registration fee that is allocable to the number of months during which the certificate is valid. On renewal of the certificate of registration on the new expiration date, the total registration renewal fee is payable.

Sec. 1051.352. NOTICE OF EXPIRATION. Not later than the 30th [31st] day before the ~~[expiration]~~ date ~~[of]~~ a person's certificate of registration is scheduled to expire, the board shall send written notice of the impending expiration to the person at the person's last known address according to the records of the board ~~[records]~~.

Sec. 1051.353. PROCEDURE FOR RENEWAL. (a) A person may renew an unexpired certificate of registration by~~;~~

~~[(1) paying the required renewal fee to the board before the expiration date; and~~

~~[(2) submitting proof satisfactory to the board of compliance with the board's continuing education requirement.~~

(b) A person whose certificate of registration has been expired for 90 days or less ~~[than one year]~~ may renew the ~~[person's]~~ certificate ~~[of registration]~~ by~~;~~

~~[(1) paying to the board a~~;~~~~

~~[(A) any unpaid] renewal fee that is equal to 1-1/2 times the normally required renewal fee~~;~~ and~~

~~[(B) a penalty fee in an amount determined by the board; and~~

~~[(2) submitting proof satisfactory to the board of compliance with the board's continuing education requirement].~~

(c) A ~~[The board may set a penalty fee for a]~~ person whose certificate of registration has been expired for more ~~[less]~~ than 90 days ~~[in an amount that is different from the penalty fee for a person whose certificate of registration has been expired for longer than 90 days]~~ but less than one year may renew the certificate by paying to the board a renewal fee equal to two times the normally required renewal fee.

(d) A person whose ~~[The board shall issue a certificate of renewal of a person's]~~ certificate of registration has been expired for one year or more may not renew the certificate. The person may obtain a new certificate of registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate ~~[on receipt of:~~

~~[(1) the required fees, as provided by this section; and~~

~~[(2) the required proof of compliance with the board's continuing education requirement].~~

(e) A person who was registered in this state, moved to another state, and is currently licensed or registered and has been in practice in the other state for the two years preceding the date of the application may obtain a new certificate of registration without reexamination. The person must pay to the board a fee that is equal to two

times the normally required renewal fee for the certificate of registration. [~~If a person's certificate of registration has been expired for one year or more, the board may revoke the certificate of registration and enter the revocation in its official records. The board may require an applicant for reinstatement of a certificate of registration revoked under this subsection to pass an examination prescribed by the board. If the person passes the examination, the person's certificate of registration may be reinstated on receipt of a fee in an amount determined by the board.~~]

Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL. (a) A person required to register under this subtitle [~~An architect~~] 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, landscape architect, or interior designer in this state; or

(2) was in good standing as an architect, 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, landscape architects, or interior designers.

SECTION 2.11. Section 1051.355, Occupations Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (e) to read as follows:

(a) The board by rule shall establish a procedure by which a person who is registered under this subtitle [~~an architect~~] may place the person's certificate of registration on inactive status. The person must apply for inactive status, on a form prescribed by the board, before the person's certificate of registration expires.

(b) A person whose certificate of registration is on inactive status must pay an annual renewal fee on a date and in a manner prescribed by board rule. The board shall prescribe the renewal fee under this subsection in an amount equal to the sum of:

(1) the amount determined by the board as reasonable and necessary to cover the costs of administering this section; and

(2) except as provided by Subsection (e), the additional amount required under Section 1051.651(b)(1)(B) [~~1051.204(b)(1)(B)~~] for the examination fee scholarship program.

(c) A person whose certificate of registration is on inactive status may not perform any activity regulated under this subtitle [~~chapter~~].

(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 2.12. Sections 1051.356(a) and (d), Occupations Code, are amended to read as follows:

(a) The board shall recognize, prepare, or administer [~~require~~] continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's [~~as a condition for renewal of a~~] certificate of registration.

(d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle [~~architecture~~] as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

SECTION 2.13. Chapter 1051, Occupations Code, is amended by adding a new Subchapter H to the new Part 2 of that chapter to read as follows:

SUBCHAPTER H. GENERAL DISCIPLINARY PROCEDURES

Sec. 1051.401. RIGHT TO HEARING; APPEAL. (a) If the board proposes to suspend, revoke, or refuse to renew a person's certificate of registration, the person is entitled to a hearing. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings.

(b) The board shall prescribe procedures by which a decision to suspend or revoke or a refusal to renew a certificate of registration is made by or is appealable to the board.

(c) A hearing under this section is a contested case subject to Chapter 2001, Government Code, and must be conducted under rules enacted by the State Office of Administrative Hearings under Chapter 2003, Government Code.

Sec. 1051.402. PUBLICATION OF DISCIPLINARY ORDERS AND SANCTIONS. The board by rule shall provide for the publication of all disciplinary orders and sanctions imposed by the board under this subtitle. A certificate holder may not negotiate with the board to keep the board from publishing the settlement of a disciplinary action.

Sec. 1051.403. REINSTATEMENT. (a) A person whose application for the issuance of an original or renewal certificate of registration is denied or whose certificate of registration is revoked or suspended may not apply to the board for the issuance or reinstatement of a certificate of registration before the 180th day after the date of the denial, revocation, or suspension.

(b) The board may issue or reinstate a certificate of registration under this section to an applicant who:

(1) pays all fees and costs incurred by the board as a result of any proceeding that led to the denial, revocation, or suspension; and

(2) presents evidence to support the issuance or reinstatement of the certificate.

SECTION 2.14. The heading to existing Subchapter J, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER I [~~J~~]. ADMINISTRATIVE PENALTY

SECTION 2.15. Section 1051.451, Occupations Code, is amended to read as follows:

Sec. 1051.451. IMPOSITION OF ADMINISTRATIVE PENALTY. The board may impose an administrative penalty on a person who engages in conduct for which the person is subject to disciplinary action under this subtitle [~~Subchapter I~~], regardless of whether the person holds a certificate of registration issued under this subtitle [~~chapter~~].

SECTION 2.16. Section 1051.452, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The amount of an administrative penalty may not exceed \$5,000 [~~\$1,000~~].

(c) The board by rule shall adopt an administrative penalty schedule for violations of this subtitle or board rules to ensure that the amounts of penalties imposed are appropriate to the violation. The board must provide the administrative penalty schedule to the public on request.

SECTION 2.17. The heading to existing Subchapter K, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER J [~~K~~]. OTHER PENALTIES AND  
ENFORCEMENT PROVISIONS

SECTION 2.18. Section 1051.501, Occupations Code, is amended to read as follows:

Sec. 1051.501. GENERAL ENFORCEMENT AUTHORITY. (a) A violation of this subtitle [~~chapter~~] shall be reported to the board.

