

notifications to be done electronically. Although the nomination process for candidates will become somewhat simpler, the board does not anticipate any increase or decrease in costs or economic benefits to directly affected persons, small businesses, or non-governmental groups that can be measured or calculated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

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NOTICE OF INTENT

Office of the Governor Board of Architectural Examiners

Organization (LAC 46:I.Chapter 3)

Notice is hereby given that the Board of Architectural Examiners, in accordance with the provisions of R.S. 49:950 et seq., and through the authority granted in R.S. 37:144(C), proposes to amend LAC 46:I.301 pertaining to its executive director, LAC 46:I.303 pertaining to its officers, LAC 46:I.305 pertaining to its other personnel, LAC 46:I.307 pertaining to its meetings, LAC 46:I.309 pertaining to its minutes, LAC 46:I.313 pertaining to the quorum for meetings, LAC 46:I.315 pertaining to its official records, and LAC 46:I.317 pertaining to the National Council of Architectural Registration Boards (NCARB). In addition, the board proposes to adopt a new rule, LAC 46:I.319 pertaining to the powers and duties of the board.

Act 192 of 2024 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 percent 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 the rules contained herein 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 exists. 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 exists. 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.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part I. Architects

Chapter 3. Organization

§301. Executive Director

A. ...

B. The executive director is responsible for the day-to-day operations of the board office. The board delegates to the executive director certain responsibilities to properly fulfill the board's duties, which may include, but are not limited to, the following:

1. oversee the issuance of licenses for board approval;
2. oversee the investigations of complaints and present proposed adjudications for board action;
3. act as the board's agent with banks and financial institutions and as the board's primary signatory on all checks, and make financial decisions on behalf of the board within the scope of these rules;
4. develop the budget for board approval;
5. collect fees and monitor the expenditure of funds;
6. contract for required business services;
7. report key operations performance measures to the board;
8. engage the board in planning and implementing the strategic plan;
9. oversee and evaluate all staff;
10. facilitate communication to and among board members and make arrangements for board meetings;
11. serve as an agent of the board when communicating with other jurisdictional agencies and the public;
12. issue meeting minutes, reports, and notices required of the board;
13. possess on behalf of the secretary the official records of the board; and
14. perform such administrative, ministerial, and other duties as the board may assign from time to time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 52:

§303. Officers

A. The board shall elect a president and a secretary, each to hold office until their successors shall have been elected. The term of office shall be for one year beginning the first day of January of the ensuing year.

B. The president shall preside at all meetings, appoint all committees, sign all licenses issued, and perform all other duties pertaining to his office.

C. The secretary shall, with the assistance of such executive and clerical help as may be required:

1. be the official custodian of the records of the board and of the seal of the board and see that the seal of the board is affixed to all appropriate documents;

2. sign, with the president, certificates of licensure;

3. sign the minutes of the board meetings after the minutes have been approved by the board; and

4. assume the responsibilities of the president in his absence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:737 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 52:

§305. Other Personnel

A. The board may employ such executive, clerical, and other assistance, including an executive director, as is necessary, and shall rent office space as necessary to house the staff and records.

B. In discharging its responsibilities, the board may engage private counsel or, as prescribed in law, utilize the services of the attorney general. The board may also employ such accountants, auditors, investigators, and professionals as it deems necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 52:

§307. Meetings

A. - D. ...

E. A record of all board meetings shall be maintained in accordance with the Open Meetings Law.

F. Each board member shall be given a daily allowance and itemized reimbursement in compliance with state law for expenses related to board meetings and other board-related business, including attending NCARB regional and national meetings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), amended LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 50:1154 (August 2024), LR 52:

§309. Minutes

A. Written minutes of all meetings shall be prepared by the executive director in accordance with R.S. 42:20 of the Open Meetings Law. As soon as the minutes are prepared, the executive director shall provide them to the members of the board for their comments. The minutes shall be signed by the secretary and the president at the next regular meeting after the board has approved them

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), repromulgated LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 52:

§311. Conduct of Meetings

A. Unless required otherwise, by law or by these rules, *Robert's Rules of Order* shall be used in the conduct of business by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:333 (September 1978), repromulgated LR 10:738 (October 1984), repromulgated by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), repromulgated LR 52:

