

Texas Board of Architectural Examiners

H.B. 1717 Price (Nichols)

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The State exercises its power to regulate professions when an overriding interest in protecting the public exists. Licensing processes help ensure that individuals are competent to enter a regulated profession and enforcement helps ensure that regulated individuals maintain the required level of competence and comply with regulatory requirements or be subject to state sanction. As the State's authority over architects, landscape architects, and registered interior designers, the Texas Board of Architectural Examiners, perhaps more than other occupational regulatory agencies, encounters questions about the nature of public protection it ensures, especially regarding its regulation of interior designers. Aside from the basic question about the public protection provided by regulating interior design, the Board's registration process is weakened by a "grandfather" provision that allows the majority of registrants to hold this registration without having to pass the examination currently required for registration. This loophole undermines the promise of competence the registration is intended to provide. House Bill 1717, the Board's Sunset bill, addresses this problem by phasing out the grandfather provision for interior designers and requiring all registrants to demonstrate competence by passing the appropriate examination.

The bill also improves the Board's current criminal history background check by requiring electronic fingerprinting to provide more accurate, thorough, and timely information for determining the appropriateness of a person to be registered. In addition to provisions to make registration more meaningful to the public, H.B. 1717 ensures fairness and transparency for the registrant by creating consistency in how the Board applies professional and late renewal fees.

The following material summarizes results of the Sunset review of the Board, including a management action directed to the Board that did not require statutory changes. For additional information see the *Texas Board of Architectural Examiners Sunset Final Report with Legislative Action* available on the Sunset Commission website at www.sunset.state.tx.us.

Continuation

- Continues the Texas Board of Architectural Examiners for 12 years.

Licensing

- Eliminates the grandfather provision for registered interior designers who have not passed the registration examination by requiring them to do so by September 1, 2017 to continue to renew their registration. Specifies that the registration examination is the examination adopted by the Board and in effect on January 1, 2014.
- Directs the Board to measure the effects its customer service and outreach efforts have on licensing and enforcement. (management action – nonstatutory)

Registration and Enforcement

- Clarifies that the Board must assess the \$200 professional fee at initial registration and renewal for all three regulated professions.
- Requires the Board to conduct fingerprint-based criminal background checks of applicants and licensees with active licenses.
- Clarifies a requirement for the Board to use only its own renewal fee when calculating penalties for late renewal.
- Authorizes the Board to apply administrative penalties per violation per day.

Fiscal Implication

House Bill 1717 will result in a positive fiscal impact to the State of an estimated \$112,000 for the 2014–2015 biennium, by requiring all architects to pay the \$200 professional fee at initial licensure. Clarifying that the penalty for late renewal would be based only on the agency’s renewal fee, and not the \$200 professional fee paid to the State, would reduce revenue to the agency by about \$155,000 annually. However, because the Board operates outside the legislative appropriations process as an SDSI agency, this change would not have an impact to the State.