(b) The board shall ensure that enforcement action is taken against a person who violates this subtitle [~~chapter~~].

SECTION 2.19. Section 1051.502(a), Occupations Code, is amended to read as follows:

(a) The board may bring an action in its name to enjoin or restrain a person from violating this subtitle [~~chapter~~], a rule adopted under this subtitle [~~chapter~~], or another state statute or rule relating to the professions regulated under this subtitle [~~practice of architecture~~].

SECTION 2.20. Section 1051.504, Occupations Code, is amended to read as follows:

Sec. 1051.503 [~~1051.504~~]. CUMULATIVE EFFECT OF PROVISIONS. An action or penalty authorized by this subtitle [~~subchapter~~] is in addition to any other action or penalty provided by law.

SECTION 2.21. Existing Subchapter K, Chapter 1051, Occupations Code, is amended by adding Sections 1051.504 and 1051.505 to read as follows:

Sec. 1051.504. CEASE AND DESIST ORDER. (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, landscape architecture, 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.

(b) If the person does not request a hearing before the 22nd day after the date of receiving notice under Subsection (a), the board may:

(1) issue a cease and desist order; and

(2) refer the violation to the attorney general for further action.

(c) If the person requests a hearing before the 22nd day after the date of receiving notice under Subsection (a), the board shall hold the hearing not later than the 30th day after the date the board receives the request for the hearing.

(d) A hearing under this section is subject to Chapter 2001, Government Code.

(e) The board shall adopt rules necessary to implement this section.

Sec. 1051.505. RESTITUTION. (a) The board may order a person registered under this subtitle to pay restitution to a consumer instead of or in addition to assessing an administrative penalty under this chapter.

(b) The amount of restitution ordered by the board may not exceed the amount the consumer paid the person for a service regulated under this subtitle. The board may not include an estimation of other damages or harm in a restitution order.

ARTICLE 3. PROVISIONS AFFECTING ONLY ARCHITECTS

SECTION 3.01. Chapter 1051, Occupations Code, is amended by adding a heading for a new Part 3 of that chapter to read as follows:

PART 3. PROVISIONS APPLYING ONLY TO ARCHITECTS

SECTION 3.02. Existing Subchapters B, G, and I, Chapter 1051, Occupations Code, are designated as a part of the new Part 3 of Chapter 1051.

SECTION 3.03. Chapter 1051, Occupations Code, is amended by adding a new Subchapter K to the new Part 3 of that chapter to read as follows:

SUBCHAPTER K. GENERAL PROVISIONS: ARCHITECTS

Sec. 1051.551. ENFORCEMENT BY CERTAIN PUBLIC OFFICIALS. (a) A public official of this state or of a political subdivision of this state who is responsible for enforcing laws that affect the practice of architecture may accept an architectural plan, specification, or other related document only if the plan, specification, or document is prepared by an architect or by a person acting under the supervision of an architect, as evidenced by the architect's seal.

(b) Subsection (a) does not apply to a plan, specification, or document that is subject to an exemption from this chapter.

SECTION 3.04. The heading to existing Subchapter B, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER L [B]. EXEMPTIONS

SECTION 3.05. The heading to Section 1051.051, Occupations Code, is amended to read as follows:

Sec. 1051.601 [~~1051.051~~]. ACTIVITIES OF LICENSED ENGINEER.

SECTION 3.06. The heading to Section 1051.052, Occupations Code, is amended to read as follows:

Sec. 1051.602 [~~1051.052~~]. ACTIVITIES OF ARCHITECT OR ENGINEER EMPLOYEE.

SECTION 3.07. Section 1051.053, Occupations Code, is amended to read as follows:

Sec. 1051.603 [~~1051.053~~]. LANDSCAPE ARCHITECTURE. This part [~~chapter~~] does not:

- (1) limit the practice of landscape architecture; or
- (2) prohibit the use of the title "Landscape Architect" by a qualified person.

SECTION 3.08. Section 1051.054, Occupations Code, is amended to read as follows:

Sec. 1051.604 [~~1051.054~~]. INTERIOR DESIGN. This part [~~chapter~~] does not:

- (1) limit the practice of interior design; or
- (2) prohibit the use of the title "Interior Designer" by a qualified person.

SECTION 3.09. The heading to Section 1051.055, Occupations Code, is amended to read as follows:

Sec. 1051.605 [~~1051.055~~]. EMPLOYEE OF CERTAIN UTILITIES OR AFFILIATES.

SECTION 3.10. Section 1051.055(b), Occupations Code, is amended to read as follows:

(b) This chapter does not limit the use of a job title or personnel classification by an employee described by Subsection (a) if the employee does not use:

(1) the title or classification in connection with an offer to the public to perform architectural services; and

(2) a name, title, or other word that tends to convey the impression that a person not registered as an architect under this chapter is offering to the public to perform architectural services.

SECTION 3.11. The heading to Section 1051.056, Occupations Code, is amended to read as follows:

Sec. ~~1051.606~~ [1051.056]. ACTIVITIES OF CERTAIN PERSONS NOT REPRESENTED TO BE ARCHITECTS.

SECTION 3.12. Section 1051.056(a), Occupations Code, is amended to read as follows:

(a) This chapter does not apply to a person who does not represent that the person is an architect or architectural designer, or use another business or professional title that uses a form of the word "architect," and who:

(1) engages in or is employed in the practice of architecture solely as an officer or employee of the United States;

(2) is a legally qualified architect residing in another state or country who:

(A) does not open or maintain an office in this state; and

(B) complies with the requirements of Subsection (b);

(3) prepares architectural plans and specifications for or observes or supervises the alteration of a building, unless the alteration involves a substantial structural or exitway change to the building; or

(4) prepares the architectural plans and specifications for or observes or supervises the construction, enlargement, or alteration of a privately owned building that is:

(A) a building used primarily for:

(i) farm, ranch, or agricultural purposes; or

(ii) storage of raw agricultural commodities;

(B) a single-family or dual-family dwelling or a building or appurtenance associated with the dwelling;

(C) a multifamily dwelling not exceeding a height of two stories and not exceeding 16 units per building; ~~or~~

(D) a commercial building that does not exceed ~~[exceeding]~~ a height of two stories or ~~[and not exceeding]~~ a square footage of 5,000 ~~[20,000]~~ square feet; or

(E) a warehouse that has limited public access.

SECTION 3.13. Chapter 1051, Occupations Code, is amended by adding a new Subchapter M to the new Part 3 of that chapter to read as follows:

SUBCHAPTER M. BOARD POWERS AND DUTIES: ARCHITECTS

Sec. 1051.651. FEES. (a) The board may set a fee for a board action involving an administrative expense in an amount that is reasonable and necessary to cover the cost of administering this chapter, unless the amount of the fee is set by this chapter or by the General Appropriations Act.



