



**Texas  
Sunset  
Advisory  
Commission**

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**STAFF EVALUATION**

**Texas Board of  
Architectural Examiners**

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**A Staff Report  
to the  
Sunset Advisory Commission**



TEXAS SUNSET ADVISORY COMMISSION

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**Texas Board of Architectural Examiners**

**April 1990**

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# **BACKGROUND**

## Creation and Powers

The Texas Board of Architectural Examiners was established in 1937 to register and regulate architects. Creation of the board was part of a larger effort to regulate the building industry in response to the New London school disaster earlier that year, in which 295 students and teachers were killed by the explosion and collapse of a school building. In 1969, the Texas Board of Landscape Architects was created to register and regulate landscape architects, and in 1973 the law was amended to include the regulation of irrigators. As a result of review by the Sunset Advisory Commission in 1979, the Texas Board of Landscape Architects was abolished and the licensure and regulation of landscape architects became the responsibility of the Texas Board of Architectural Examiners. A separate board was established to regulate irrigators.

The main responsibilities of the agency are to examine and register qualified applicants as architects or landscape architects and to prescribe and maintain standards of professional conduct for these professions. The agency also evaluates the qualifications of applicants for registration, and investigates complaints related to architecture and landscape architecture.

Before January 1, 1990, the agency enforced a title act for both professions, restricting the use of the title of architect or landscape architect and the ability to offer services entitled architectural or landscape architectural services to individuals who have been registered by the board. In 1989, the 71st Legislature amended the architects registration law to give the board authority to regulate the practice of architecture, prohibiting individuals who are not registered architects from providing architectural services for certain types of buildings. For example, many private buildings which exceed 20,000 square feet, or buildings which will be used as an institutional residential facility, must have plans and specifications prepared by a registered architect. Before this change, the board did not have any power to restrict an individual from providing building design services as long as that individual used a title other than architect, such as building designer.

The profession of landscape architecture remains regulated through title restrictions. The regulation of landscape architects was established as a title law, but was changed in 1973 to cover the practice of landscape architecture. In 1979, when the old Board of Landscape Architects was abolished, and the regulation of landscape architects was transferred to the Board of Architectural Examiners, the legislature removed the practice provisions, bringing the regulations again under title restrictions. The 71st Legislature considered enacting a practice law for landscape architecture in 1989, but this legislation did not pass. Persons may still perform landscape architectural services without being registered as long as they use a title other than landscape architect, such as landscape designer or landscape contractor.

## Policy-making Body

The board has nine members appointed by the governor and confirmed by the senate. Four members must be registered architects who have practiced in the state for five or more years immediately preceding their appointment. Two members must

be registered landscape architects, and the remaining three are public members who are not architects or landscape architects, and who do not have a financial interest in the practice of either profession. No more than one member of the board may be associated with a college or school which teaches architecture or landscape architecture. The chair and vice-chair of the board are elected by the board members.

The duties of the board are to:

- adopt rules and regulations necessary for implementation of the statute;
- administer national licensing examinations to all qualified applicants;
- register out-of-state applicants whose qualifications as architects or landscape architects meet Texas' requirements for registration;
- conduct hearings and impose sanctions for violations of the statute, rules or regulations; and
- report to the governor and legislature an accounting of all funds disbursed by the agency during the fiscal year.

Board positions are part-time, and members serve staggered six-year terms. They are required by statute to meet at least twice a year, and generally meet four times a year.

## Funding and Organization

In fiscal year 1989, the agency was appropriated about \$810,269. These appropriations come from special funds supported solely by fees and penalties collected by the agency. The statute prohibits the agency from receiving appropriations from the General Revenue Fund. The agency administers separate funds for architecture and landscape architecture. In 1989 the Architects Registration Fund, Special Fund 109, accounted for 86 percent of the board's expenditures. Special Fund 069, containing funds generated through regulation of landscape architects, accounted for the remainder of the board's appropriation. Exhibit 1 shows the agency's expenditures by the source of funds for fiscal years 1985 through 1989. Exhibit 2 shows agency appropriations, expenditures and revenues for these same years.

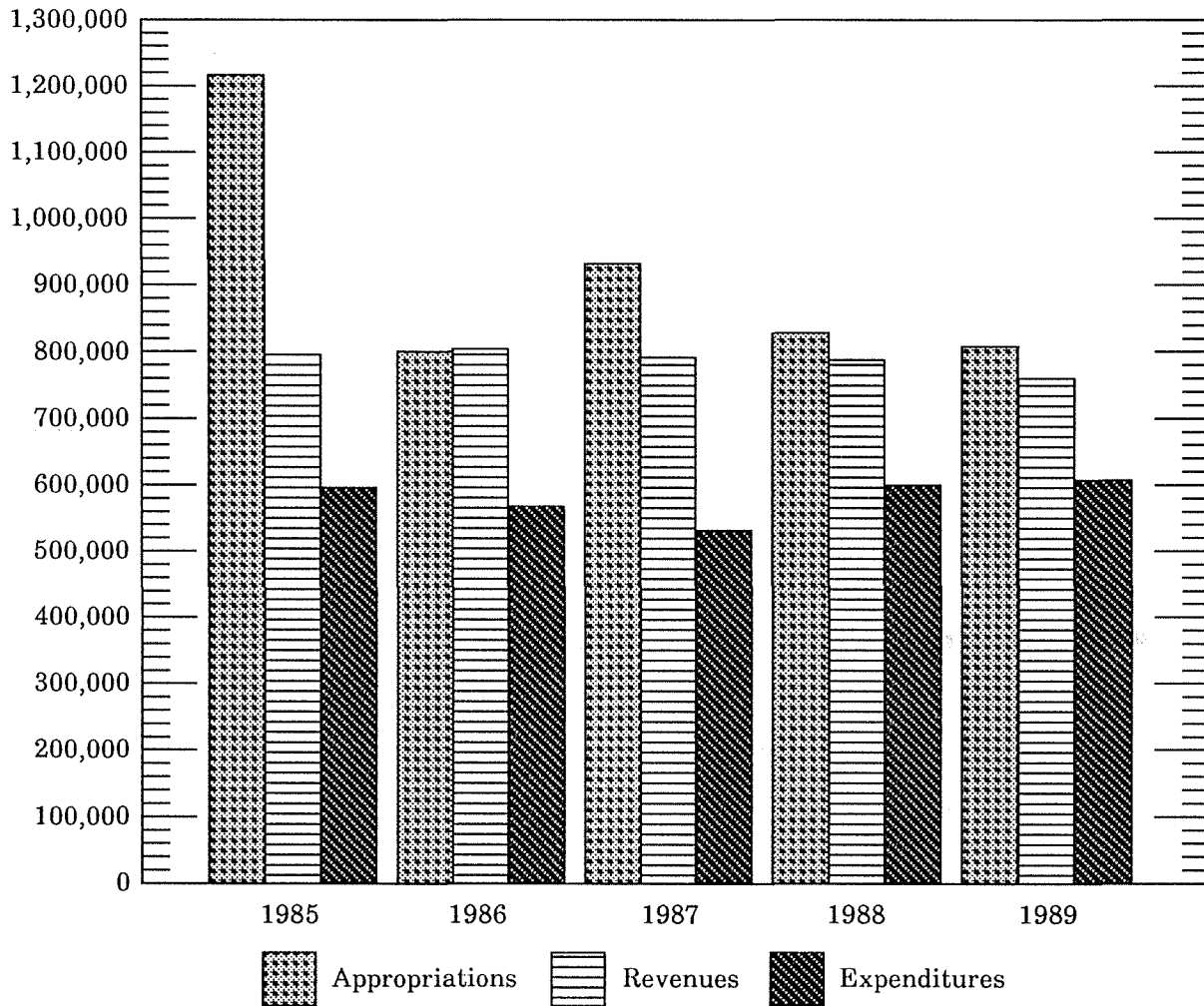
### Exhibit 1

#### Agency Expenditures by Fund Source Fiscal Years 1985-1989

	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Architects Registration Fund (percent)	\$ 506,239 (85%)	\$ 478,595 (84%)	\$ 446,693 (84%)	\$ 517,604 (86%)	\$ 522,706 (86%)
Landscape Architects Fund (percent)	90,302 (15%)	91,971 (16%)	87,873 (16%)	83,319 (14%)	86,656 (14%)
Total Expenditures	\$596,541	\$ 570,566	\$ 534,566	\$ 600,923	\$ 609,362

