

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: February 23, 2026

Subject: LAC 46:I.Chapter 22. Louisiana Architecture Education and Research Fund

The State Board of Architectural Examiners (LSBAE) has proposed amendments to LAC 46:I.Chapter 22. Louisiana Architecture Education and Research Fund. The legislature authorized the LSBAE to establish the fund by Act No. 251 of 2016, codified as R.S. 37:144(G), and named it the Louisiana Architecture Education and Research Fund. The rules in Chapter 22, all promulgated in 2018, all relate to the fund.

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. The remaining rules must be reviewed by December 31, 2026. 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.

Applying the criteria required by Act 192 and EO JML 25-035, the LSBAE reviewed Chapter 22 of its rules (LAC 46:I. Chapter 22). It decided that amendments of LAC 46:I.2201 pertaining to proposals, LAC 46:I.2211 pertaining to awards, LAC 46:I.2213 pertaining to use of funds awarded, and LAC 46:I.2215 pertaining to the final report should be made.

The proposed rule amendments allow proposals for awards to include digital deliverables (LAC 46:I.2201); clarify that failure to submit the final report will result in forfeiture of a portion of the award and for ineligibility for future awards unless good cause is shown (LAC 46:I.2211.E); provide for exceptions to excuse non-use of funds received during the academic year received (LAC 46:I.2211.F); clarify permissible and non-permissible use of funds awarded (LAC 46:I.2213); clarify when the final report must be submitted (LAC 46:I.2215); 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 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.

Allocating a portion of licensing and delinquent fees to the Louisiana Architecture Education and Research Fund, receiving proposals for awards from such fund, reviewing proposals, making awards, determining how awards may be used, reporting outcomes from expenditures, and related matters, are all included in the duties of the LSBAE. R.S. 37:144(G) (Act 251 of 2016) provides:

G. (1) The board may allocate up to ten percent of all license renewal and delinquent fees each fiscal year to a fund to be named the Louisiana Architecture Education and Research Fund. The purpose of the fund is to better prepare students for internships and future careers as architects by authorizing the board to make awards to universities in this state accredited by and in good standing with the National Architectural Accrediting Board (NAAB).

(2) The fund shall be used exclusively for one or more of the following in order to improve architectural education and the licensure of student interns in this state:

(a) Integration of practice and education in the professional NAAB degree curriculum.

(b) Implementation of a path to licensure resulting in an architectural license at the time of graduation from a NAAB-accredited professional degree program.

(c) Facilitation of enrollment and completion of training requirements for the Intern Development Program (IDP) as administered by the National Council of Architectural Registration Boards (NCARB).

(d) Assistance of students and interns in preparation for the taking of the Architectural Registration Exam (ARE).

(e) Methods for raising awareness of the responsibilities of architects and of the ways that public health, safety, and welfare are impacted by architects.

(3) An accredited university architectural program shall submit an annual proposal and budget, including any information deemed necessary by the board, to be considered for any award from the board.

(4) The board shall submit an annual report to the appropriate legislative oversight committee regarding its allocation of monies from the fund for the preceding fiscal year.

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 Louisiana Architecture Education and Research Fund authorized by the legislature in R.S. 37:144(G) (Act 251 of 2016). The proposed rule amendments modernize and clarify the rules promulgated by the board in 2018 relating to proposals, budgets, uses, purposes, reports, and outcomes of awards from the fund to universities to better prepare students for internships and future careers as architects, and related matters.

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 public welfare by reserving the practice of architecture to persons who have the proper qualifications and have been registered by the board. 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.

To accomplish this policy, R.S. 37:144(G) provides that the board may allocate up to ten percent of all license renewal and delinquent fees each fiscal year to a fund to be named the Louisiana Architecture Education and Research Fund. The purpose of the fund is to better prepare students for internships and future careers as architects by authorizing the board to make awards to universities in this state accredited by and in good standing with the National Architectural Accrediting Board (NAAB).

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 22 (LAC 46:I.Chapter 22). It determined that amendments to LAC 46:I.2201 pertaining to proposals, LAC 46:I.2211 pertaining to awards, LAC 46:I.2213 pertaining to use of funds awarded, and LAC 46:I.2215 pertaining to the final report 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 22 (LAC 46:I.Chapter 22), as amended, 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.