(b) The board shall set the required renewal fee for:

(1) a resident of this state in an amount that is equal to the sum of:

(A) the amount determined by the board as reasonable and necessary to cover administrative costs; and

(B) an amount determined annually by the board as reasonable and necessary for the administration of the examination fee scholarship program under Section 1051.653; and

(2) nonresidents in an amount determined by the board.

(c) The board may accept payment of a fee by electronic means. The board may charge a fee to process the payment made by electronic means. The board shall set the processing fee in an amount that is reasonably related to the expense incurred by the board in processing the payment made by electronic means, not to exceed five percent of the amount of the fee for which the payment is made.

(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board.

Sec. 1051.652. FEE INCREASE. (a) 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 under this chapter are increased by \$200.

(b) Of each fee increase collected, \$50 shall be deposited in the foundation school fund and \$150 shall be deposited in the general revenue fund.

Sec. 1051.653. EXAMINATION FEE SCHOLARSHIPS. (a) The board shall administer scholarships to applicants for examination under this part in a manner the board determines best serves the public purpose of:

(1) promoting the professional needs of the state;

(2) increasing the number of highly trained and educated architects available to serve the residents of the state;

(3) improving the state's business environment and encouraging economic development; and

(4) identifying, recognizing, and supporting outstanding applicants who plan to pursue careers in architecture.

(b) In determining what best serves the public purpose of the scholarships as described by Subsection (a), the board shall consider at least the financial need of each person who applies for a scholarship under this section.

(c) The amount of the scholarship is the lesser of:

(1) \$500; or

(2) the amount of the required examination fee.

(d) Scholarships under this section are funded by the amount added to each renewal fee under Section 1051.651(b). The board may not use more than 15 percent of the amount appropriated to the board for scholarships under this section to pay the costs of administering the scholarships.

Sec. 1051.654. DESIGN AND APPROVAL OF ARCHITECT'S SEAL. (a) The board shall prescribe and approve the seal to be used by an architect.

(b) The design of the seal must be the same as the design used by the board, except that the words "Registered Architect, State of Texas" must be used instead of "Texas Board of Architectural Examiners."

SECTION 3.14. The heading to existing Subchapter G, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER N ~~[G]~~. REGISTRATION OF  
ARCHITECTS ~~[REQUIREMENTS]~~

SECTION 3.15. Existing Section 1051.301, Occupations Code, is amended to read as follows:

Sec. 1051.701 ~~[1051.301]~~. REGISTRATION REQUIRED. (a) A person may not engage in the practice of architecture or offer or attempt to engage in the practice of architecture unless the person is registered as an architect under this chapter.

(b) A firm, partnership, corporation, or association, including a firm, partnership, corporation, or joint stock association engaged in the practice of engineering under Section 1001.405, may engage in the practice of architecture, represent to the public that the entity is engaged in the practice of architecture or is offering architectural services, or use the word "architect" or "architecture" in any manner in its name only if any practice of architecture or architectural service performed on behalf of the entity is performed by or through a person registered as an architect under this chapter.

SECTION 3.16. The heading to existing Section 1051.302, Occupations Code, is amended to read as follows:

Sec. 1051.702 ~~[1051.302]~~. USE OF ARCHITECT'S SEAL.

SECTION 3.17. Existing Section 1051.302, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A person may not present or attempt to use as the person's own the seal of another person.

SECTION 3.18. The heading to existing Section 1051.303, Occupations Code, is amended to read as follows:

Sec. 1051.703 ~~[1051.303]~~. CERTAIN PLANS OR SPECIFICATIONS TO BE PREPARED ONLY BY ARCHITECT.

SECTION 3.19. The heading to existing Section 1051.304, Occupations Code, is amended to read as follows:

Sec. 1051.704 ~~[1051.304]~~. EXAMINATION; ISSUANCE OF CERTIFICATE.

SECTION 3.20. The heading to existing Section 1051.305, Occupations Code, is amended to read as follows:

Sec. 1051.705 ~~[1051.305]~~. ELIGIBILITY AND APPLICATION FOR EXAMINATION.

SECTION 3.21. Existing Section 1051.305, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The applicant must~~[-~~

~~[(+)]~~ present to the board:

(1) ~~[(A)]~~ a diploma showing that the applicant meets the education requirement established by Subsection (a)(1); and

(2) ~~[(B)]~~ evidence acceptable to the board that the applicant meets the experience requirement established by Subsection (a)(2);

(c) The~~[-and~~

~~[(2) pay to the]~~ board shall set an examination ~~[a]~~ fee ~~[not to exceed \$300]~~ in an amount ~~[set by the board as]~~ reasonable and necessary to cover the cost of ~~[administering]~~ the examination.

SECTION 3.22. The heading to existing Subchapter I, Chapter 1051, Occupations Code, is amended to read as follows:

SUBCHAPTER O ~~[H]~~. DISCIPLINARY PROCEDURES  
FOR ARCHITECTS

SECTION 3.23. Existing Sections 1051.401 and 1051.402, Occupations Code, are amended to read as follows:

Sec. 1051.751 [~~1051.401~~]. DISCIPLINARY POWERS OF BOARD. (a) On a determination that a ground for discipline exists under Section 1051.752 [~~1051.402~~], the board shall ~~[may]~~:

- (1) revoke, ~~[or]~~ suspend, or refuse to renew a certificate of registration;
- (2) ~~[place on probation a person whose certificate of registration is suspended;~~
- ~~[(3)]~~ reprimand a certificate ~~[the]~~ holder ~~[of a certificate of registration]~~; or
- (3) ~~[(4)]~~ impose an administrative penalty on a person under Subchapter I ~~[F]~~.

(b) The board may place on probation a person whose certificate of registration is suspended. If the suspension ~~[of a person's certificate of registration]~~ is probated, the board may require the person to:

- (1) report regularly to the board on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the board; or
- (3) continue or review ~~[renew]~~ professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

Sec. 1051.752 [~~1051.402~~]. GROUNDS FOR DISCIPLINARY ACTION. A person is subject to disciplinary action under Section 1051.751 [~~1051.401~~] for:

- (1) a violation of this subtitle ~~[chapter]~~ or a board rule adopted under this subtitle that applies to architects ~~[chapter]~~;
- (2) a failure to provide or to timely provide to the Texas Department of Licensing and Regulation any document designated by Article 9102, Revised Statutes, as a document the person is required to provide to the department;
- (3) a cause for which the board may refuse to issue a certificate of registration;
- (4) gross incompetency in the practice of architecture;
- (5) recklessness in the practice of architecture, including recklessness in the construction or alteration of a building by an architect designing, planning, or observing the construction or alteration; ~~[or]~~
- (6) dishonest practice in the practice of architecture by the holder of a certificate of registration;
- (7) giving false or forged evidence to the board or a board member in obtaining or assisting another person to obtain a certificate of registration;
- (8) aiding or abetting a person not registered under this subtitle in violating this subtitle; or
- (9) using or attempting to use as the person's own the certificate of registration of another person.