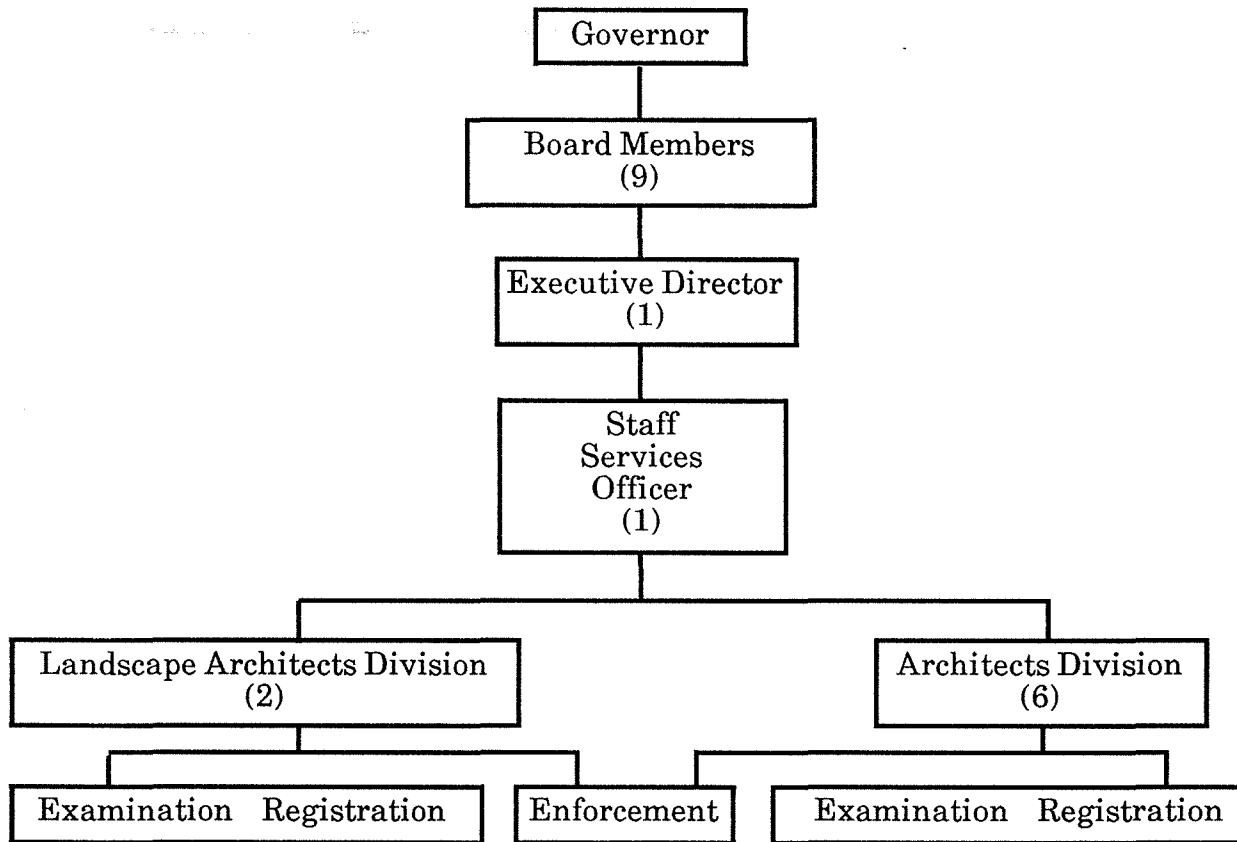


**Exhibit 2**  
**Agency Appropriations, Revenues, and Expenditures**  
**Fiscal Years 1985 - 1989**



The board employs a full-time staff of ten and hires temporary employees to assist in the administration of examinations. The administrative offices are located in Austin. Exhibit 3 shows the organizational structure of the agency.

Exhibit 3  
Texas Board of Architectural Examiners  
Agency Structure



### Programs and Functions

The agency administers two programs, architects registration and landscape architects registration, and is divided into two divisions to carry out the functions of those programs. However, because of similarities in the activities of the two programs and the small size of the staff, the two programs share most functions. For example, the staff investigator processes and investigates complaints involving landscape architects as well as architects. The following description is organized on the basis of the functions the staff performs for both programs, giving separate attention to the differences between the two programs.

#### Licensing

The primary function of the agency, licensing qualified applicants to practice architecture or to call themselves landscape architects, is composed of several activities. These activities include the processing of applications, the administration of the examination and the issuance and renewal of registration certificates. In

general, applicants for initial licensure as an architect or landscape architect must pass a national exam, and must satisfy some education and experience requirements before they may take that exam. Those requirements differ for architects and landscape architects. The agency staff evaluates the applications to ensure that all education and experience requirements have been met by the date of the examination. Once the agency has verified the applicant's education and experience qualifications, it gives the applicant information about the examination. Applicants then notify the board if they intend to take the exam and pay the appropriate fee for the parts of the exam they wish to take.

Applicants may qualify to sit for the architects' registration examination by earning a bachelor or master of architecture degree from an accredited university or college, and completing three years of diversified experience. College and university programs of architecture are accredited by the National Architecture Accrediting Board (NAAB). In Texas, the accredited programs are at the University of Houston, Rice University, Texas A&M University, Texas Tech University, and the University of Texas at Austin and at Arlington. The experience gained after completion of a degree must include 700 days in different architectural training areas specified by the Intern Development Program. This program was designed by the National Council of Architectural Registration Boards (NCARB) to provide a standard for training experience. The NCARB is a national organization composed of member boards representing 55 U.S. jurisdictions, including all 50 states, which assists these boards by developing the national examination, establishing education and experience requirements for registration and verifying the qualifications of applicants to facilitate registration of individuals in other states. As an alternative, applicants may qualify for licensure without a college education, by producing evidence that they have at least eight years of experience in the offices of legally practicing architects. During the eight years of experience, the applicant must also satisfy the requirements of the intern program. Finally, applicants may qualify by completing any combination of education and experience totaling eight years, as long as they fulfill the internship requirements.

The agency also verifies the qualifications of landscape architect candidates before they may sit for the national licensing exam. Applicants must be at least 18 years of age, and must have a degree from an approved program of landscape architecture or at least seven years of experience in the office of a registered landscape architect. Degree programs in landscape architecture are accredited by the Landscape Architecture Accreditation Board (LAAB), using standards developed by the American Society of Landscape Architects (ASLA). Texas A&M University and Texas Tech University have accredited programs of landscape architecture. The board also approves candidates from the program at the University of Texas at Arlington, which is in the process of seeking accreditation. Applicants who qualify to sit for the exam by completing a degree do not have to fulfill any additional experience requirements similar to those for architects.

The board administers national registration examinations for architects and landscape architects, developed by the NCARB and the Council of Landscape Architecture Registration Boards (CLARB), the equivalent organization for landscape architects. Both of the examinations are given in June of each year, although certain parts of the architects' exam are offered at different times throughout the year. The exams have multiple parts, each of which must be passed before an applicant may be registered. The parts may be taken separately, and applicants may retake each part as many times as necessary to pass.

To be registered, approved applicants must pass the Architect's Registration Examination (A.R.E.), a national exam developed by an NCARB committee of architects and educators, and produced by the Educational Testing Service (ETS). The complete A.R.E. is given over a four-day period in June of each year, with the graphic design parts of the exam also offered in December. The examination consists of nine parts. Seven parts are objective multiple choice, and the other two are graphic design problems. Fees for the exam parts range from \$15 to \$85, with the total fee for all nine parts of the examination being \$340. Exhibit 4 shows the number of individuals who have taken the architects exam during the last five years.

Exhibit 4

**Candidates Taking Architecture and  
Landscape Architecture Examinations  
(1985 - 1989)**

	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Architects	1,452	1,384	1,242	1,089	1,241
Landscape Architects	288	289	192	97	107

The written parts of the A.R.E. are machine graded by ETS. A passing grade of 75 has been determined by NCARB's test committee to represent a minimum level of competence in each of the subjects. The design problems are graded by selected "jurors" during a national grading session of all the candidates' solutions. Architect members of the board participate in the national grading session. The ETS computes the grades and forwards them to the agency. The agency then sends each applicant scores for each part taken, and an analysis of the design problems.

In addition to this written exam, NCARB introduced a computer-assisted version of the written portions of the A.R.E., called the C/A.R.E., in 1988. This exam may be offered in the fall and spring, giving candidates two additional opportunities each year to take the written divisions of the examination without having to wait until the June testing date. The board participated in a pilot program of this examination in the fall of 1988 and the spring of 1989, administering the C/A.R.E. in regional ETS testing centers. The computerized exam is currently being evaluated by NCARB, and another pilot program of the examination is scheduled for February 1990.

