

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 AMENDMENT AND  
ARM 24.114.101 board organization, ) REPEAL  
24.114.202 public participation, )  
24.114.301 definitions, 24.114.401 fee )  
schedule, 24.114.402 architect seal, )  
24.114.408 fee abatement, )  
24.114.411 military training or )  
experience, 24.114.501 architect )  
examination, 24.114.502 architect )  
licensure by examination, 24.114.503 )  
licensure of applicants registered in )  
another state, 24.114.515 architect )  
emeritus status, 24.114.1401 )  
landscape architect licensure by )  
examination, 24.114.1402 education )  
and experience required for landscape )  
architect licensure, 24.114.1403 )  
landscape architect examinations, )  
24.114.1404 landscape architect )  
licensure by endorsement, )  
24.114.1410 landscape architect seal, )  
24.114.2105 architect continuing )  
education requirements, 24.114.2301 )  
unprofessional conduct, 24.114.2402 )  
screening and adjudication panels; )  
and the repeal of ARM 24.114.406 )  
solicitation of business by nonresident )  
architects, 24.114.510 architects-in- )  
training, 24.114.2101 renewals, and )  
24.114.2103 replacement licenses )

TO: All Concerned Persons

1. On July 7, 2017, the Board of Architects and Landscape Architects (board) published MAR Notice No. 24-114-36 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 976 of the 2017 Montana Administrative Register, Issue No. 13.

2. On August 1, 2017, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. Several comments were received by the August 4, 2017, deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: One commenter opposed the repeal of ARM 24.114.510 architects-in-training. The commenter stated that alternative titles will cause more confusion and referenced an NCARB blog that speaks directly to the use of architect-in-training as support for the commenter's position.

RESPONSE 1: Section 37-65-301, MCA, limits the use of the title architecture or any words, letters, figures, or other device indicating or intending to imply that the person is an architect, without having a license. The board concluded that architect-in-training or other such titles could confuse the public into thinking an architect-in-training is licensed by the board.

COMMENT 2: One commenter questioned the repeal of the renewal rule and believed it would create the possibility for those who honestly miss a renewal deadline to lose their licenses and receive board discipline.

RESPONSE 2: The process for late renewal of a license is outlined in 37-1-141, MCA, of the Uniform License Law. The board determined that eliminating this rule will have no impact on how late renewals are processed. Further, licensees will still be able to renew up to two years after the renewal deadline, prior to terminating.

COMMENT 3: A commenter indicated HSW is not defined by the board in rule.

RESPONSE 3: The board is adding a definition of HSW to ARM 24.114.301 as shown in the proposal notice.

COMMENT 4: One commenter questioned the elimination of CE provided by "qualified" individuals and the additional requirement that all CE be approved by AIA. The commenter was concerned that it can take a long time before AIA has relevant course offerings on some topics, such as building science education.

RESPONSE 4: The board is eliminating CE provided by "qualified" individuals because it was unclear who was "qualified" and how the board could measure qualifications. As proposed, CE courses do not have to be AIA courses, but they must be offered by individuals or organizations approved by the American Institute of Architects Continuing Education System, the Landscape Architect Continuing Education System, or the Interior Design Continuing Education Council. The board concluded that approval by one of these organizations ensures that the provider is offering quality CE and the subjects are timely, accurate, and address health, safety, and welfare.

COMMENT 5: One commenter indicated that clarification was needed in ARM 24.114.2105(3)(c). The current draft requires at least 75 percent of the course content and instruction time be devoted to HSW, which is proposed to be defined in ARM 24.114.201(8) as CE designated by the American Institute of Architects, the

American Society of Landscape Architects, the Interior Design Continuing Education Council, or NCARB. This is more restrictive than intended and the commenter suggested amending the proposal to strike "HSW" and replace with "health, safety, and welfare" to allow for a broader interpretation.

RESPONSE 5: The board concurs and will amend the proposed rule.

4. The board has amended ARM 24.114.101, 24.114.202, 24.114.301, 24.114.401, 24.114.402, 24.114.408, 24.114.411, 24.114.501, 24.114.502, 24.114.503, 24.114.515, 24.114.1401, 24.114.1402, 24.114.1403, 24.114.1404, 24.114.1410, 24.114.2301, and 24.114.2402 exactly as proposed.

5. The board has repealed ARM 24.114.406, 24.114.510, 24.114.2101, and 24.114.2103 exactly as proposed.

6. The board has amended ARM 24.114.2105 with the following changes from the original proposal, stricken matter interlined, new matter underlined:

24.114.2105 ARCHITECT CONTINUING EDUCATION REQUIREMENTS

(1) through (3)(b) remain as proposed.

(c) at least 75 percent of the course content and instruction time must be devoted to ~~HSW~~ health, safety, and welfare subjects such as technical and professional subjects necessary for proper evaluation, design, construction, and utilization of buildings and the built environment that are within the following enumerated areas:

(i) through (6) remain as proposed.

BOARD OF ARCHITECTS AND  
LANDSCAPE ARCHITECTS  
BAYLISS WARD, PRESIDENT

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 30, 2017.