SECTION 3.24. Chapter 1051, Occupations Code, is amended by adding a new Subchapter P to the new Part 3 of that chapter to read as follows:

SUBCHAPTER P. OTHER PENALTIES AND ENFORCEMENT

PROVISIONS: ARCHITECTS

Sec. 1051.801. CRIMINAL PENALTY. (a) A person, whether acting independently or on behalf of the person's firm, commits an offense if, in violation of this chapter, the person:

(1) engages in the practice of architecture, or offers or attempts to engage in the practice of architecture;

(2) prepares architectural plans or specifications for and observes or supervises the construction, enlargement, or alteration of a building for another person; or

(3) advertises or puts out a sign, card, or drawing designating the person as an architect or architectural designer or uses another business or professional title that uses a form of the word "architect."

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$250 and not more than \$1,000. Each day of violation is a separate offense.

(c) In an action brought under this section, the board may be represented by a district or county attorney or by other counsel as necessary.

ARTICLE 4. PROVISIONS AFFECTING ONLY

LANDSCAPE ARCHITECTS

SECTION 4.01. Subchapter A, Chapter 1052, Occupations Code, is amended by adding Sections 1052.004, 1052.005, and 1052.006 to read as follows:

Sec. 1052.004. ACTIVITIES OF LANDSCAPE ARCHITECT EMPLOYEE. This chapter does not limit the ability of an employee of a landscape architect to act under the landscape architect's instructions, control, or supervision.

Sec. 1052.005. ACTIVITIES OF CERTAIN PERSONS NOT REPRESENTED TO BE LANDSCAPE ARCHITECTS. (a) This chapter does not apply to a person:

(1) who does not represent that the person is a landscape architect or use a business or professional title that uses a form of the phrase "landscape architect"; and

(2) who is a landscape architect licensed or registered in another state or country who:

(A) does not open or maintain a business in this state; and

(B) complies with the requirements of Subsection (b).

(b) A person described by Subsection (a) who agrees to perform or represents that the person is able to perform a professional service involved in the practice of landscape architecture may perform a landscape architectural service in this state only if, in performing the service, the person:

(1) employs a landscape architect registered under this chapter as a consultant; or

(2) acts as a consultant of a landscape architect registered in this state.

Sec. 1052.006. EXCEPTION TO CERTAIN EXEMPTIONS. (a) In this section, "public accommodation" has the meaning assigned by the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12181).

(b) Except as provided by Subsection (c), a person who performs an act described by Section 2(a), Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes), may not engage in the practice of landscape architecture without a certificate of registration under this chapter if the person designs spaces in the landscape that:

- (1) are for public accommodation; or
- (2) otherwise affect the public health, safety, or welfare.

(c) This section does not apply to a person described by Section 2(a)(11), Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes).

SECTION 4.02. Section 1052.054, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The board may set a fee for a board action involving an administrative expense in an amount that is reasonable and necessary to cover the cost of administering this chapter, unless the amount of the fee is set ~~[by this chapter or]~~ by the General Appropriations Act.

(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board.

SECTION 4.03. The heading to Section 1052.056, Occupations Code, is amended to read as follows:

Sec. 1052.056. ~~[FORM AND]~~ DESIGN AND APPROVAL OF LANDSCAPE ARCHITECT'S SEAL.

SECTION 4.04. Section 1052.056(a), Occupations Code, is amended to read as follows:

(a) The board shall prescribe and approve ~~[the form of]~~ the seal to be used by a landscape architect.

SECTION 4.05. Sections 1052.251 and 1052.252, Occupations Code, are amended to read as follows:

Sec. 1052.251. DISCIPLINARY POWERS OF BOARD. (a) On a determination that a ground for discipline exists under Section 1052.252, the board shall ~~[may]~~:

- (1) revoke, ~~[or]~~ suspend, or refuse to renew a certificate of registration;
- (2) ~~[place on probation a person whose certificate of registration is suspended;~~
- ~~[(3)]~~ reprimand a certificate ~~[the]~~ holder ~~[of a certificate of registration]; or~~
- ~~[(4)]~~ impose an administrative penalty on a person under Subchapter I, Chapter 1051 ~~[G].~~

(b) The board may place on probation a person whose certificate of registration is suspended. If the suspension ~~[of a person's certificate of registration]~~ is probated, the board may require the person to:

- (1) report regularly to the board on matters that are the basis of the probation;
- (2) limit practice to the areas prescribed by the board; or
- (3) continue or review ~~[renew]~~ professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

Sec. 1052.252. GROUNDS FOR DISCIPLINARY ACTION. A person is subject to disciplinary action under Section 1052.251 for:

- (1) violating this subtitle ~~[chapter]~~ or a board rule adopted under this subtitle that applies to landscape architects ~~[chapter]~~;
- (2) using fraud or deceit in obtaining a certificate of registration;
- (3) giving false or forged evidence to the board or a member of the board in obtaining or assisting another person to obtain a certificate of registration;
- (4) using or attempting to use as the person's own the certificate of registration of another person;
- (5) holding the person out to the public as an engineer or using the term "engineer," "engineered," "professional engineer," or "P.E." or any other term tending to create the impression that the person is authorized to practice engineering or another profession unless the person is licensed under Chapter 1001 or another licensing law of this state, as applicable;
- (6) holding the person out to the public as a surveyor or using the term "surveyor," "surveyed," or "registered professional land surveyor" or any other term tending to create the impression that the person is authorized to practice surveying or another profession unless the person is licensed under Chapter 1071 or another licensing law of this state, as applicable;
- (7) committing an act of recklessness ~~[gross negligence]~~, gross incompetency, or misconduct in the practice of landscape architecture; ~~[or]~~
- (8) failing to provide or to timely provide to the Texas Department of Licensing and Regulation any document designated by Article 9102, Revised Statutes, as a document the person is required to provide to the department;
- (9) acting dishonestly in the practice of landscape architecture; or
- (10) aiding or abetting a person not registered under this subtitle in violating this subtitle.

#### ARTICLE 5. PROVISIONS AFFECTING ONLY INTERIOR DESIGNERS

SECTION 5.01. Section 1053.002, Occupations Code, is amended to read as follows:

Sec. 1053.002. APPLICATION. (a) This chapter does not apply to:

- (1) a person who:
    - (A) [A] does not use the title "interior designer" and does not use the term "interior design" to describe a service the person offers or performs; and
    - (B) is an interior designer licensed or registered in another state or country who:
      - (i) does not open or maintain a business in this state; and
      - (ii) complies with the requirements of Subsection (b); or
  - (2) a person who is registered to practice architecture in this state.
- (b) A person described by Subsection (a)(1) who agrees to perform or represents that the person is able to perform ~~[This chapter does not:~~  
~~](1) prohibit an employee of an interior designer or architect from performing]~~ an interior design service may perform an interior design service in this state if, in performing the service, the person:

(1) employs an [under the control, instruction, or supervision of the] interior designer registered under this chapter as a consultant [or architect]; or

(2) acts as a consultant of an interior designer [restrict the practice or activities of or the provision of a service by a person engaged in a profession or occupation for which the person is licensed or] registered in this state [under any other law].