Candidates for licensure as landscape architects must pass a national examination similar to the A.R.E., called the Uniform National Examination (U.N.E.). The U.N.E. is developed by a committee of the Council of Landscape Architect Registration Boards, composed of one member from each of the CLARB regions and others representing private, governmental and academic sectors of the profession. With the assistance of a testing consultant, the exam committee conducts survey tests with landscape architects and students to verify that the examination is appropriate. In addition, the landscape architect members of the TBAE review the survey tests and may recommend changes. The Educational Testing Service is not involved in the administration of the U.N.E. as it is with the architects' exam.

The exam is given over a two and one-half day period in June of each year. Unlike the architects exam, the landscape architect exam is not offered at other times throughout the year. The exam consists of five parts, most of which are multiple choice. The landscape architects' exam also includes design problems which must be solved graphically. Fees for the exam parts range from \$24 to \$91, with the fee for the total exam being \$290. Exhibit 4 shows the number of persons who have taken the landscape architects exam during the last five years.

The written parts of the U.N.E. are machine graded by CLARB, while the graphic portions are graded by a team of landscape architects appointed by CLARB. The landscape architect members of the board participate in this national grading session. In addition, these board members and other Texas landscape architects grade the regional design portion of the exam at the board's offices in Austin. Minimum pass scores for the written portions of the exam are set by the CLARB exam committee. The board provides candidates with scores for each topic area covered within each part of the landscape architects examination.

Architects and landscape architects are automatically registered upon passage of the exam. At the end of fiscal year 1989, there were 9,219 registered architects and 1,196 registered landscape architects in Texas. Persons registered as architects or landscape architects in Texas must have a seal to be used in identifying their work. The seal must be affixed to all professional documents developed and issued under the direct supervision of the architect or landscape architect.

Registrations as architects or landscape architects are for a one-year period and are renewed on a staggered basis. The renewal fee for resident architects is \$40, and for landscape architects it is \$70. Persons failing to renew their registration before their expiration date may renew within 90 days, by paying the renewal fee plus an additional \$20 late fee. Persons failing to renew their registration within 90 days after their expiration date are subject to revocation of their registration by the board. A registration that has been revoked may only be reinstated after payment of a \$50 reinstatement fee for landscape architects, a \$100 reinstatement fee for architects plus the current year's renewal fee and late penalties, and upon approval by the board.

The statute contains two different kinds of exemptions from the registration requirements for architects. One set of exemptions concerns activities that are exempt because they are not considered architectural practices. For example, engineers or interior designers may perform building design services as part of their work, but may not hold themselves out as architects. The second set of exemptions covers architectural activities that are exempt from the practice provisions of the Act.

Several new provisions were placed in statute specifically to exempt certain groups from the new practice provisions which went into effect on January 1, 1990. These exemptions include persons who prepare architectural plans and specifications for the construction or alteration of private buildings such as:

- single-family or two-family homes;
- multi-family dwellings up to two stories tall and with up to 16 units;

- buildings up to two stories tall, provided, however, that agricultural buildings and single or two-family houses may still be over two stories; and
- buildings up to 20,000 square feet in area, provided, however, that agricultural buildings, single or two-family houses, and apartment buildings with fewer than 16 units may still be over 20,000 square feet in area.

The architects' law also exempts persons who perform design work for new public buildings that cost less than \$100,000. Alterations to public buildings would be covered only if they involve structural and exitway changes that are substantial and major.

The landscape architects statute also allows some individuals to perform landscape design if they do not call themselves landscape architects. For example, the statute specifically exempts agriculturists, agronomists, horticulturists, and others from the provisions of the law even though the title law allows any individual to provide landscape services as long as they do not call themselves landscape architects.

The board also registers architects and landscape architects from other states. Registration through endorsement allows architects and landscape architects who are registered in other states, and who meet standards established in Texas, to be registered in Texas without having to take the examination.

An architect who is registered in another state and who does not choose to retake the exam in Texas may submit his or her qualifications for review by the agency. Qualifications are submitted to the board in the form of a Council record prepared by NCARB. Individuals must pay NCARB a \$125 fee to have this detailed record of their education, training, examination, registration and character prepared. It is compiled and verified by NCARB to facilitate transfer of credentials from one state to another, and to determine eligibility for NCARB certification. Architects may be certified by NCARB if they meet certain standards of education and experience, including graduation from an accredited professional degree program or equivalent education, and fulfillment of internship requirements. The board will accept for registration in Texas any candidate who holds an NCARB certificate or who meets the requirements in place in Texas when he or she was first registered.

An architect from another state who wants to be registered in Texas is responsible for developing a council record and arranging for it to be sent to the board. The fee for registration by endorsement is \$100. During fiscal year 1989, the board registered 140 architects in this manner. Architects who remain out-of-state after licensure must also pay a \$75 renewal fee. At the end of fiscal year 1989, 3,359 non-resident architects maintained registration in Texas.

The procedures for registration as a landscape architect through endorsement roughly parallel those for architects. Generally, if an applicant from out of state is registered in his or her resident state and has passed the Uniform National Exam and is approved by the board, they need only pay the registration fee to be registered in Texas. The board has ruled that persons registered under grandfather clauses in other states since 1969 are not eligible for registration in Texas unless they have passed the U.N.E.

The fee for processing an application for endorsement is \$25. If the application is approved, the registration fee is \$100. Non-resident applicants seeking endorsement of their registrations who supply a certificate from the Council of Landscape Architects Registration Boards pay only the \$100 registration fee without paying the \$25 application fee. The applications of 13 landscape architects registered in other states were approved by the agency during fiscal year 1989. Landscape architects who are not residents of Texas must pay a \$100 renewal fee. At the end of fiscal year 1989, 301 out-of-state landscape architects maintained registration in Texas. Exhibit 5 shows the number of resident and non-resident individuals who have maintained registrations as architects or landscape architects for the last five years.

