

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, 24.114.502 architect )  
licensure by examination, )  
24.114.1402 education and )  
experience required for landscape )  
architect licensure, 24.114.2105 )  
architect continuing education )  
requirements, and 24.114.2301 )  
unprofessional conduct )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On April 9, 2019, at 9:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, 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 April 2, 2019, to advise us of the nature of the accommodation that you need. Please contact Grace Berger, Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2244; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdark@mt.gov (board's e-mail).

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

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

(ii) by actively participating in a NAAB-accepted integrated path to architectural licensure option within a NAAB-accredited degree program; or

(iii) by meeting education standards through the NCARB Education Evaluation Service for Architects (EESA) evaluation; and

(c) through (5) remain the same.

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 add the NCARB EESA evaluation as a means of meeting the education requirements to qualify for the Architect Registration Examination (ARE) as a Montana candidate. The amendment will bring the requirements for Montana candidates to sit for the ARE in line with those alternative education options to qualify for an NCARB certificate and therefore qualify for a Montana license through reciprocity.

24.114.502 ARCHITECT LICENSURE BY EXAMINATION (1) through (1)(d) remain the same.

(e) ~~obtain~~ submit a complete NCARB record.

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

IMP: 37-1-131, 37-65-301, 37-65-303, MCA

REASON: The board is amending this rule to clarify that license applicants must submit a complete NCARB record to the board rather than just obtain the record. Submission of the NCARB record provides the necessary information to verify that an applicant meets the examination, education, and experience requirements. While the board has always required the submission, the board is amending the rule to remove any ambiguity.

24.114.1402 EDUCATION AND EXPERIENCE REQUIRED FOR LANDSCAPE ARCHITECT LICENSURE (1) through (2)(a) remain the same.

(b) "Direct supervision" means working conditions where a ~~licensed landscape~~ licensed design professional supervises the applicant through personal contact and/or remote communication (e-mail, online markups, Internet), and is directly responsible for all tactical and technical decisions on the applicant's work.

(c) remains the same.

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

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

REASON: The board determined it is reasonably necessary to delete "licensed landscape" from those design professionals able to directly supervise qualifying experience for landscape architect licensure. Section (2) provides the acceptable practical experience to qualify for a landscape architect license. Because a portion of the practical experience can be gained under direct supervision of a licensed engineer or architect, or a certified city planner, the board is amending this rule to address confusion and questions from license applicants.

24.114.2105 ARCHITECT CONTINUING EDUCATION REQUIREMENTS

(1) and (2) remain the same.

(3) ~~Qualified CE~~ Continuing education courses must be formal group or self-study courses designed to increase or update the knowledge and professional competence of architects in technical and professional subjects related to the practice of architecture that safeguard the public's health, safety, and welfare, as follows:

(a) and (b) remain the same.

(c) at least 75 percent of the course content and instruction time must be devoted to 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) Building Systems: structural, mechanical, electrical, plumbing, communications, security, fire protection;~~

~~(ii) Construction Contract Administration: contracts, bidding, contract negotiations;~~

~~(iii) Construction Documents: drawings, specifications, delivery methods;~~

~~(iv) Design: urban planning, master planning, building design, site design, interiors, safety and security measures;~~

~~(v) Environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, insulation;~~

~~(vi) Legal: laws, codes, zoning, subdivisions, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public;~~

~~(vii) Materials and Methods: construction systems, products, finishes, furnishings, equipment;~~

~~(viii) Occupant Comfort: air quality, lighting, acoustics, ergonomics;~~

~~(ix) Pre-Design: land use analysis, programming, site selection, site and soils analysis, surveying; and~~

~~(x) Preservation: historic, reuse, adaptation.~~

(i) Practice Management focuses on areas related to the management of architectural practice and the details of running a business. Examples include applicable laws and regulations, ethics, insurance to protect the owner and public, business management, risk management, information management, design for community needs, and supervisor training.

(ii) Project Management focuses on areas related to the management of architectural projects through execution. Examples include project delivery methods, contract negotiation, pre-design services, site and soils analysis, consultant management, and project scheduling.

(iii) Program & Analysis focuses on areas related to the evaluation of project requirements, constraints, and opportunities. Examples include land-use analysis, programming, site section, historic preservation, adaptive reuse, codes, regulations, standards, natural resources, environmental impact and ecosystem risk assessment, hazardous materials, resilience to natural and human impacts, life safety, and feasibility.

(iv) Project Planning & Design focuses on areas related to the preliminary design of sites and buildings. Examples include building systems, urban planning, master planning, building design, site design, safety and security measures, impacts adaptations and mitigation of a changing climate, energy efficiency and positive energy design, sustainability, indoor air quality, ergonomics, lighting, acoustics, accessibility, construction systems, and budget development.

(v) Project Development & Documentation focuses on areas related to the integration and documentation of building systems, material selection, and material assemblies into a project. Examples include construction documents, materials and assemblies, fixture furnishing, and equipment.

(vi) Construction & Evaluation focuses on areas related to construction contract administration and post-occupancy evaluation of projects. Examples include construction contract administration, bidding and negotiation, post occupancy evaluation (POE), and building commissioning.

(4) through (6) remain the same.

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, MCA

REASON: The board is amending this rule to align the health, safety, and welfare (HSW) CE categories with the current areas of experience in the Architectural Experience Program and the Architect Registration Examination, and as reflected in the recently amended NCARB model law/rules. The amendments will address licensee confusion when seeking CE, while continuing to enforce the HSW aspect in continued competence.

24.114.2301 UNPROFESSIONAL CONDUCT (1) through (1)(b) remain the same.

(c) failing to comply with applicable federal, state, and local building laws and regulations;

(c) through (e) remain the same but are renumbered (d) through (f).

(g) performing professional services with or after acquiring a conflict of interest that is not fully disclosed and waived in writing by all parties;

(f) through (p) remain the same but are renumbered (h) through (r).

(s) failing to respond to correspondence from the board or to comply with orders of the board;

(q) and (r) remain the same but are renumbered (t) and (u).

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-131, 37-1-316, MCA

REASON: The board determined it is reasonably necessary to amend this rule to align unprofessional conduct more closely with recently amended NCARB model rules. These amendments will ensure the rule remains relevant to current architectural practice and that expected professional and ethical conduct stays focused on the protection of public health, safety, and welfare. Aligning board rules to model rules reduces the chance of licensees licensed in multiple jurisdictions to inadvertently violate Montana rules while complying with widely accepted model rules and provides a consistent base of unprofessional conduct standards that apply to licensees with licenses in multiple jurisdictions.

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) 841-2305, or e-mail to [dlibsdark@mt.gov](mailto:dlibsdark@mt.gov), and must be received no later than 5:00 p.m., April 12, 2019.

5. An electronic copy of this notice of public hearing is available at architect.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site 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 that 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) 841-2305; e-mailed to dlibsdark@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. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.114.501, 24.114.502, 24.114.1402, 24.114.2105, and 24.114.2301 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Architects and Landscape Architects, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2244; facsimile (406) 841-2305; or to dlibsdark@mt.gov.

9. Grace Berger, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF ARCHITECTS AND  
LANDSCAPE ARCHITECTS  
DALE NELSON, 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 March 5, 2019.