SECTION 5.02. Section 1053.052, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board.

SECTION 5.03. Subchapter B, Chapter 1053, Occupations Code, is amended by adding Section 1053.058 to read as follows:

Sec. 1053.058. DESIGN AND APPROVAL OF INTERIOR DESIGNER'S SEAL. (a) The board shall prescribe and approve the seal to be used by an interior designer.

(b) The design of the seal must be the same as the design used by the board, except that the words "Registered Interior Designer, State of Texas" must be used instead of "Texas Board of Architectural Examiners."

SECTION 5.04. Section 1053.160, Occupations Code, is amended to read as follows:

Sec. 1053.160. USE OF INTERIOR DESIGNER'S SEAL. (a) An interior designer shall maintain a [is entitled to use any] seal described by Section 1053.058 and shall stamp or impress the seal on each drawing or specification issued from the interior designer's office for use in this state [adopted by the board].

(b) A person may not use or attempt to use an interior designer's seal, a similar seal, or a replica of the seal unless the use is by or through an interior designer.

(c) An interior designer may not permit a person who is not an interior designer to use the interior designer's seal without the interior designer's personal supervision.

(d) A person may not present or attempt to use as the person's own the seal of another person.

SECTION 5.05. Sections 1053.251(a) and (b), Occupations Code, are amended to read as follows:

(a) On a determination that a ground for disciplinary action exists under Section 1053.252, the board shall [may]:

(1) revoke, [or] suspend, or refuse to renew a certification of registration;

(2) [place on probation a person whose certificate of registration has been suspended;

[3] reprimand a certificate [the] holder [of a certificate of registration]; or

(3) [(4)] impose an administrative penalty on a person under Subchapter I, Chapter 1051 [G].

(b) The board may place on probation a person whose certificate of registration is suspended. If the suspension [of a person's certificate of registration] is probated, the board may require the person to:

(1) report regularly to the board on matters that are the basis of the probation;

(2) limit practice to the areas prescribed by the board; or

(3) continue or review [~~renew~~] professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

SECTION 5.06. Section 1053.252, Occupations Code, is amended to read as follows:

Sec. 1053.252. **FOUNDATIONS FOR DISCIPLINARY ACTION.** A person is subject to disciplinary action under Section 1053.251 for:

(1) violating this subtitle [~~chapter~~] or a board rule adopted under this subtitle that applies to interior designers [~~chapter~~];

(2) being convicted of a felony or of a misdemeanor involving moral turpitude;

(3) using fraud or deceit in obtaining or attempting to obtain a certificate of registration;

(4) committing an act of recklessness, gross incompetency, or misconduct in the practice of interior design [~~performing professional duties in a grossly negligent manner~~];

(5) practicing in a manner detrimental to the public health, safety, or welfare;

(6) advertising in a manner that tends to deceive or defraud the public;

(7) aiding or abetting any person not registered under this subtitle [~~chapter~~] in violating this subtitle [~~chapter~~]; ~~or~~

(8) failing to provide or to timely provide to the Texas Department of Licensing and Regulation any document designated by Article 9102, Revised Statutes, as a document the person is required to provide to the department;

(9) giving false or forged evidence to the board or a member of the board in obtaining or assisting another person to obtain a certificate of registration;

(10) using or attempting to use as the person's own the certificate of registration of another person; or

(11) acting dishonestly in the practice of interior design.

SECTION 5.07. The heading to Subchapter H, Chapter 1053, Occupations Code, is amended to read as follows:

#### SUBCHAPTER H. [~~OTHER~~] PENALTIES

#### ARTICLE 6. REPEALER; TRANSITION PROVISIONS;

##### EFFECTIVE DATE

SECTION 6.01. (a) Subchapters C, E, and G, Chapter 1052, and Subchapters C, E, and G, Chapter 1053, Occupations Code, are repealed.

(b) Existing Sections 1051.003, 1051.204-1051.206, 1051.210, 1051.306, 1051.307, 1051.403, 1051.503, 1052.001, 1052.051-1052.053, 1052.055, 1052.057, 1052.058, 1052.155, 1052.156, 1052.253, 1053.001, 1053.051, 1053.054-1053.057, 1053.156, 1053.157, 1053.161, 1053.253, and 1053.254, Occupations Code, are repealed.

SECTION 6.02. Not later than March 1, 2004, the Texas Board of Architectural Examiners shall:

(1) adopt rules as required by this Act; and

(2) set the fees required by this Act.



SECTION 6.03. (a) In accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 1051.355(b), Occupations Code, as set out in this Act, gives effect to changes made by Section 3, Chapter 861, Acts of the 77th Legislature, Regular Session, 2001.

(b) In accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 1051.402, Occupations Code, set out in this Act as new Section 1051.752, Occupations Code, gives effect to changes made by Section 2, Chapter 861, Acts of the 77th Legislature, Regular Session, 2001.

(c) In accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 1052.252, Occupations Code, as set out in this Act, gives effect to changes made by Section 6, Chapter 861, Acts of the 77th Legislature, Regular Session, 2001.

(d) In accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Section 1053.252, Occupations Code, as set out in this Act, gives effect to changes made by Section 9, Chapter 861, Acts of the 77th Legislature, Regular Session, 2001.

(e) To the extent of any conflict, this Act prevails over another Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6.04. The change in law made by this Act by the amendment of Section 1051.101, Occupations Code, applies only to a member of the Texas Board of Architectural Examiners appointed on or after the effective date of this Act. As the terms of board members expire and vacancies occur on the board on and after the effective date of this Act, the governor shall appoint new members to the board who have qualifications that reflect the composition of the board as amended by this Act.

SECTION 6.05. (a) The changes in law made by this Act by the amendment of Section 1051.103, Occupations Code, and the addition of Section 1051.112, Occupations Code, in the prohibitions on or qualifications of members of the Texas Board of Architectural Examiners do not affect the entitlement of a member serving on the Texas Board of Architectural Examiners immediately before September 1, 2003, to continue to serve and function as a member of the Texas Board of Architectural Examiners for the remainder of the member's term. Those changes in law apply only to a member appointed on or after September 1, 2003.

