

## Highlights of TSA's Wins and Losses During the 79th Legislative Session

### WINS:

*HB 1573 (Geren, Sen. Harris) relating to the definition of the practice of architecture.* This bill better defines the scope of practice for architects by including not only design, but other responsibilities related to predesign and construction services. Furthermore, the bill clarifies that the design professional signing a certificate of merit in a lawsuit against another design professional must hold the same professional license as the defendant. In other words, an engineer may not sign a certificate of merit involving a lawsuit against an architect (the reverse applies to architects as well). This is a powerful statement of Texas legislative intent that the two professions are not interchangeable. Effective 9/1/05

*SB1458 (Sen. Wentworth, Corte) relating to the adoption of a uniform commercial building code for use in the state.* This bill adopts the IBC as the commercial building code for use in Texas. The adoption of a uniform code will provide consistency across municipalities and in unincorporated areas of Texas counties. This, in turn, will streamline commercial building leasing, construction, and renovation. Effective 1/1/06

*HB 1649 (Luna)/SB 339 (Carona) relating to the practice of interior design.* This bill did not pass. Some of the provisions in this bill were of concern to TSA, especially the overly broad grandfathering provision.

*HB 2673 (Turner) relating to alternative procurement procedure for architectural, engineering and land surveying services by certain governmental entities.* This bill did not pass. Had the bill passed, it would have allowed price considerations in procuring professional services.

*HB 2039 (Nixon/Sen. Wentworth) relating to adjudication of claims arising under written contracts with local government entities.* This bill clarifies the legislature's intent that all local governmental entities that are given the statutory authority to enter into contracts shall not be immune from suits arising from those contracts. Effective 9/1/05

*SB 962 and 939 (Sen. Shapiro/Sen. Lucio, respectively).* These bills, as originally filed, promoted the use (and/or study for use) of statewide stock school plans. Neither bill passed.

*SB 15: (Sen. Janek/Nixon) Claims involving asbestos.* Minimizes litigation of claims relating to exposure to asbestos or silica where claimants have no functional or physical impairment, while protecting a person's right to bring suit on discovering an impairing injury; creates an extended period before limitations begin to run in which to bring claims for injuries caused by the exposure to asbestos or silica to preserve the right of those who have been exposed but are not yet impaired to bring a claim later in the event that they develop an impairing disease or injury. Effective 9/1/05

### LOSSES:

*HB 2525: (Callegari/Sen. Lindsay) relating to contracts by governmental entities for construction projects and related professional.* This bill was vetoed by the Governor on June 17, 2005. Had the bill passed, the bill would have consolidated alternative project delivery processes into a single chapter of the Government Code, rather than scattered in the Education, Government and Local Government Codes. The bill also would have expanded the types of entities that may use these procedures to include hospital districts and transit authorities. Lastly, the bill would have allowed construction manager-at-risk and competitive sealed proposals for construction services to be used for all types of projects including water, wastewater, transportation, utilities and other improvements to real property.