

BEFORE THE BOARD OF ARCHITECTS AND LANDSCAPE ARCHITECTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.114.401 fee schedule,) PROPOSED AMENDMENT
24.114.1401 applications,)
24.114.1402 education and)
experience, and 24.114.1403)
examinations)

TO: All Concerned Persons

1. On September 17, 2009, at 1:30 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Architects and Landscape Architects (board) no later than 5:00 p.m., on September 11, 2009, to advise us of the nature of the accommodation that you need. Please contact Brooke Jasmin, Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2351; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdlar@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

| | |
|---|----------------|
| <u>24.114.401 FEE SCHEDULE</u> (1) and (2) remain the same. | |
| (a) Application for board approval to sit for exam | \$50 |
| (a) (b) Application fee for license by examination | 325 |
| (b) remains the same but is renumbered (c). | |
| (3) through (5) remain the same. | |

AUTH: 37-1-131, 37-1-134, 37-65-204, MCA
IMP: 37-1-134, 37-1-141, 37-65-307, 37-66-309, MCA

REASON: It is reasonably necessary to amend this fee and set a fee for board approval to take the landscape architect licensure exam. Applicants desiring to take the landscape architect licensing exam must either meet the National Council of Landscape Architect Registration Boards (CLARB) prerequisites or obtain board approval. This new fee is commensurate with the costs of processing the requests and notifying the appropriate entities. This new fee is expected to affect 15 applicants and result in additional annual revenue of \$750.

24.114.1401 LANDSCAPE ARCHITECT APPLICATIONS (1) An application for ~~license, examination, or reinstatement~~ original licensure, license reinstatement, or licensure by endorsement must be made on a form provided by the ~~board~~ department. The application may be submitted on-line or by mail accompanied by the nonrefundable fee(s), and contain sufficient evidence that the applicant possesses the qualifications as set forth in Title 37, chapter 66, MCA, and these rules.

(2) Applicants must submit a complete application form, the application fee, and the following information:

(a) a complete CLARB record, or

(b) proof of education and professional experience, which must include:

(i) verification of completion of a post-secondary degree program submitted directly from the source;

(ii) verification of previous licensure submitted directly from the licensing entities in all states where the applicant has been licensed;

(iii) experience detail sheets verified by the licensed landscape architect(s), under whose supervision the applicant has worked; and

(iv) verification of successful completion of the landscape architect registration examination.

(2) and (3) remain the same but are renumbered (3) and (4).

~~(4)~~ (5) The ~~board~~ department shall notify an applicant in writing of the results of the evaluation of the application within ten days of receipt of a complete application.

AUTH: 37-1-131, 37-65-204, MCA

IMP: 37-1-131, 37-66-301, 37-66-304, MCA

REASON: It is reasonably necessary to amend this rule to specify that it is the department, not the board that provides the administrative services for the licensure process. The board is also amending this rule to specifically delineate for landscape architect applicants the application documentation required to demonstrate minimal education and experience qualifications.

24.114.1402 EDUCATION AND EXPERIENCE REQUIRED FOR LANDSCAPE ARCHITECT LICENSURE (1) remains the same.

~~(a) An an applicant with an accredited landscape architect degree must have at least two years of practical experience in landscape architecture. ;~~

~~(b) An an applicant with a nonaccredited landscape architect degree must have three years of practical experience in landscape architecture. ;~~

~~(c) An an applicant with an ~~accredited~~ a bachelor's degree must have four years of practical experience in landscape architecture. ;~~

(d) an applicant with an associate's degree must have six years of practical experience in landscape architecture; or

~~(d)~~ (e) An an applicant with no post-secondary education must have eight years of practical experience in landscape architecture.

(2) remains the same.

(3) All applicants for licensure must successfully pass the LARE landscape architect registration exam.

AUTH: 37-1-131, 37-65-204, MCA

IMP: 37-1-131, 37-66-304, MCA

REASON: The board determined that it is reasonably necessary to amend this rule to address applicants with associate's degrees. The board concluded that a combination of an associate's degree and six years practical experience is adequate preparation for licensure. The board is also amending this rule to clarify that a bachelor's degree, whether accredited or not, plus four years of landscape architecture experience is acceptable for licensure. The board is deleting reference to the acronym LARE in this rule and 24.114.1403 in anticipation of a predicted change in the name of the landscape architecture licensing exam.

24.114.1403 LANDSCAPE ARCHITECT EXAMINATIONS (1) All candidates must sit for the landscape architect registration examination (~~LARE~~) to be held at such time and place as the board testing entity may designate. The location of the exam testing site and scheduled testing date will be established by the testing entity and may be found at www.clarb.org. Applications for examination must be received in the board office 90 days prior to the next scheduled examination. ~~The applicant will be notified in writing approximately 30 days prior to the examination date of whether the applicant may sit for the examination.~~ The board has established no education or experiential prerequisites to examination, but applicants for licensure must meet the requirements of ARM 24.114.1402 prior to licensure.

(2) Candidates who do not meet the testing eligibility requirements set by the testing entity may submit a request for board approval to sit for the exam and pay the fee set by ARM 24.114.401. The request shall be submitted on a form provided by the department.

~~(2)~~ (3) All requests for reasonable accommodations under the Americans with Disabilities Act of 1990, at 42 U.S.C. 12101, et seq., ~~relative to a board administered examination, must be made on forms provided by the board and submitted with the application prior to any application deadline set by the board~~ must be submitted to the testing entity prior to testing.

(3) remains the same but is renumbered (4).

~~(4) Applications of candidates who fail to sit for the examination within one year, after being notified of their eligibility, will be considered voluntarily withdrawn and must reapply for the examination and pay the appropriate fees.~~

~~(5) The board testing entity shall notify candidates in writing of the results of the examination. Scores may not be released over the telephone or facsimile. The board may release scores to the candidate or the candidate's legal representative only.~~

(6) Candidates who fail the examination and wish to review their examination must contact the testing agency entity directly.

AUTH: 37-1-131, 37-65-204, MCA

IMP: 37-1-131, 37-66-304, MCA

REASON: The board is amending this rule to set forth changes in the examination process for landscape architect licensure now that the board no longer proctors the landscape architect registration exam. The national Council of Landscape Architect Registration Boards (CLARB) will now proctor exams twice each year in Montana. It is reasonably necessary to amend this rule to inform applicants of process changes for testing through CLARB.

The board is adding (2) to address applicants not meeting CLARB testing prerequisites. The new provision clarifies that the board will review the exam request and upon approval, provide written notification to CLARB, which will allow the applicant to sit for the exam.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdlar@mt.gov, and must be received no later than 5:00 p.m., September 25, 2009.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.landscapearchitect.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdlar@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. An attorney for the Department of Labor and Industry has been designated to preside over and conduct this hearing.

BOARD OF ARCHITECTS AND
LANDSCAPE ARCHITECTS
BAYLISS WARD, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 17, 2009