Exhibit 5  
**Resident vs. Non-Resident Registrants - Architects**

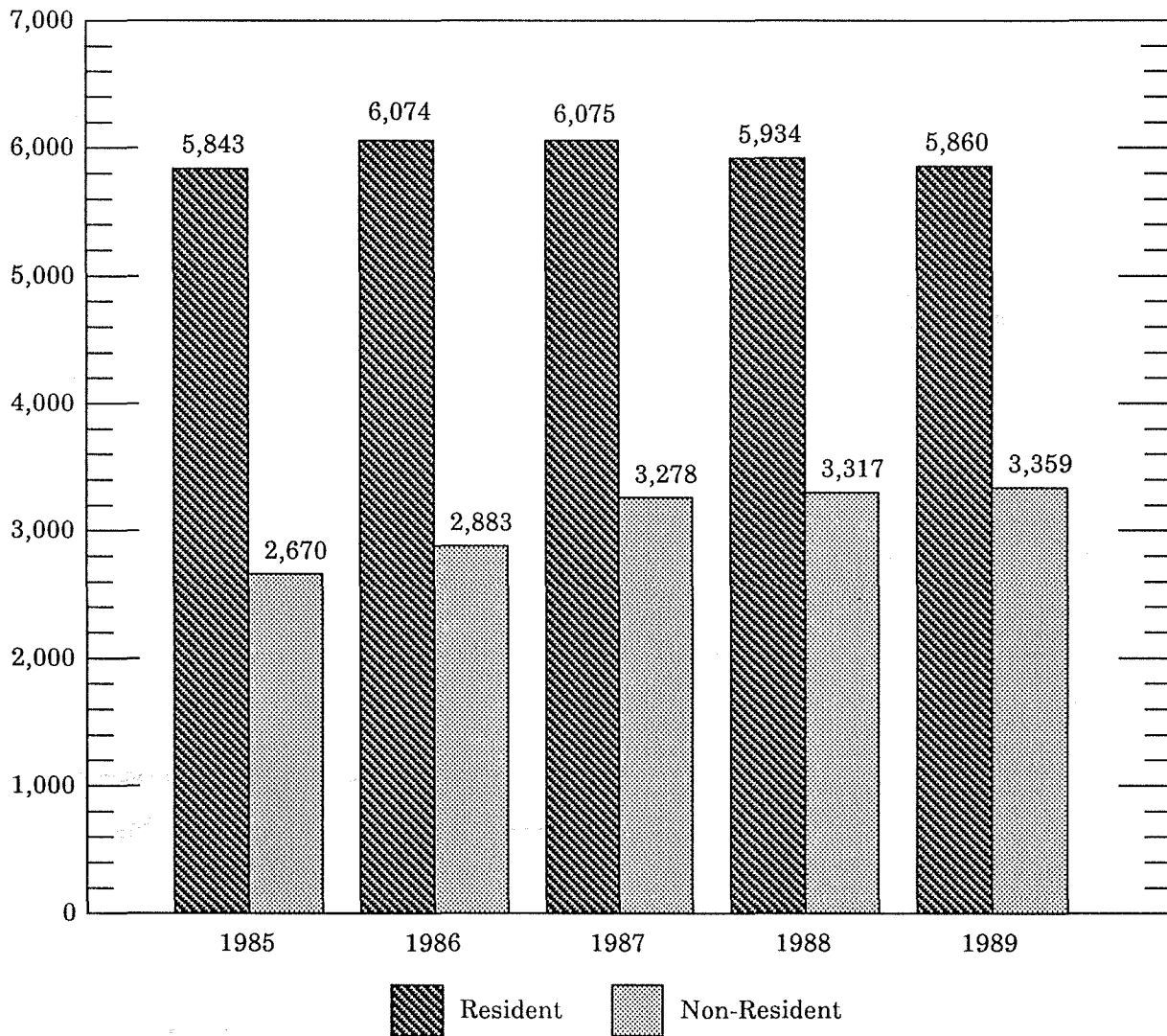
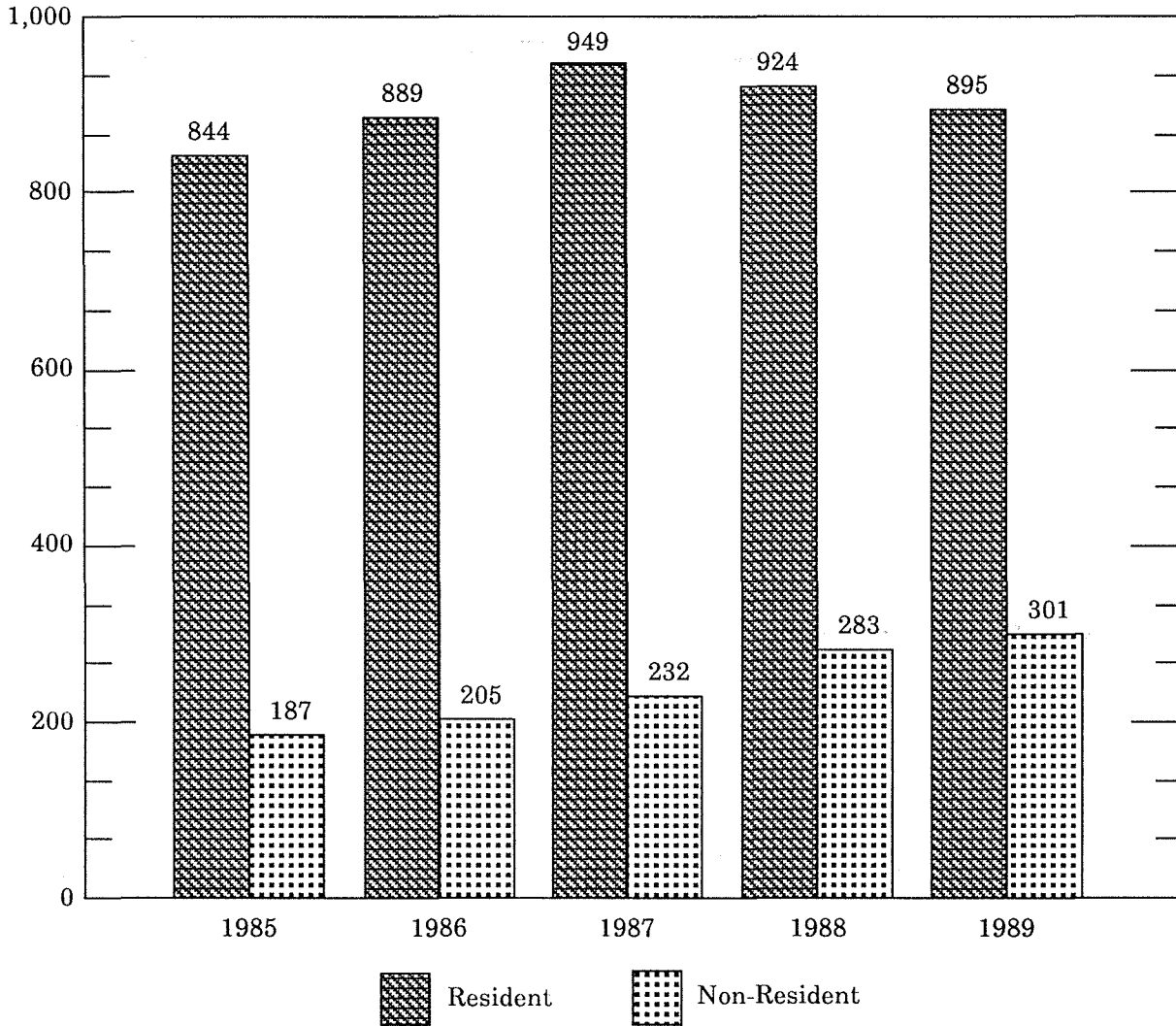


Exhibit 5 (cont.)  
**Resident vs. Non-Resident Registrants - Landscape Architects**



**Enforcement**

The board is also responsible for enforcing the statutes regulating architects and landscape architects. This responsibility has generally involved little more than taking action against persons who hold themselves out as an architect or landscape architect, in violation of the statutes' title restrictions. The board's enforcement activities may result from a written complaint received by the board or from a discovery by a board member or by agency staff. Most complaints received by the agency do not come from consumers, but come from registered architects or landscape architects and concern non-registered individuals holding themselves out as registered. From 1988 through 1989, approximately 80 percent of all complaints were brought against non-registered individuals, and only a small percentage of these were brought by consumers.



As Exhibit 6 shows, the number of complaints concerning architects has increased in recent years, from 49 received during fiscal year 1987 to 77 received during fiscal year 1989. Over time, the agency has reduced the number of complaints pending from one fiscal year to the next, presumably due to the creation of the staff investigator position in 1986. The number of complaints to the landscape architects division has fluctuated during the past three years. The large number of complaints received during fiscal year 1988 can be attributed to a surge of complaints about non-registered persons advertising as landscape architects in the telephone yellow pages.

#### Exhibit 6

#### Complaints Received by the Texas Board of Architectural Examiners

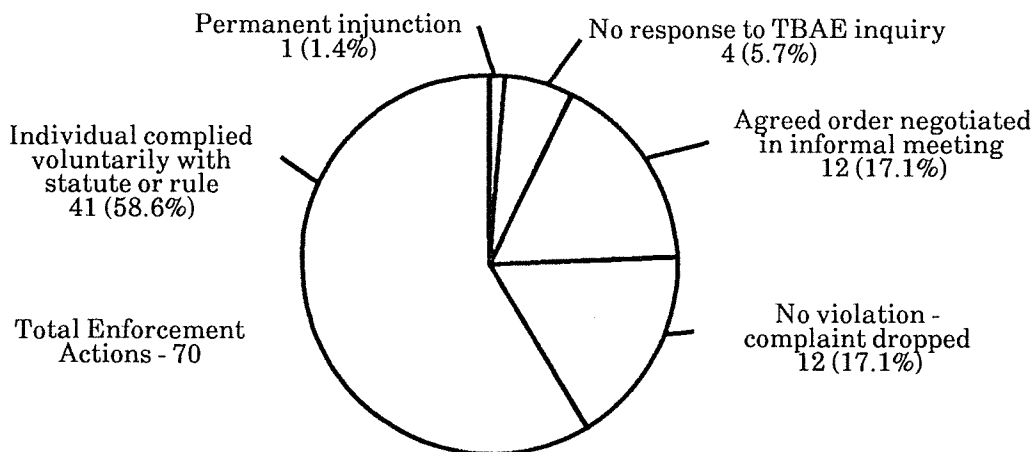
	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>
Architects	54	105	49	58	74
Landscape Architects	15	9	10	30	4

Each complaint is reviewed by the staff investigator, who conducts a preliminary review to determine if further investigation is warranted. These investigations may include telephone inquiries, interviews of the witnesses and review of any relevant documents. If the complaint does not appear to involve a violation of the law, it is dropped and a letter of explanation is sent to the complainant. A majority of the complaints are against non-registered persons representing themselves as registered. In these cases, a letter is sent to the individual, informing him or her that such misrepresentation is a violation of the statute. These complaints are often informally resolved when the unregistered individual agrees to comply with the law. Other alleged violations of the statute or board rules may be handled similarly, with the respondent given an initial opportunity to agree to comply with the law or agency rules. In fiscal year 1989, 41 complaints to the architects division and two complaints to the landscape architects division were resolved in this manner.