(b) Before adopting an administrative penalty schedule under Section 1051.452(c), Occupations Code, as added by this Act, the Texas Board of Architectural Examiners shall hold a public hearing that addresses the proposed administrative penalty schedule. The board must allow members of the public to present oral testimony or written documentation at the hearing.

SECTION 6.06. This Act takes effect September 1, 2003.

**Floor Amendment No. 1**

Amend **CSSB 283**, House committee report as follows:

- 1) On page 3, line 14 strike "," and insert "and"
- 2) On page 3, line 15 strike ", and social"

**Floor Amendment No. 2**

Amend **CSSB 283** by striking from Section 2.13 of the bill (House committee printing page 30, lines 11-23) the following:

"Sec. 1051.403. REINSTATEMENT. (a) A person whose application for the issuance of an original or renewal certificate of registration is denied or whose certificate of registration is revoked or suspended may not apply to the board for the issuance or reinstatement of a certificate of registration before the 180th day after the date of the denial, revocation, or suspension.

(b) The board may issue or reinstate a certificate of registration under this section to an applicant who:

(1) pays all fees and costs incurred by the board as a result of any proceeding that led to the denial, revocation, or suspension; and

(2) presents evidence to support the issuance or reinstatement of the certificate."

and substituting:

"Sec. 1051.403. REINSTATEMENT. The board may issue or reinstate a certificate of registration under this section to an applicant who:

(a) pays all fees and costs incurred by the board as a result of any proceeding that led to the denial, revocation, or suspension; and

(b) presents evidence to support the issuance or reinstatement of the certificate."

**Floor Amendment No. 3**

Amend **CSSB 283** as follows:

- (1) On page 2, strike lines 3 - 15 and substitute the following:

- (3) "Interior design" means the:

(A) performance of professional services, for a fee or other compensation, directly or indirectly, to another person, or to a partnership, corporation, or other legal entity, that include:

(1) preparing and filing interior design construction documents with code enforcement officials for nonstructural or nonseismic interior construction;

(2) obtaining building permits for nonstructural or nonseismic interior construction;

(3) preparing documents to illustrate materials, finishes, space planning, reflected ceiling plans, furnishings, fixtures, and equipment;

(4) analyzing a client's needs, goals, and life safety requirements while protecting the public health, safety, and welfare;

(5) integrating findings with knowledge of interior design;

(6) formulating preliminary design concepts that are appropriate, functional, and aesthetic;

(7) developing and presenting final design recommendations through appropriate presentation media;

(8) collaborating with closely allied design professionals who are licensed practitioners offering professional services as required for regulatory approval;

(9) preparing and administering bids and contract documents as the client's agent; and

(10) reviewing and evaluating the implementation of projects while in progress and on completion as a representative of, and on behalf of, the client.

(B) The term does not include construction of certain structural and mechanical systems, including:

(1) plumbing systems;

(2) heating, air-conditioning, and ventilation systems;

(3) electrical systems;

(4) vertical transportation systems;

(5) fire-rated vertical shafts in multistory structures;

(6) fire-related protection of structural elements;

(7) smoke evacuation and compartmentalization;

(8) emergency sprinkler systems; and

(9) emergency alarm systems.

(2) On page 49, line 4, strike SECTION 5.01 and substitute the following:

SECTION 5.01. Section 1053.002, Occupations Code, is amended to read as follows:

Sec. 1053.002. APPLICATION. (a) This chapter does not apply to a person who:

(1) does not use the title "interior designer" and does not use the term "interior design" to describe a service the person offers or performs; or

(2) is registered to practice architecture in this state, if the architect does not use the term "Registered Interior Designer" unless also registered under this chapter.

(b) This chapter does not:

(1) prohibit an employee of a retail establishment from providing consultations regarding interior decoration or furnishings:

(A) on the premises of the retail establishment; or

(B) in furtherance of a retail sale or prospective retail sale [~~an interior designer or architect from performing an interior design service under the control, instruction, or supervision of the interior designer or architect];[or]~~

(2) restrict the practice or activities of or the provision of a service by a person engaged in a profession or occupation for which the person is licensed or registered in this state under any other law; or

(3) restrict the activities of a person who provides decorative services or assistance in the selection of surface materials, window coverings, wall coverings, paint, floor coverings, surface-mounted fixtures, and loose furnishings not subject to regulation.

(3) Amend ARTICLE 5 by adding the following SECTION \_\_\_\_ and renumbering subsequent SECTIONS accordingly.

SECTION \_\_\_\_\_. The heading to Subchapter D, Chapter 1053, Occupations Code, is amended to read as follows:

SUBCHAPTER D. REGISTRATION [~~REQUIREMENTS~~]

(4) Amend ARTICLE 5 by adding the following SECTION \_\_\_\_ and renumbering subsequent SECTIONS accordingly.

SECTION \_\_\_\_ . Section 1053.151, Occupations Code, is amended to read as follows:

Sec. 1053.151. REGISTRATION REQUIRED. A person other than an interior designer may not:

(1) engage in the practice of interior design or offer or attempt to engage in the practice of interior design unless the person is registered under this chapter; or

(2) hold the person out as engaged in the practice of interior design or, unless all interior design services provided by the person are rendered by or under the responsible supervisory control of a person registered under this chapter, represent:

(A) that the person is an "interior designer" by using that title or the term "Registered Interior Designer"; or

(B) [~~(2) represent,~~] by using the term "interior design," a service the person offers or performs.

(5) Amend ARTICLE 5 by adding the following SECTION \_\_\_\_ and renumbering subsequent sections accordingly.

SECTION \_\_\_\_ . Section 1053.152(b), Occupations Code, is amended to read as follows:

(b) To be eligible for a certificate of registration, an applicant must:

(1) meet the qualifications established by the board under Subsection (a);

(2) pass the [~~registration~~] examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board; [~~and~~]

(3) pay the required fees;

(4) hold a professional degree in interior design conferred by a design program accredited by the Foundation for Interior Design Education Research or a substantially equivalent program, as determined by the board; and

(5) have two years of diversified experience as determined by the board.

(6) Amend ARTICLE 5 by adding the following SECTION \_\_\_\_ and renumbering subsequent sections accordingly.

SECTION \_\_\_\_ . Section 1053.154(b), Occupations Code, is amended to read as follows:

(b) The examination must cover subjects established by and must be graded according to board rules. The board by rule shall [~~may~~] adopt the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board [~~comparable examination~~].

(7) On page 51, line 8, add a new Subsection (e) as follows:

(e) Construction documents that bear the seal shall be accepted for filing by the appropriate jurisdiction or local building department.

(8) Amend ARTICLE 5 by adding the following SECTION \_\_\_\_ and renumbering subsequent SECTIONS accordingly.

SECTION \_\_\_\_ . Section 1053.201, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (b), a certificate of registration issued under this chapter is valid for one year from the date of issuance. [The board shall provide for the annual renewal of a certificate of registration.]

