

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

In the matter of the amendment of)
ARM 24.114.501 architect)
examination, 24.114.1401 and)
24.114.1402 landscape architect)
applications, education and)
experience)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On September 1, 2011, at 2:00 p.m., a public hearing will be held in room B-07, 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 August 26, 2011, 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:

24.114.501 ARCHITECT EXAMINATION (1) through (2)(a) remain the same.

(b) hold a degree in architecture from a school of architecture, the degree curriculum of which was accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation, or meet the alternate education criteria available on the NCARB web site; and

(c) through (4) remain the same.

(5) The ARE is a proprietary examination developed and administered by NCARB. Applicants who fail the examination are provided commentary on areas of weakness, along with notice of the failed examination. Neither the board nor NCARB provides additional examination review of any type.

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

IMP: 37-1-131, 37-65-303, MCA

REASON: The board determined it is reasonably necessary to amend this rule to clarify the exam review available to candidates who fail the National Council of

Architects Registration Boards' (NCARB) ARE examination. The amendment will clarify that neither the board nor NCARB will allow any additional review of the ARE examination beyond the written explanation of individual vignettes presented on the exam and the areas in which the candidate failed to meet the content requirement that NCARB provides directly to the candidate. NCARB provides no further type of review of the examination. Further, any allowable state review would include the identical information already provided by NCARB, but with the requirement that the candidate pay fees to both NCARB and the state for costs incurred by both in providing the review.

24.114.1401 LANDSCAPE ARCHITECT APPLICATIONS (1) An application for original licensure, license reinstatement, or licensure by endorsement must be made on a form provided by the department. The application may be submitted ~~on-line~~ online 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) through (2)(b)(ii) remain the same.

(iii) experience detail sheets verified by the licensed ~~landscape architect(s)~~ design professionals as defined in ARM 24.114.1402, under whose supervision the applicant has worked; and

(iv) through (5) remain the same.

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

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

REASON: The board is amending this rule and ARM 24.114.1402 to address questions from landscape architect applicants regarding the availability of electronic or distance modes of acceptable supervision, while acknowledging the small number of licensed landscape architects available for supervision in Montana. The board is amending these rules to allow design professionals other than licensed landscape architects to conduct a portion of a landscape architect's supervision. The board concluded this change is consistent with nationally recognized standards and notes that a significant majority of the supervision must still be conducted by a licensed landscape architect. These amendments will clearly delineate the board's intentions regarding the diverse scope of experience required and will provide objective criteria by which the board and staff will evaluate landscape architect applications.

24.114.1402 EDUCATION AND EXPERIENCE REQUIRED FOR LANDSCAPE ARCHITECT LICENSURE (1) through (1)(e) remain the same.

(2) Practical experience must be gained under the direct supervision of a licensed ~~landscape architect~~ design professional as defined in (2)(d), and is subject to review and approval by the board.

(a) "Practical experience" means a diversity of experience directly related to landscape architecture.

(b) "Direct supervision" means working conditions where a licensed landscape design professional, regularly employed in the same physical location as

the applicant, is directly responsible for all tactical and technical decisions on the applicant's work.

(c) "Year" means a total of 2,000 hours comprised of:

(i) at least 35 hours per week for at least two continuous months; or

(ii) at least 20 hours per week for at least four continuous months.

(d) "Licensed design professional" means a licensed landscape architect for at least two-thirds of the applicable experience requirement. The remaining experience may be obtained under the direct supervision of a licensed civil engineer, licensed architect, or a city planner certified by a nationally recognized certifying body (e.g. American Institute of Certified Planners).

(3) remains the same.

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

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

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 9, 2011.

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. Brooke Jasmin, board administrator, 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 1, 2011