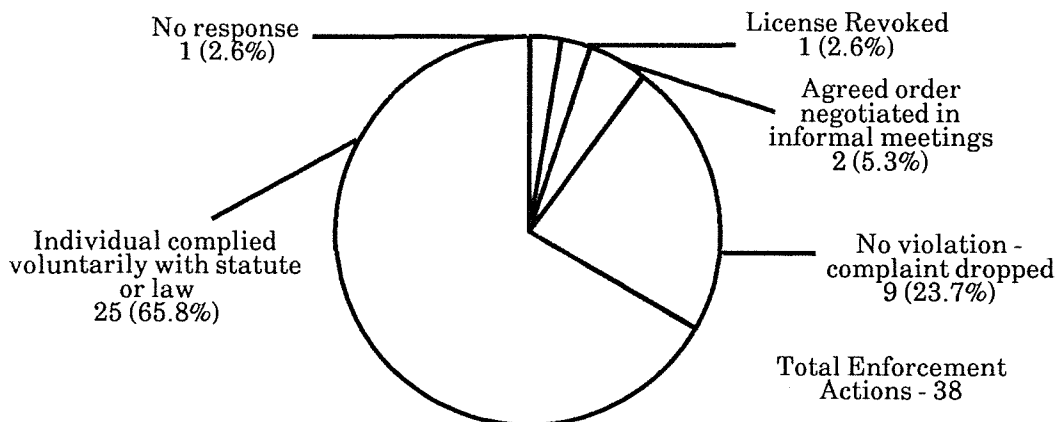
If a complaint cannot be resolved through an informal agreement, or if it is a repeat violation of the law, the board may seek to settle the matter through the use of an agreed order to be signed by the respondent and the board. Agreed orders are often negotiated in informal conferences, but must be agreed to and signed by the board. The board resolved 12 complaints in this manner during fiscal year 1989. If informal efforts to resolve the matter fail, the board is authorized by statute to pursue other sanctions after due process and a formal hearing. Formal hearings are conducted by the full board under the provisions of the Administrative Procedures and Texas Register Act. Registered architects are subject to revocation of their registration upon proof of violation of the law or board rules. Registrations may also be revoked or suspended upon proof of gross incompetency, recklessness in the design of a building, dishonest practice, or failure to renew registration in a timely manner. After January 1, 1990, the board will be authorized to impose an administrative fine of up to \$1,000 against architects for these same violations of law. The statute does not specifically authorize any less severe sanctions. For complaints made in 1989, the board did not revoke any registrations of architects for disciplinary reasons, but it suspended three registrations and then probated those suspensions.

The board is also authorized to revoke the registration of a licensed landscape architect for violations of the statute, for using fraud or deceit to obtain registration, or for failure to renew a registration in a timely manner. The statute authorizes the board to revoke a registration upon proof of gross negligence, incompetence, or misconduct, although no definition of these terms is currently provided in the board rules governing landscape architects. The board has revoked the registration of one landscape architect who was the subject of a complaint in 1989. The board does not have the authority to impose administrative penalties on landscape architects. Exhibit 7 shows the number and type of enforcement actions taken by the board as of January 1, 1990 on complaints against architects in 1989 and complaints against landscape architects in 1988 and 1989.

Exhibit 7  
**Enforcement Actions - Architects**  
**Fiscal Year 1989**



**Enforcement Actions - Landscape Architects**  
**Fiscal Years 1988 and 1989**



Complaints against unregistered individuals which cannot be resolved through informal means may be pursued by the board through formal means. The board is authorized to seek injunctive relief through the attorney general's office to enjoin such individuals from calling themselves architects or landscape architects or from practicing architecture. The statute does not prohibit individuals from practicing landscape architecture if they do not call themselves landscape architects. In 1989, the board sought one permanent injunction against an unregistered person who represented himself as an architect. Unregistered individuals are also subject to criminal misdemeanor penalties, but the board did not pursue any criminal sanctions in 1989.



## **RESULTS OF REVIEW**

## **Overall Approach to the Review**

## Overall Approach to the Review

### Previous Sunset Review

As part of the review of the Texas Board of Architectural Examiners, the 1979 staff reports to the Sunset Advisory Commission concerning that agency and the Texas State Board of Landscape Architects were reviewed. In addition, the recommendations adopted by the Sunset Commission were examined and compared to the current activities of the agency.

In 1979, the initial sunset review determined that the licensing activities of the TBAE were effective in insuring that registered architects met an acceptable level of competence, but that they may also have indirectly restricted the supply of registered architects. The separate report on the Board of Landscape Architects concluded that the functions of that agency could be merged with the regulatory activities of "other design occupations."

Other operational changes recommended by the sunset staff in 1979 included:

- implementation of a staggered system of license renewals;
- improved tracking and documentation of investigation and complaint procedures;
- inclusion of public members on the board;
- implementation of biennial, rather than annual, license renewals;
- clarification of the agency's authority to impose penalties on landscape architects;
- lessening of education, experience, and examination requirements for architects;
- addition of conflict-of-interest provisions for board members; and
- prohibition of board rules restricting advertising or competitive bidding.

In 1979, the Sunset Commission agreed with the staff's finding that the functions of the landscape architects board could be consolidated within another agency. The commission recommended that the Board of Landscape Architects be abolished and the administrative operations of the agency transferred to the Board of Architectural Examiners, with a subsequent modification of that agency's board to reflect the new authority and the addition of public members. The commission also adopted the staff's recommendations related to conflict-of-interest provisions, staggered renewal of licenses, improved complaint procedures, and prohibitions against rules restricting advertising or competitive bidding. The commission also recommended deletion of a 1973 amendment which would have required, beginning in June 1980, that candidates for licensure as architects graduate from an accredited degree program.

The sunset bill passed by the 66th Legislature generally adopted all of the recommendations made by the Sunset Commission. The Board of Landscape Architects was abolished and the regulation of landscape architects was transferred to the TBAE. At the same time, the regulation of landscape architects was changed from a practice law to a title law. The remainder of the commission's recommendations with regard to operational changes were adopted as well.

### Approach to Current Review

The review of the TBAE focused on whether regulation of architecture and landscape architecture are still needed, whether consolidation with another agency would improve the administration and enforcement of the regulation, whether any changes are necessary to improve the efficiency and effectiveness of the agency as well as an examination of the findings and recommendations of the 1979 sunset staff report.

To make the assessment of these general areas a number of efforts were undertaken. These included:

- review of previous sunset staff recommendations;
- review of documents developed by the agency, legislative reports, and other state reports;
- interviews with agency staff in the Austin office;
- examination of complaint files for architecture and landscape architecture;
- attendance at a regular board meeting;
- interviews with other state agency personnel who interact with the TBAE;
- review of other states' statutes regarding the regulation of architects and landscape architects;
- phone interviews with other states and with federal agencies which contract for architectural and landscape architectural services;
- phone interviews with representatives of the councils of registration boards for architecture and landscape architecture;
- meetings with interest groups, individuals affected by the agency, and associations representing these professions;
- phone interviews with officials of Texas schools of architecture;
- discussions with municipal officials concerning local regulation of architecture and landscape architecture; and
- phone interviews with representatives of the insurance industry regarding architects and landscape architects.

The results of the analysis follow.



## **Assessment of Need to Regulate**

**ISSUE 1: The state should continue the regulation of the profession of architecture.**

## BACKGROUND

Several conditions must be present to justify the regulation of a profession through licensure. First, the unlicensed practice of the profession should pose a serious risk to the health, safety, and welfare of the public. Second, the benefits to the public should clearly outweigh any potential harmful effects, such as a decrease in the availability of practitioners. Finally, the duties of the profession should be of such a complexity that consumers cannot properly evaluate the appropriateness of the service and the qualifications of the practitioners.

To determine whether the conditions exist to justify the continued regulation of the profession of architecture, the review examined the 1979 staff report prepared for the Sunset Advisory Commission, and evaluated the board's current functions. The assessment of the need to regulate the profession of landscape architecture was conducted separately.

The 1979 review of the Texas Board of Architectural Examiners concluded that:

- ▶ The profession should continue to be regulated, though the review did not recommend broadening the regulation from the title restrictions that existed at that time. In 1979, persons could design buildings without being registered as long as they did not call themselves architects.
- ▶ Less restrictive approaches to regulation, such as changes in the board's education and experience qualifications or its examination procedures, would probably conflict with suggested national standards governing the profession.
- ▶ The potential for consolidation with other agencies was not clearly established because administration of the architects act requires expertise that another agency's board and staff would probably not have.