(c) Effective September 1, 2003, to be eligible to renew a certificate of registration, an interior designer who has not passed the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board, must:

(1) pass the building and barrier-free code section of the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board; or

(2) complete, in addition to the continuing education requirements required for renewal of the certificate of registration under Section 1053.205, 15 hours of board-approved continuing education classes relating to building and barrier-free codes and regulations.

(9) Amend ARTICLE 5 by adding the following SECTION \_\_\_\_ and renumbering subsequent SECTIONS accordingly.

SECTION \_\_\_\_. Section 1053.351, Occupations Code, is amended to read as follows:

Sec. 1053.351. CRIMINAL PENALTY. (a) A person commits an offense if the person knowingly violates [Section 1053.151 or a standard of conduct adopted under] this chapter or a rule adopted under this chapter.

(b) An offense under this section is a [Class C] misdemeanor punishable by a fine of not less than \$250 or more than \$5,000. Each day of violation constitutes a separate offense.

(10) Amend ARTICLE 5 by adding a new SUBCHAPTER I to read as follows:

SUBCHAPTER I. PRACTICE BY INTERIOR DESIGNER

Sec. 1053.401. SUPERVISION BY INTERIOR DESIGNER. Each interior design office must have an interior designer who is responsible for interior design work performed at that location. The interior designer shall provide responsible supervisory control over each nonregistered person working at that location in the practice of interior design. Responsible Supervisory Control is the direct responsibility for supervision by an interior designer of the work and decision-making process, including the ability to review, enforce, and control compliance with all design criteria and life safety requirements. For purposes of this subdivision, supervision is not required to be continuous and uninterrupted.

Sec. 1053.402. DUTIES TO CLIENT. Before entering into a contract with a client, an interior designer must clearly determine the scope and nature of the project and the method of compensation.

Sec. 1053.403. DISCLOSURE OF BOARD INFORMATION. An interior designer shall notify each client of the name and address of the board.

Sec. 1053.404. COMPLIANCE WITH CERTAIN REQUIREMENTS. Each interior designer shall practice in compliance with all applicable building codes, fire codes, local regulations, and other safety requirements adopted by the board or another regulatory entity implemented to prohibit practice by persons who:

(1) fail to practice within the bounds of minimum competency requirements; or

(2) otherwise present a danger to the public.

(11) On page 53, line 20, between "1053.157" and 1053.161" insert "1053.158".

(12) On page 55, line 24, insert the following and renumber subsequent sections accordingly.

SECTION \_\_\_\_\_. The Texas Board of Architectural Examiners shall issue a certificate of registration as an interior designer to a person who applies for registration as an interior designer with the board and pays the required fees before the second anniversary of the effective date of this Act if the person presents evidence satisfactory to the board that the person has passed the examination of the National Council for Interior Design Qualification or a similar national organization recognized by the board.

SECTION \_\_\_\_\_. (a) The change in law made by this Act to Section 1053.351, Occupations Code, applies only to the punishment for an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

SECTION \_\_\_\_\_. The Texas Board of Architectural Examiners shall adopt rules as required by Chapter 1053, Occupations Code, as amended by this Act, not later than December 1, 2003.

SECTION \_\_\_\_\_. The change in law made by this Act to Section 1053.201, Occupations Code, takes effect September 1, 2003, and applies only to an application for an initial or renewal interior designer certificate of registration that is filed with the Texas Board of Architectural Examiners on or after January 1, 2004. An application filed before January 1, 2004, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

#### **Floor Amendment No. 4**

Amend **CSSB 283** as follows:

- (1) On page 5, line 27, strike "three [~~four~~]" and insert "four".
- (2) On page 5, line 27, after "members" add "registered under Chapter 1051".
- (3) On page 6, line 1, strike "two [~~one~~]" and insert "one".
- (4) On page 6, line 1, strike "members [~~member~~]" and insert "member".
- (5) On page 6, strike lines 7-9.
- (6) On page 55, strike lines 1-8.

#### **Floor Amendment No. 5**

Amend **CSSB 283**, House committee report, on page 37, line 8 by striking "5,000" and replace with "10,000".

#### **Floor Amendment No. 6**

Amend Floor Amendment No. 5 to **CSSB 283** by striking the text of the amendment and substituting the following:

Amend **CSSB 283** on page 37, line 8, by striking "5,000 [~~20,000~~]" and substituting "20,000".

**Floor Amendment No. 1 on Third Reading**

Amend **CSSB 283** on third reading as follows:

(1) On page 16, line 25 between, "board" and "appointed" insert "and one practicing architect"

(2) On page 17, line 1 between, "Engineers" and "appointed", insert "and one practicing architectural engineer".

**Floor Amendment No. 2 on Third Reading**

Amend Amendment No. 1 to **CSSB 283** on third reading as follows:

1) On line 3 between "practicing" and "architect" insert "accredited"

2) On line 5 between "practicing" and "architectural" insert "accredited"

**Floor Amendment No. 3 on Third Reading**

Amend **CSSB 283** on third reading as follows:

(1) In ARTICLE 1 of the bill, add the following appropriately numbered SECTION and renumber subsequent SECTIONS of ARTICLE 1 appropriately:

SECTION 1. \_\_\_\_\_. Existing Subchapter E, Chapter 1051, Occupations Code, is amended by adding Section 1051.213 to read as follows:

Sec. 1051.213. RECOMMENDATION OF REHABILITATION CODES AND PROVISIONS. The board may recommend to municipalities a rehabilitation code and prescriptive provisions for rehabilitation for adoption under Section 214.215, Local Government Code. In making its recommendations, the board may consider rehabilitation codes published by developers of national model codes or the American National Standards Institute and prescriptive provisions for rehabilitation included in a code published by developers of national model codes or the American National Standards Institute.

(2) Add the following appropriately numbered ARTICLE and renumber the subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_\_. REHABILITATION CODES

SECTION \_\_\_\_\_.01. The heading to Subchapter G, Chapter 214, Local Government Code, is amended to read as follows:

SUBCHAPTER G. BUILDING AND REHABILITATION CODES

SECTION \_\_\_\_\_.02. Subchapter G, Chapter 214, Local Government Code, is amended by adding Section 214.215 to read as follows:

Sec. 214.215. ADOPTION OF REHABILITATION CODES OR PROVISIONS. (a) In this section, "rehabilitation" means the alteration, remodeling, enlargement, or repair of an existing structure.

(b) A municipality that adopts a building code, other than the International Residential Code adopted under Section 214.212, shall adopt one of the following:

(1) prescriptive provisions for rehabilitation as part of the municipality's building code; or

(2) the rehabilitation code that accompanies the building code adopted by the municipality.