§313. Quorum

A. A majority of the total membership of the board constitutes a quorum. All actions of the board shall be by a majority of the members present at a meeting at which a quorum is present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 52:

§315. Official Records

A. Among other official records required by law, or by rules of other agencies in support of law, there shall be kept in the board offices accurate and current records. Such records may be kept in paper or electronic format and may include but are not limited to:

1. minutes of all meetings of the board;

2. the name and license number of all individuals to whom certificates are issued, the last known address of all registrants, and all current renewals effected through annual renewals;

3. the name and license number of all firms to whom firm licenses are issued, the last known address of all firms, and all current renewals effected through annual renewals;

4. an individual file for each registrant containing the original application, relevant verification and evaluation data, examination dates, scores, and date of original registration;

5. an individual file for each firm containing its original application, relevant verification and evaluation data, and date of original registration;

6. alleged violations and any revocation, rescission and suspension of licenses; and

7. a system of record keeping correctly and currently indicating funds budgeted, spent, and remaining, as well as projections of appropriate requests for consideration in budget development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, LR 4:333 (September 1978), amended LR 10:738 (October 1984), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:559 (April 2003), amended LR 52:

§317. National Council of Architectural Registration Boards

A. ...

B. The board will cooperate with NCARB in establishing uniform standards of professional qualification throughout the jurisdiction of NCARB.

C. Out of the funds of the board each board member shall be compensated equal to the rate of compensation allowable for members of the legislature for each day in attending board meetings and hearings, attending NCARB regional and national meetings, issuing certificates and licenses, necessary travel, and discharging other duties, responsibilities, and powers of the board. In addition, out of said funds each board member, the executive director, and the board attorney shall be reimbursed reasonable and necessary travel, meals, lodging, clerical, and other incidental expenses incurred while performing the duties, responsibilities, and powers of the board, including but not limited to performing the aforesaid specific activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144-45.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Board of Architectural Examiners, December 1965, amended May 1973, amended and promulgated LR 4:334 (September 1978), amended LR 10:738 (October 1984), LR 12:760 (November 1986, amended by the Department of Economic Development, Board of Architectural Examiners, LR 15:732 (September 1989), amended by the Office of the Governor, Board of Architectural Examiners, LR 29:560 (April 2003), LR 30:1476 (July 2004), amended LR 52:

§319. Powers and duties of the board

A. In addition to the powers and duties in R.S. 37:144, the board shall perform its duties and transact its business, including, but not limited to:

1. acknowledge and approve the lists of licensees and certificates issued;
2. review complaints and adjudicate enforcement cases brought under the Architect Licensing Law and these rules;
3. make, adopt, amend, and repeal rules;
4. monitor the budget and operations via key performance measures;
5. strategically plan the focus and initiatives of the board;
6. review and comment on NCARB resolutions for the jurisdictional submittal process consistent with NCARB Bylaws;
7. discuss business matters and authorize the board's voting delegate to represent the board's interest at the NCARB regional and annual business meetings;
8. review and respond to requests to assist the state legislative and executive branch processes;
9. review and respond to other matters as they arise; and
10. make available for public access the names of all licensed persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:144.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Architectural Examiners, LR 52:

Family Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(i) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*.

The proposed Rule has no known impact on family formation, stability, or autonomy.

Poverty Impact Statement

In accordance with R.S. 49:961(A)(2)(h)(ii) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed Rule has no known impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors, has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

In accordance with HCR 170 of the 2014 Regular Legislative Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*. The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide such services, or the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments on the proposed Rules to Tyson Ducote, Executive Director, Louisiana State Board of Architectural Examiners, 9625 Fenway Avenue, Suite B, Baton Rouge, LA 70809. All comments must be submitted by 4:30 pm on November 14, 2025.

Tyson Ducote
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Organization

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to result in any costs or savings to state or local governmental units.

