

To: Attorney General Liz Murrill

Attn: Department of Justice, Occupational Licensing Review Program

From: Tyson J. Ducote

Executive Director, Louisiana State Board of Architectural Examiners ("LSBAE")

Date: December 1, 2025

Subject: LAC 46:I.Chapter 3. Organization

The State Board of Architectural Examiners has proposed amendments to LAC 46:I.Chapter 3, Organization, which pertains to the organization of the LSBAE.

To facilitate the Department of Justice's review of the proposed rule, the LSBAE provides answers to the following questions.

1. Describe any relevant factual background to the occupational regulation and the purpose of the occupational regulation?

Act 192 of 2024 (now R.S. 49:964(D)) mandated that all state agencies which make rules (i) systematically review a sufficient number of rules each year so that all rules have been reviewed within a five-year period and (ii) submit a report of their review to the appropriate legislative oversight committee. Executive Order JML 25-038 issued April 1, 2025, mandated that by December 31, 2025, state agencies review at least 50% of the rules listed in the order or a minimum of 100 rules, whichever is greater. Each rule should be evaluated to determine if it is necessary, consistent with the law, aligned with the agency's mission, and otherwise complies with the legislation described therein. The list of rules to be reviewed under the executive order included LAC 46:I.301-305 and LAC 46:I.309-315.

Applying the criteria required by Act 192 and EO JML 25-035, the board reviewed Chapter 3 of its rules (LAC 46:I.Chapter 3). It decided that amendments of LAC 46:I.301-309 and LAC 46:I.311-3317 should be made and that proposed LAC 46:I.319 pertaining to the powers and duties of the board should be adopted.

The proposed amendments to LAC 46:I.301, LAC 46:I.303, and LAC 46:I.305 pertaining respectively to the executive director, the officers of the board, and other personnel of the board describe more completely and accurately the duties of such persons as presently exercised. The proposed amendments to LAC 46:I.307, LAC 46:I.309, and LAC 46:I.313 pertaining respectively to board meetings, the minutes of meetings, and the necessary quorum for meetings describe more completely and accurately the meetings, minutes, and quorum of the board as presently exercised. The proposed amendment to LAC 46:I.315 pertaining to the official records of the board describes more completely and accurately the existing records maintained by the board. The proposed amendment to LAC 46:I.317 pertaining to the NCARB describes more completely and accurately the relationship between the board and NCARB. Proposed LAC 46:I.319, which is new, sets forth more completely the powers and duties of the board.

2. Is the occupational regulation within the scope of the occupational licensing board's general authority to regulate in a given occupation or industry? If so, identify the law that provides the authority for the rule and describe how the occupational regulation is within the scope.

Yes, the proposed amendments and adoption are within the general authority of the LSBAE to adopt and amend rules reasonably necessary for the proper performance of its duties and for the regulation of the practice of architecture in the state of Louisiana. R.S. 37:144(C) of the Architect Licensing Law provides:

C. The board [LSBAE] shall have the power to adopt and amend such rules and regulations as are reasonably necessary for the proper performance of its duties, for carrying out the purposes of this Chapter, for continuing education, for the regulation of the proceedings before it, and for the regulation of the practice of architecture under the laws of this state.

3. Check all the following that apply as reasons the occupational regulation is subject to review

- ☐ Creates a barrier to market competition
- ☐ Fixes prices, limits price competition, or results in high prices for a product or service provided by or to a license holder
- ☐ Reduces competition or excludes present or potential competitors from the occupation regulated by the board
- ☐ Limits output or supply in this state of any good or service provided by the members of the regulated occupation
- ☐ Reduces the number of providers that can serve a particular set of customers
- ☐ Changes existing requirements for licensure, certification, registration, etc.
- ☒ Other activity (please describe)

The proposed rules relate to the organization of the LSBAE, such rules being necessary for the LSBAE to properly perform its duties and regulate the practice of architecture in the state of Louisiana.

4. Identify the clearly articulated state policy (e.g., health, safety, welfare, or consumer protection) in state statute, or any supporting evidence of the harm the action/proposed action is intended to protect against?

