

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

In the matter of the amendment of )  
ARM 24.114.503 licensure of )  
applicants registered in another state )  
and 24.114.1404 landscape architect )  
licensure by endorsement )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On February 27, 2020, 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 no later than 5:00 p.m., on February 20, 2020, 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:

24.114.503 LICENSURE OF APPLICANTS REGISTERED IN ANOTHER STATE (1) Applicants holding a valid licensure license to practice architecture in another state or jurisdiction shall:

(a) ~~submit to the board~~ a completed application, ~~on forms prescribed by the board,~~ including all required fees and documentation; and

(b) present proof the applicant is the holder of ~~an~~ a current NCARB certificate; ~~and~~

~~(c) submit verification of licensure from the licensing entities in all states where the applicant is currently or has ever been licensed.~~

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

IMP: 37-1-304, 37-65-301, MCA

REASON: The board is amending this rule to streamline the architect endorsement application process and align with standardized department licensure procedures. The board is striking (1)(c) to no longer require that applicants for a Montana architect license by endorsement submit verifications from all jurisdictions where

they are or previously were licensed. The NCARB certificate program tracks an individual's licensing history and any incurred discipline, and an NCARB certificate is required for endorsement licensure. The board is amending this rule because recently all jurisdictions began reporting licensure and disciplinary action to NCARB and the board can fully rely on the information.

24.114.1404 LANDSCAPE ARCHITECT LICENSURE BY ENDORSEMENT

~~(1) Applicants for a landscape architect holding a valid license by endorsement must practice landscape architecture in another state or jurisdiction shall:~~

~~(a) submit an application to the board a completed application including all required fees and documentation; and~~

~~(b) present proof the applicant is the holder of a current CLARB record; or~~

~~(i) provide written verification of licensure from the licensing entities in all jurisdictions where the applicant currently holds a license or has ever been licensed; and The verification must include:~~

~~(a) the date of licensure and the current educational and experience requirements for licensure in the jurisdiction; and~~

~~(b) whether the licensee has pending or completed discipline in any jurisdiction of licensure.~~

~~(2) (ii) Applicants must submit a verification from CLARB record or verification from CLARB as evidence of passing all sections of the LARE.~~

~~(3) The board will evaluate the current licensing requirements of the jurisdiction where the applicant currently holds a license and determine whether the education and experience qualifications for original licensure are substantially equivalent to the Montana qualifications.~~

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

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

REASON: The board is amending this rule to streamline the endorsement application process for landscape architects holding CLARB records by no longer requiring these applicants to submit verifications from all jurisdictions where they are or previously were licensed if they have CLARB records. The CLARB record program tracks individuals' licensing history and any incurred discipline. Following the amendments, only applicants without CLARB records will be required to provide verification from each jurisdiction to ensure their qualifications.

The board is eliminating the description of the board determination of substantial equivalence as that process is set forth in 37-1-304, MCA, and rules should not unnecessarily duplicate statutory language.

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 [dlibsdaarc@mt.gov](mailto:dlibsdaarc@mt.gov), and must be received no later than 5:00 p.m., February 28, 2020.

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](mailto: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 24.114.503 and 24.114.1404 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](mailto: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/ THOMAS K. LOPACH  
Thomas K. Lopach, Interim Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 21, 2020.