The proposed changes merely clarify and codify the existing and long-standing operations and practices of the State Board of Architectural Examiners. More specifically, the proposed rules clarify and codify the already existing operations and practices of the board concerning:

1. The delegation of certain responsibilities to the executive director, who is responsible for the day-to-day operations;
2. The duties of the board officers (president and secretary);
3. The employment of personnel currently employed;
4. The number, attendance, minutes, conduct, and quorum of board meetings;
5. The official records maintained by the board;
6. The relationship of the board to the National Council of Architectural Registration Boards; and

7. The powers and duties of the board.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes have no anticipated effect on the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes have no anticipated effect on competition or employment.

Tyson Ducote
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NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of State Procurement**

Procurement Protest Bonds (LAC 34:V.Chapter 16)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of the Governor, Division of Administration, Office of State Procurement, proposes to create Chapter 16 of LAC 34:V. Procurement. The rules will be added to implement, in part, Act 5 of the 2025 Regular Session. The Act created a protest bond to stay procurement proceedings during protests, for which this rulemaking will provide forms and procedures.

Title 34

**GOVERNMENT CONTRACTS, PROCUREMENT,
AND PROPERTY CONTROL**

Part V. Procurement

Chapter 16. Procurement Protest Bonds

§1601. Purpose

A. This Chapter implements the system of procurement protest bonds and related provisions set forth in R.S. 39:1671(F), particularly as amended by Act 5 of the 2025 Regular Legislative Session.

B. These rules implement and prescribe the form of the protest bond or security to be used when seeking a stay of a contract award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1581 and 39:1671.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Procurement, LR 52:

§1603. Procedures

A. A protestor who has timely protested an award in accordance with R.S. 39:1671(A) may apply for a stay of such award in strict accordance with the following procedures:

1. The protestor must apply for the stay of an award during the protest period provided in R.S. 39:1671(A).

2.a. The protestor must present during the protest period provided in R.S. 39:1671(A) a surety bond, cashier's check, or certified check to the Office of State Procurement as security. In no circumstance will cash, EFT, credit card,

other valuables, or a personal or similar business check be accepted.

b. If the protestor elects to present a bond, the bond must be posted with a good and solvent surety or insurance company currently on the U.S. Department of the Treasury Financial Management Service list of approved bonding companies which is published annually in the Federal Register, or a Louisiana domiciled insurance company with at least an A-rating in the latest printing of the A.M. Best's Key Rating Guide to write individual bonds up to 10 percent of policyholders' surplus.

c. If the protestor elects to present a cashier's check or certified check as security, such check must be drawn on a bank, credit union, or savings institution which is insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, payable at sight or unconditionally assigned.

3.a. The bond or security shall be presented to the Office of State Procurement in a form approved by the Office of State Procurement, as detailed in Section 1605 of this Chapter.

b. For delivery in person, by package service, or USPS:

Office of State Procurement
Attn: OSP Director / State CPO
Suite 2-160, Claiborne Bldg.
1201 N Third St., Baton Rouge, LA 70802

4. The amount of the bond or other security submitted shall be in accordance with R.S. 39:1671(F)(2).

5. Any surety bond, cashier's check, or certified check presented must be valid on its face for a period of at least 6 months from the date of issuance. In the event the surety bond, cashier's check, or certified check contains an expiration date or otherwise expires or lapses prior to final resolution of the protest, it shall be the responsibility of the protestor to immediately provide a replacement, working with the surety if applicable, without prompting by the Office of the State Procurement. Expiration or lapsing of a surety bond, cashier's check, or certified check without timely remedy may be grounds for lifting of the stay of award without relieving the protestor of any liability it may have for claims against the amount of the bond, cashier's check or certified check initially pledged, in the event the protest is eventually rejected.

6. The Office of State Procurement shall be the obligee and custodian of the bond, cashier's check, or certified check until the protest and stay have been finally resolved. The Office of State Procurement shall not deposit or access such funds or draw interest on them.

7. Any protestor may request at any time to irrevocably cancel or lift their own stay, and request the return of the bond or security without penalty. The Office of State Procurement may approve or deny such a request.

8. If the protest is upheld and the award is cancelled, or if the award or solicitation is cancelled prior to final resolution of the protest, or if the protestor succeeds in an administrative or judicial appeal of an adverse protest decision, the bond or security shall be returned to the person who submitted same without penalty or delay, or securely destroyed after a period of 90 days thereafter if return is not practicable.