The current evaluation of the need to continue the regulation determined that:

- ▶ The regulation of architecture addresses public safety needs in the proper design and observation of construction of buildings for public use. Although professional engineers are responsible for many specific aspects of the building process, such as structural elements, registered architects are responsible for the overall development of the building's design and the establishment of plans and details regarding the building's construction and appearance. A major responsibility of architects is the design of buildings to meet fire safety requirements, particularly regarding the containment of fires and the adequacy of

exitways. The regulation of architecture ensures that individuals have the education and experience and the demonstrated professional competence to enable them to meet these responsibilities.

- ▶ Through past enactments, the legislature has indicated its interest in regulating architecture. In 1989, the legislature expanded the board's regulations from a title law to a practice and title law, to include not just persons who call themselves architects, but also persons engaged in the practice of architecture. The legislature also strengthened the agency's enforcement capability by authorizing it to levy administrative fines against registered architects who violate the law.
- ▶ All 50 states regulate the profession of architecture. Texas is among the 45 states that regulate through practice or a combination of practice and title laws, while five states do so through title laws only.
- ▶ The practice of architecture is too technical for the consumer to make a sound, qualitative evaluation of the services offered by competing architects. Regulation assures the consumer of the competence of persons engaged in the practice of architecture.
- ▶ The deregulation of the profession would have a serious adverse effect on persons who practice architecture. Without a state registration program, Texas architects would lose the ability to practice architecture in other states because they would not be eligible for the endorsement of their registration. Architects wishing to work in another state would have to obtain registration in that state. In addition, non-registered architects would have difficulty purchasing professional liability insurance because insurance providers use the state registration program to indicate competence of individuals to practice architecture. Finally, deregulation could also jeopardize the ability of Texas architects to receive federal contracts.

Based on these factors, the review concluded that there is a continuing need to regulate architects.

### RECOMMENDATION

- **The state should continue the regulation of the profession of architecture.**

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Continuing the regulation of architecture would provide assurance to the public of the competence of architects to design and plan for the construction of buildings that are safe for public use.

### FISCAL IMPACT

If the regulation is continued using the existing board structure, its annual appropriation, which currently is approximately \$750,000, would be required. The board is fully supported by fees which are deposited into a special fund in the State Treasury. No additional impact is anticipated.

**ISSUE 2: The state should discontinue regulation of the profession of landscape architecture.****BACKGROUND**

As mentioned in the previous discussion, a profession should not be regulated unless a number of conditions related to the risks and benefits posed by that profession to the public are met. Based on an assessment of these conditions, the review found that the practice of architecture should continue to be regulated because of the risk to the public that would result from deregulation and because of the benefits consumers receive from the assurance that practitioners are qualified and competent to provide architectural services. To determine whether these same conditions exist to justify the continued regulation of landscape architecture, the review evaluated the activities of the board relating to that profession.

Through the end of 1989, architecture and landscape architecture were regulated by title laws. As of January 1, 1990, however, architects have been regulated by a practice law, while landscape architects are still regulated only by title law. The title restriction assures the public that persons calling themselves landscape architects possess a basic level of competence in the area of landscape architecture and that this competence has been verified through the board's registration process. Under the law, anyone may provide these services as long as they do not hold themselves out to the public as a landscape architect.

Evaluation of the need to continue the state regulation of landscape architecture indicated the following:

- ▶ The agency's complaint files do not show that landscape architecture poses a risk to the public health, safety, or welfare:
  - The agency has received only 53 complaints about landscape architecture since 1986. Of the complaints against landscape architects resulting in enforcement actions, none involved a finding of incompetence by the board.
  - Of the 34 complaints the agency has received in 1988 and 1989, none involved a case in which negligence, either by a licensed or unlicensed individual, endangered the public. In fact, about 80 percent of the complaints received were brought by registered landscape architects against non-registered individuals calling themselves landscape architects. Many complaints involved nothing more than photo-copying the yellow pages and sending them to the board for investigation.
- ▶ The potential threat to the public posed by landscape architectural failures is limited. The examples of failures given most often involved practices that would fall under the purview of engineering, which is

regulated by the State Board of Registration for Professional Engineers. For example, the failure of retaining walls or the lack of adequate drainage were cited as potential problems, even though the design and construction of these features are the responsibilities of engineers.

- ▶ Three states did at one time abolish their state regulation of landscape architecture. These states, Colorado, Oregon, and Utah, determined that no public health, safety, and welfare issues were served through the regulation. Although Oregon and Utah later re-enacted regulation, correspondence and telephone conversations conducted for the review indicate that they did so largely because of concerns about the adverse effect of deregulation on the profession, rather than concern about the public. No evidence could be found regarding any increased threat to public health, safety, or welfare during the time that these states did not regulate landscape architecture.

## RECOMMENDATION

- **The state should discontinue the regulation of landscape architecture by the Texas Board of Architectural Examiners.**

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The review determined that there is no demonstrated threat to the health, safety and welfare of the public posed by deregulating the occupation of landscape architecture. In the last two years, the board has received no complaints regarding negligence or incompetence in providing landscape architectural services. In addition, the most threatening aspects of landscape architecture, such as the design and construction of drainage systems and retaining walls, are under the purview of engineers and the state board which regulates professional engineers. The evaluation concluded that the regulation of landscape architecture could be abolished without adverse effects on the public.

Although the deregulation of landscape architecture would not materially affect the public, it could adversely affect the ability of Texas landscape architects to practice in other states. States which regulate landscape architecture and the national organization which represents them have been very effective in promoting consistent standards for the regulation of landscape architects throughout much of the country. As a result, individual states have lost the ability to determine their own regulatory schemes while still allowing resident landscape architects to practice in other states.

If the regulation of landscape architecture is abolished, the two landscape architect members who currently sit on the board should be replaced by two additional architect members. The restructured board would consist of six architect members and three public members. The expertise needed to grade the design portion of the registration examination and to decide whether violations have occurred in the practice of architecture makes it necessary to retain a majority of architect members on the board.

## FISCAL IMPACT

If the regulation of landscape architecture is discontinued, the need for operations and funding related to this regulation will be eliminated. In 1989, landscape architecture operations were funded by a \$120,000 appropriation. Elimination of this appropriation would not affect the board's activities related to the regulation of architecture.

Because the program is funded exclusively by fees collected from landscape architects which are deposited in a special fund, the elimination of this appropriation would not represent a savings to the general revenue fund.



## **Assessment of Organizational Alternatives**



## Organizational Alternatives

**ISSUE 3: The Texas Board of Architectural Examiners should be continued as a separate agency.**

### BACKGROUND

The review of the Texas Board of Architectural Examiners considered two organizational alternatives for the regulation of architecture and landscape architecture. First, centralization under the Texas Department of Licensing and Regulation was considered as a way of increasing efficiency and reducing duplicative administrative costs. Second, the review considered the consolidation of the regulation of architecture, landscape architecture, and professional engineering under one agency.

During the 71st legislative session in 1989, the Texas Department of Licensing and Regulation's (TDLR) statute was modified to structure one of its divisions to serve as a centralized licensing agency. This division is set up to process applications and renewals for certificates and licenses for several occupations, and to enforce the laws and rules related to those regulated groups. Consideration was given to transferring the licensing and renewal functions of the Texas Board of Architectural Examiners to the TDLR.

The second alternative, to merge the functions of the board with those of the State Board of Registration for Professional Engineers, was also examined. Of the two options examined for an organizational alternative, this was the more logical and would offer some advantages. The engineers' board was created at the same time as the architects' board and serves the same functions of registration and enforcement for professional engineers as TBAE does for architects. Consolidation would place many aspects of the regulation of the design professions in one agency.

The review of both organizational alternatives indicated the following:

- ▶ Review of TDLR identified some similarities in the regulations of TDLR and the board. However, based on a comparison of benefits and drawbacks, transfer of the board's functions to TDLR was not considered as a viable option.
- ▶ The effective investigation of architectural and landscape architectural complaints requires a significant amount of technical expertise that could not be easily assumed by TDLR investigators. The board's investigator is a registered architect who is called upon to evaluate architectural plans and specifications as part of the enforcement process. This expertise is even more vital now that the board has begun to enforce a practice law for the architectural profession.
  - Only small cost efficiencies would be gained by combining the investigative functions. Because the TDLR staff would be unable to

investigate complaints involving the practice of architecture, the combination would result in little more than transferring the investigator's position from the board to the department.