(c) The rehabilitation code or prescriptive provisions do not apply to the rehabilitation of a structure to which the International Residential Code applies or to the construction of a new structure.

(d) A municipality may:

(1) adopt the rehabilitation code or prescriptive provisions for rehabilitation recommended by the Texas Board of Architectural Examiners; or

(2) amend its rehabilitation code or prescriptive provisions for rehabilitation.

(e) A municipality shall enforce the prescriptive provisions for rehabilitation or the rehabilitation code in a manner consistent with the enforcement of the municipality's building code.

SECTION \_\_\_\_\_.03. A municipality shall adopt prescriptive provisions for rehabilitation or a rehabilitation code, as required by Section 214.215, Local Government Code, as added by this Act, on or before January 1, 2004.

#### **Floor Amendment No. 4 on Third Reading**

Amend **CSSB 283**, on third reading, as follows:

(1) Strike the SECTION of the bill adding Section 1052.006, Occupations Code.

(2) Amend the recital to that SECTION accordingly.

#### **Floor Amendment No. 5 on Third Reading**

Amend Floor Amendment No. 4 on third reading to **CSSB 283** by inserting an item (3) to read as follows:

(3) Add the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act does not affect the application of the federal American Disabilities Act of 1990.

The amendments were read.

Senator Jackson moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 283** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jackson, Chair; Nelson, Ellis, Whitmire, and Brimer.

#### **CONFERENCE COMMITTEE ON HOUSE BILL 555**

Senator Armbrister called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 555** and moved that the request be granted.

The motion prevailed without objection.



The President asked if there were any motions to instruct the conference committee on **HB 555** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Armbrister, Chair; Fraser, Harris, Staples, and Lindsay.

### **CONFERENCE COMMITTEE ON HOUSE BILL 1702**

Senator Jackson called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1702** and moved that the request be granted.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **HB 1702** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Jackson, Chair; Fraser, Van de Putte, Brimer, and Armbrister.

### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

**SB 104, SB 542, SB 957, SB 1271, SCR 52, HB 275, HB 296, HB 545, HB 681, HB 874, HB 883, HB 900, HB 980, HB 1174, HB 1199, HB 1264, HB 1307, HB 1366, HB 1439, HB 1471, HB 1536, HB 1666, HB 1937, HB 2093, HB 2348, HB 2351, HB 2384, HB 2679, HB 2682, HB 3149, HB 3377, HB 3386, HB 3477, HB 3542, HCR 52, HCR 71, HCR 128, HCR 149.**

### **SENATE RULES SUSPENDED**

#### **(Posting Rules)**

On motion of Senator Van de Putte and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Veteran Affairs and Military Installations might meet and consider the following resolutions today: **HCR 101, HCR 199.**

### **SENATE RULES SUSPENDED**

#### **(Posting Rules)**

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Government Organization might meet and consider the following bills today: **HB 1606, HB 2933.**

**SENATE RULES SUSPENDED**  
**(Posting Rules)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider the following bills today:

**HB 1577, HB 1756, HB 3569, HB 3587, HB 3594, HB 3602, HB 3606, HB 3608, HB 3610, HB 3614, HB 3616, HB 3617, HB 3618, HB 3619, HB 3620, HB 3621, HB 3622, HB 3629, HB 3635, HB 2554.**

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 958** by Lucio, In memory of Walter Lee Kirkpatrick of Brownsville.

**SR 959** by Lucio, In memory of Loralue McCumber of Brownsville.

**SR 960** by Lucio, In memory of DeAnna G. Ortiz of Brownsville.

**SR 962** by Lucio, In memory of Minnie Mae "Mema" Feagins Glenn of Brownsville.

**SR 965** by Lucio, In memory of the life of Dawn Elaine Jimenez of Eaton, Ohio.

**Congratulatory Resolutions**

**SR 957** by Armbrister and Estes, Commending James V. "Jim" Woodrick for his service to the chemical industry in the State of Texas.

**SR 961** by Lucio, Commending John Crutchfield III for his selection as Chamber Executive of the Year by the Texas Association of Business.

**SR 963** by Lucio, Commending Juan Francisco "Frank" Ruiz of Cameron County for his service to his community.

**SR 964** by Lucio, Commending Brian Scott Emig of McAllen for achieving the rank of Eagle Scout.

**ADJOURNMENT**

On motion of Senator Wentworth, the Senate at 12:00 noon adjourned until 11:00 a.m. Monday, May 26, 2003.

---

**APPENDIX**

---

**COMMITTEE REPORTS**

The following committee reports were received by the Secretary of the Senate in the order listed:

May 24, 2003

CRIMINAL JUSTICE — **HB 1326** (Amended), **HB 1895** (Amended), **HB 2525** (Amended), **HB 2895** (Amended)

JURISPRUDENCE — **HB 461, HB 820, HB 1497, HB 1972, HB 2856, HB 2923, HB 3114, HB 3384, HB 3461**

CRIMINAL JUSTICE — **CSHB 59, HB 532 (Amended), HB 1660 (Amended), HB 1661 (Amended), CSHB 2881, CSHJR 44, CSHB 2829, CSHB 236**

GOVERNMENT ORGANIZATION — **CSHB 1538, CSHB 2519, HB 2376**

INTERGOVERNMENTAL RELATIONS — **HB 390, HB 1770, CSHB 2073, HB 2212 (Amended), CSHB 2237, CSHB 2453, CSHB 2718, CSHB 3419, HB 3504**

STATE AFFAIRS — **CSHB 1297, CSHB 2912**

HEALTH AND HUMAN SERVICES — **CSHB 1869**

EDUCATION — **CSHB 1406, HB 1621 (Amended), HB 3425 (Amended)**

HEALTH AND HUMAN SERVICES — **CSHCR 103**

BUSINESS AND COMMERCE — **CSHB 1131**

INFRASTRUCTURE DEVELOPMENT AND SECURITY — **HB 814, CSHB 2006**

FINANCE — **HB 703, CSHB 1278, CSHB 1941, HB 2416, HB 3074, HJR 55**

NATURAL RESOURCES — **HB 2444, CSHB 3061**

FINANCE — **CSHB 3441, CSHB 3442, CSHB 3459**

HEALTH AND HUMAN SERVICES — **CSHB 1614**

GOVERNMENT ORGANIZATION — **CSHB 2485, CSHB 2455, HB 3045, CSHB 599**

EDUCATION — **CSHB 2522**

ADMINISTRATION — **CSHB 425**

INFRASTRUCTURE DEVELOPMENT AND SECURITY — **CSHB 3588, HB 471, CSHJR 28**

**SIGNED BY GOVERNOR**

May 23, 2003

**SCR 35, SCR 40, SCR 47**

**SENT TO GOVERNOR**

May 24, 2003

**SB 104, SB 542, SB 957, SB 1271, SCR 52**

