

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 2, 2025

Subject: LAC 46:I.Chapter 21. Architects Selection Board

The State Board of Architectural Examiners has proposed amendments to LAC 46:I.Chapter 21, Architects Selection Board, which pertain to the election of the five regular members of such selection board.

To facilitate the Department of Justice’s review of the proposed rule amendments, 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.2101-2115 and LAC 46:I.2119.

Applying the criteria required by Act 192 and EO JML 25-035, the Louisiana State Board of Architectural Examiners (LSBAE) reviewed Chapter 21 of its rules (LAC 46:I.Chapter 21). It decided that amendments of LAC 46:I.2103, LAC 46:I.2107, LAC 46:I.2109, and LAC 46:I.2113- 2119 should be made.

The proposed rule amendments allow for email transmissions to submit nominations (LAC 46:I.2103), distribute and return ballots (LAC 46:I.2107 and LAC 46:I.2109), and provide notice of election results to the candidates (LAC 46:I.2113 and LAC 46:I.2119); provide for online voting (LAC 46:I.2109); provide for the electronic tabulation of votes (LAC 46:I.2113); clarify that only properly licensed architects residing in Louisiana are eligible to vote (LAC 46:I.2107, LAC 46:I.2109, and LAC 46:I.2115); provide that an architect previously nominated but not elected will receive notice of any vacancy of the person elected (LAC 46:I.2117); and provide for related matters.

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.

Further, R.S. 38:2311(A)(1)(a) provides:

§2311. Boards; creation, organization, powers, duties

A.(1) There are hereby created the following professional services selection boards:

(a) The Louisiana Architects Selection Board. The board shall be composed of eight members. Five shall be regular members, one elected from each of five districts set forth in Items (i) through (v) of this Subparagraph. Each member shall be elected in an election conducted by the Louisiana State Board of Architectural Examiners, under such rules and regulations to be promulgated by the Louisiana State Board of Architectural Examiners, in which election all properly licensed architects residing in Louisiana are eligible to vote for the same number of candidates as there are positions to be filled. *
(Emphasis added).**

3. Check all of 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 rule amendments relate to the election of the five regular members of the Louisiana Architects Selection Board. The proposed rule amendments update, modernize, simplify, and clarify the rules promulgated. The LSBAE is mandated by R.S. 38:2311(A)(1)(a) to conduct the election of the regular members to such board, “under such rules and regulations to be promulgated by the Louisiana State Board of Architectural Examiners.”

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. 38:2311(A)(1)(a) mandates that the LSBAE conduct the election of the five regular members of the Louisiana Architects Selection Board “under such rules and regulations to be promulgated by the Louisiana State Board of Architectural Examiners.”

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 21 (LAC 46:I.Chapter 21). It determined that amendments to LAC 46:I.2103, LAC 46:I.2107, LAC 46:I.2109, and LAC 46:I.2113- 2119 should be made. The LRC recommended such amendments 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 21 (LAC 46:I.Chapter 21), 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.