- ▶ Although the regulation administered by the State Board of Registration for Professional Engineers and the Texas Board of Architectural Examiners is similar in nature, transfer of the board's functions to the engineers' board would not significantly improve the effectiveness of enforcement.
  - The regulation of architecture and landscape architecture requires expertise in areas that are outside the scope of professional engineering. Though similar in some respects, the practices of architecture and landscape architecture and professional engineering differ in many technical aspects related to the construction of buildings. Generally, architects and landscape architects are responsible for the overall design of a building or landscape project, while the engineers are responsible for specific areas, such as structural or electrical engineering. The investigators responsible for enforcing laws for these professions should have expertise in the professional aspects of both architectural and engineering areas.
  - Consolidating the regulation of architecture and landscape architecture with the regulation of professional engineering without transferring staff could reduce the emphasis of the state's regulatory programs regarding architecture and landscape architecture. The state currently registers approximately 42,000 professional engineers in 16 branches, ranging from agricultural to aeronautical and aerospace engineering. In comparison, the state currently registers only about 10,400 architects and landscape architects.
  - Most states have chosen not to regulate the professions of architecture and landscape architecture through this combined approach. Only 14 states regulate these professions through the same structure responsible for regulating professional engineers.

## RECOMMENDATION

- **The Texas Board of Architectural Examiners should be continued as a separate agency.**

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The regulation of the professions of architecture and landscape architecture requires a level of expertise that is not available in either the Texas Department of Licensing and Regulation or the State Board of Registration for Professional Engineers. A merger of the architects' board with either of these agencies would not achieve greater effectiveness or efficiency in the regulation of these professions.

## FISCAL IMPACT

No additional fiscal impact would occur as a result of this recommendation.

**Recommendations if Agency is Continued**

## Summary of Recommendations

The recommendations that follow go beyond the scope of the findings and recommendations that resulted from the sunset process 12 years ago. The primary finding that the regulation of architects should be continued is consistent with the last review. However, the current review concluded that the regulation of landscape architects should be discontinued. This conclusion was not reached in the first review. Improvements in the agency's administration and a critical analysis of the advantages of remaining a free-standing body, also caused the review to go beyond the previous recommendation regarding the administration of the regulation.

### Policy-making Body

As a standard part of the sunset review the agency's policy-making body was examined. The review concluded that the governor should designate the chair of the board as is currently the case in many other agencies.

### Overall Administration

A second area of inquiry relates to the administrative operations of the board. The review found that funding of the agency's operations through two special funds has led to duplication of staff work and loss of flexibility. A recommendation was developed to address this problem by combining the funds.

### Programs

In the agency's program areas, the review identified two issues. First, the review found that an exemption allowing unregistered persons to perform design work for certain alterations to public buildings was unclear. This lack of clarity makes it difficult for public entities to know when alterations to buildings require the services of an architect and when an unregistered person may provide design services. A recommendation was developed to require the board to define when an architect is needed for alterations to public buildings.

In the agency's enforcement activities, the review focused on the procedures and content of enforcement actions taken by the agency. The review found that the board had been given authority by the 71st Legislature to assess fines against registered architects, but the new law did not include procedures for the board to follow in assessing those penalties. Because a lack of clear procedures might lead to inconsistency in the board's actions, a recommendation follows which would amend the board's statute to include standard criteria and would require the board to adopt rules regarding penalty assessments.

The recommendations made in this section of the report are not expected to have a significant fiscal impact.



**ISSUE 4: The statute should require that the governor designate and remove the chairman of the board.**

## **BACKGROUND**

The chairman of the board is currently elected by the members of the board and serves as chair for one year. The method of selection of the board and its chair should provide for accountability between the policy body and the governor and legislature. Having the governor designate the chair is one way to strengthen this accountability. The Sunset Commission has routinely recommended that the governor appoint the chair for the purpose of improving accountability between these boards and the chief executive. The review found that the governor already selects the chair of 42 other state agencies, including the State Board Insurance, the State Board of Education, the Alcoholic Beverage Commission, and the State Highway Commission. The majority of the agencies reviewed for the 71st Legislature had this provision in their statutes. Where it was not in statute, it was added as a result of sunset action.

## **PROBLEM**

The election of the chairman by the board members each year does not provide the most direct method of ensuring continuity of policy or accountability to the state's chief executive officer.

## **RECOMMENDATION**

- **The statute should be changed so the governor designates the chair of the Texas Board of Architectural Examiners.**

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The person appointed as chair would continue in the position at the pleasure of the governor. This would promote accountability between the board and governor.

## **FISCAL IMPACT**

No fiscal impact would occur as a result of the recommendation.



**ISSUE 5:** The board's statute should be modified to consolidate the two funds which the agency administers. This consolidation would remove unnecessary duplication in the agency's day-to-day activities.

## BACKGROUND

The Texas Board of Architectural Examiners receives funding from two special funds, one for architects and one for landscape architects. These funds were originally created when separate boards regulated architects and landscape architects. When the Board of Landscape Architects was merged with the Board of Architectural Examiners in 1979, the landscape architect fund was transferred to the board, but it was maintained as a separate fund.

The board regulates architects and landscape architects using similar procedures for registering candidates, administering examinations and taking enforcement actions. These activities involve a considerable amount of shared responsibility among agency staff for both the architect and landscape architect programs. Agency functions, such as enforcement, personnel, data processing, and purchasing are shared by both programs. The board must pay for these activities from two funding sources.

The review of the use of the two funding sources indicates the following:

- ▶ The consolidation of similar or routine functions promotes greater efficiency in conducting the affairs of an agency. Typically, when programs and functions are consolidated, the funding mechanisms are also consolidated. The consolidation of funds improves the agency's ability to conduct its financial transactions. In fact, the improved efficiency that results from the consolidation of these administrative responsibilities is usually the principal reason for combining programs and functions.
- ▶ The agency staff must duplicate many transactions involved in funding agency activities. The agency must keep a separate set of books for each fund, requiring separate accounting of all deposits and expenditures. For example, the agency has had to separate supplies and inventories for both programs. Even the payment of bills, such as for telephones and postage, must be computed using the two fund sources.
- ▶ The agency also loses flexibility to fund certain program needs. Although the board may use appropriations from both funds to pay for some activities, it may not commingle these funds for other activities. For example, the board may pay per diem for the landscape architect members of the board only from the landscape architect's fund, even though much of the members' travel involves both programs. If the



allocation of funds for this purpose were to run out, the board would be unable to transfer money from the architect's fund to cover these costs.

- ▶ Typically, when agencies with special funds are abolished and their functions transferred to other agencies, the special funds are consolidated within the new agency. This was the case in 1983 when the Battleship Texas Commission was abolished and its functions transferred to the Texas Parks and Wildlife Department. At that time, the Battleship Texas Operating Fund was also abolished and its money deposited in the state parks fund, which is also administered by the Texas Parks and Wildlife Department.

### PROBLEM

Because the statute requires the board to administer two separate funds for the regulation of architects and landscape architects, the board has experienced unnecessary duplication, which impairs the efficient administration of its responsibilities.

### RECOMMENDATION

- **The statute should be amended to consolidate the Landscape Architects Fund with the Architects Registration Fund.**

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The consolidation of the two funds currently administered by the board would eliminate duplication by agency staff in cost accounting and in the preparation of financial and other reports. This consolidation would also give the board greater flexibility in meeting the funding needs of the architecture and landscape architecture programs by eliminating the need to estimate certain program costs separately.

### FISCAL IMPACT

The consolidation of funds would improve the efficiency of the agency's administration; however, any savings that would result cannot be estimated.

**ISSUE 6: The board's statute should specify that the board must clearly define when an architect is required for alterations to public buildings.**

## **BACKGROUND:**

For over 50 years, architects were regulated under a title act. This form of regulation allowed persons to practice building design as long as they did not call themselves architects. The method of regulation was changed by the 71st Legislature in 1989, when it enacted a practice act for architects. Under this form of regulation, persons may not call themselves an architect, and they may not perform work that constitutes the practice of architecture, unless they are registered as architects.

This change from a title act to a practice act greatly expanded the board's regulatory authority over persons who design buildings. As a result, the legislature had to determine which building design activities would be regulated as the practice of architecture and which activities would continue to be unregulated. Balancing the interests of the architects with those of building designers and city officials, the legislature enacted a number of provisions which specified when an architect would be required and when unregistered persons could provide building design services.

The legislature required registered architects to prepare design plans and specifications if a project exceeds certain limits, such as square footage or dollar limits. These limits serve as dividing lines between construction activities which traditionally have not required an architect and those whose complexity have generally required the expertise of an architect.