R.S.37:141(A) of the Architect Licensing Law articulates that the policy of the state is to safeguard life, health, and property and promote the public welfare. It provides:

In order to safeguard life, health, and property and to promote the public welfare, the practice of architecture in this state is reserved to those persons who have the proper qualifications and have been registered by the board.

5. Do any less restrictive alternatives to the occupational regulation exist for addressing the same harm? If so, include a comparison of the occupational regulation to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why

No.

6. Describe the process that the occupational licensing board followed in developing the proposed rule, including any public hearings held, studies conducted, and data collected or analyzed.

Several years ago, the LSBAE established a Law & Rules Committee (“LRC”) to assist the board in its ongoing efforts to keep its rules up to date, easy to understand, and functional. The board referred the reviews mandated by Act 192 of 2024 and Executive Order JML 25-038 to the LRC. Applying the criteria set forth in Act 192 and EO 25-038, the LRC reviewed the rules in Chapter 3 (LAC 46:I.Chapter 3). It determined that amendments to LAC 46:I.301-309 and LAC 46:I.311-317 should be made, and it proposed that LAC 46:I.319 pertaining to the powers and duties of the board should be adopted. The LRC recommended such amendments and adoption to the full board, which reviewed the proposed amendments, adopted the recommendations of the LRC, and instructed that rule making begin.

The board further determined that the rules in Chapter 3 (LAC 46:I.Chapter 3), as amended, will satisfy the criteria of Act 192 of 2024 and Executive Order JML 25-038.

7. Does the occupational regulation relate to a matter on which there is pending litigation or a final court order?

No.

8. Please identify the board members voting in favor of this rule, and state whether the member is an active market participant.

Board members David K. Brossett, John E. Cardone, Jr., Kristine Kobila, Jason I. Zuckerman, Michael F. Holly, Christian R. Elberson, and Stephen M. Long voted in favor of these rule amendments. Mr. Brossett, Ms. Kobila, Mr. Zuckerman, Mr. Holly, Mr. Elberson, and Mr. Long are all licensed architects practicing architecture in Louisiana. Mr. Cardone is not a licensed architect, does not practice architecture, and is the public member of the board.

9. Is there anything else that the occupational licensing board would like the Department to know about the proposed rule? **No.**

Guidelines and Criteria for Expedited Review Requests

I. General Standard for Expedited Review

Expedited review is an exception to the standard process and shall only be granted upon a clear showing of necessity. An expedited review may be considered when there is:

1. A demonstrable risk of imminent or ongoing harm to the public health, safety, or welfare if the regulation is not adopted or amended immediately; or
2. A statutory or court-ordered deadline requiring action within a timeframe that does not permit a standard review.

Expedited review will not be granted based solely on administrative convenience, delay in submission, or agency preference.

II. Request Submission Requirements

Requests for expedited review must be submitted in writing and include:

1. OLRP Rule Submission Form Requesting Expedited Review, signed by an authorized representative of the board or agency, containing:
 - A clear statement requesting expedited review;
 - A justification for the request under the criteria listed in Section I;
 - Any applicable statutory deadlines or legal obligations;
 - Contact information for follow-up communication.
2. Complete Regulatory Packet, including:
 - The proposed rule or amendment including a strikethrough/underline version;
 - Notice of Intent;
 - Approved Fiscal and Economic Impact Statement;
 - Report of Public Comments;
 - Agency response to public comments;
 - Point of contact information
3. In your email submission to OLRP, please indicate this is an expedited request by including “Expedited Request” in the subject line.

III. Review and Determination

Upon receipt of a complete expedited review request, OLRP will:

- Acknowledge receipt within 3 business days;
- Assess the request’s justification and determine whether expedited review is warranted;
- Notify the requesting entity in writing of the approval or denial of the request;
- If granted, expedited reviews will be prioritized, and every reasonable effort will be made to

issue a determination within 10–15 business days, subject to the receipt of public comments, the complexity of the regulation and the completeness of the submission.

IV. Discretion and Limitation

OLRP retains discretion to deny expedited review if the request does not satisfy the criteria outlined above or if granting such review would materially impair the integrity or independence of the review process. Approval of one expedited request does not set precedent for future submissions.