The review of the statutory scheme which defines the practice of architecture indicated the following:

- ▶ A practice act should provide clear, workable definitions so that it is easily determined when a registered architect is required and when an unlicensed person may provide building design services.
- ▶ The statute clearly defines when an architect is required for new construction or renovation activities for privately-owned property. For example, an architect is required to prepare the plans and specifications for the construction or alteration of certain privately-owned buildings that are over two stories tall or over 20,000 square feet in area.
- ▶ The statute clearly defines when an architect is required for new public buildings. An architect is required for new public buildings that cost more than \$100,000 and that are intended for education, assembly, or office occupancy.

- ▶ The statute lacks clarity as to when an architect is required to make alterations to public buildings. Unlike the provision for new public buildings, the statute does not set a clear limit to indicate when an architect is needed for alterations to public buildings. The statute specifies that an architect is required for alterations to public buildings that involve structural or exitway changes that are substantial and major. The statute does not clarify in quantifiable terms such as dollar limits or square footage the meaning of "substantial and major."

### PROBLEM

The statute does not clearly define when architects are required to perform design work for alterations to public buildings.

### RECOMMENDATION

- **The statute should be amended to require the board to determine when an architect is required for alterations to public buildings.**

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This change would specify in statute that the board must define when structural or exitway changes to a public building are substantial and major enough to require a registered architect to prepare the architectural plans and specifications. The board would define these conditions in its rules. With the adoption of these rules, the board would assure that public entities would know when to use architects for alterations to their buildings.

### FISCAL IMPACT

No fiscal impact would occur as a result of this recommendation.

**ISSUE 7: The board's statute should provide guidelines to ensure that administrative penalties are equitably assessed and commensurate with the seriousness of the violations.**

## BACKGROUND

The Texas Board of Architectural Examiners has a range of enforcement tools to ensure compliance with its laws and its rules and regulations. The board may revoke or cancel the registration of an architect or landscape architect or it may assess an administrative fine against a registered architect. Additionally, through the attorney general's office, the board may seek injunctive relief or criminal misdemeanor fines against unregistered persons who violate the provisions of the architects' or landscape architects' laws. Last session, the legislature gave the board the authority to assess fines against registered architects, but not landscape architects. The board was given this authority beginning on January 1, 1990, when the practice law for architects went into effect. However, this new law did not include procedures for the board to follow in assessing these penalties nor did it require the board to adopt rules to govern the use of these penalties.

A review of the enforcement process indicated the following:

- ▶ Guidelines for the administration of penalties provide consistency and fairness in the enforcement of the law. Circumstances surrounding a violation can vary, and the nature and amount of a penalty should match the nature and seriousness of the violation. Without some form of guidelines or rules to follow, a regulatory body can be inconsistent in assessing penalties for similar violations committed under similar circumstances and not appropriately different when circumstances vary. Agencies with the authority to assess administrative penalties typically have standard procedures to follow in applying them.
- Regulatory agencies like the Department of Health, the Department of Agriculture, the Water Commission, the Railroad Commission, and the Funeral Services Commission have had guidelines adopted either in rules or in statute for the assessment of administrative penalties.
- During the last session, the legislature gave the Structural Pest Control Board administrative penalty authority and modified the administrative penalty authority of the Department of Agriculture. In both instances, the adopted statutory language provided guidelines regarding how and when these penalties should be assessed. The legislature also provided statutory guidelines regarding the authority of the newly-restructured Department of Licensing and Regulation to assess administrative sanctions. In each of these cases, the legislature required the agencies, when assessing administrative penalties, to consider such factors as the

seriousness of the violation, the history of previous violations, the amount necessary to deter future violations, and/or the licensee's efforts to correct the violation.

- ▶ The experience of other regulatory agencies demonstrates the need for guidelines to ensure that these agencies do not assess fines unfairly or improperly. For example, first-time violators, particularly those guilty of minor or inadvertent errors not associated with the actual practice being regulated, generally should not receive administrative penalties, or these penalties should be slight. However, some agencies have assessed stiff penalties against first-time violators when a smaller fine or less severe sanction would have been equally effective to deter further violations.

## **PROBLEM**

Unlike many other regulatory agencies, the Board of Architectural Examiners does not have procedures for assessing administrative penalties to ensure that the amount of the penalty matches the nature and severity of the violation and to guarantee the equitable treatment of violators of the board's statute and rules.

## **RECOMMENDATION**

- **The statute regulating the practice of architecture should be changed to include standard criteria for administrative sanctions and the board should be required to adopt rules regarding penalty assessments.**

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This change would provide the board with guidelines to assess administrative penalties similar to other regulatory agencies. This approach would ensure the fair and consistent application of the newly-enacted penalty provisions in the architects' statute. These guidelines are typically placed in statute to specify the conditions for assessing administrative fines. These guidelines should include the factors to be considered in determining penalty amounts and the procedures to be followed in assessing the penalty. Procedures include notifying the respondent regarding the violation and fine, conducting hearings if the respondent contests the fine, and providing judicial review by substantial evidence. Fine amounts would be paid into the general revenue fund. This change would not extend administrative penalty provisions to the regulation of landscape architects.

## **FISCAL IMPACT**

No fiscal impact would occur as a result of this recommendation.

## **Across-the-Board Recommendations**

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From its inception, the Sunset Commission identified common agency problems. These problems have been addressed through standard statutory provisions incorporated into the legislation developed for agencies undergoing sunset review. Since these provisions are routinely applied to all agencies under review, the specific language is not repeated throughout the reports. The application to particular agencies are denoted in abbreviated chart form.

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## Texas Board of Architectural Examiners

Applied	Modified	Not Applied	Across-the-Board Recommendations
			<b>A. GENERAL</b>
**			1. Require public membership on boards and commissions.
**			2. Require specific provisions relating to conflicts of interest.
**			3. Provide that a person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
**			4. Require that appointment to the board shall be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee.
**			5. Specify grounds for removal of a board member.
**			6. Require the board to make annual written reports to the governor, the auditor, and the legislature accounting for all receipts and disbursements made under its statute.
X			7. Require the board to establish skill-oriented career ladders.
X			8. Require a system of merit pay based on documented employee performance.
**			9. Provide for notification and information to the public concerning board activities.
		*	10. Place agency funds in the treasury to ensure legislative review of agency expenditures through the appropriation process.
**			11. Require files to be maintained on complaints.
X			12. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
X			13. Require development of an E.E.O. policy.
X			14. Require the agency to provide information on standards of conduct to board members and employees.
	X		15. Provide for public testimony at agency meetings.
X			16. Require that the policy body of an agency develop and implement policies which clearly separate board and staff functions.
X			17. Require development of accessibility plan.

\* Already in law -- no statutory change needed.

\*\* Already in law -- requires updating to reflect standard ATB language.



## Texas Board of Architectural Examiners

(cont.)

Applied	Modified	Not Applied	Across-the-Board Recommendations
			<b>B. LICENSING</b>
	X		1. Require standard time frames for licensees who are delinquent in renewal of licenses.
**			2. Provide for notice to a person taking an examination of the results of the exam within a reasonable time of the testing date.
**			3. Provide an analysis, on request, to individuals failing the examination.
X			4. Require licensing disqualifications to be: 1) easily determined, and 2) related to currently existing conditions.
X			5. (a) Provide for licensing by endorsement rather than reciprocity. (b) Provide for licensing by reciprocity rather than endorsement.
**			6. Authorize the staggered renewal of licenses.
X			7. Authorize agencies to use a full range of penalties.
X			8. Specify board hearing requirements.
**			9. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.
X			10. Authorize the board to adopt a system of voluntary continuing education.

\* Already in law -- no statutory change needed.

\*\* Already in law -- requires updating to reflect standard ATB language.

## **Minor Statutory Modifications**

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Discussions with agency personnel concerning the agency and its statute indicated a need to make minor statutory changes. The changes are non-substantive in nature and are made to comply with federal requirements or to remove out-dated references. The following material provides a description of the needed changes and the rationale for each.

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**Minor Modifications to the  
Texas Board of Architectural Examiners**

Change	Reason	Location in Statute
Change language about removal of a board member who is not present for at least one-half of board meetings. This should be grounds for, not a cause for, automatic removal.	To reflect current sunset a c r o s s - t h e - b o a r d recommendations language.	Section 2, Article 249a
Delete authorization for committees of the legislature to overrule adoption of a board rule.	To delete language that may be unconstitutional.	Section 3(b), Article 249a and Section 4, Article 249c
Remove the requirement that candidates for registration as landscape architects must be over 18 years of age.	To remove a requirement for registration that is unnecessary.	Section 5(a), Article 249c
Add language to complete sentence regarding the registration examination for landscape architecture.	To correct a sentence fragment.	Section 5(a) Article 249c

**Texas Board of Architectural Examiners**

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