

Dear Senators ANDREASON, McKague, Stennett, and  
Representatives BLACK, Henderson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Board of Architectural Examiners:  
IDAPA 24.01.01 - Rules of the Board of Architectural Examiners (Docket No. 24-0101-1101).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 10/18/2011. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 11/15/2011.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4845, or send a written request to the address or FAX number indicated on the memorandum enclosed.



Jeff Youtz  
Director

# Legislative Services Office Idaho State Legislature

*Serving Idaho's Citizen Legislature*

## MEMORANDUM

**TO:** Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee  
**FROM:** Principal Legislative Research Analyst - Brooke Murdoch  
**DATE:** September 28, 2011  
**SUBJECT:** Bureau of Occupational Licenses - Board of Architectural Examiners

IDAPA 24.01.01 - Rules of the Board of Architectural Examiners (Docket No. 24-0101-1101)

The Bureau of Occupational Licenses submits proposed rulemaking at IDAPA 24.01.01 - Rules of the Board of Architectural Examiners. The proposed rule changes include the following:

- (1) Updates to the editions of the NCARB Handbook for Interns and Architects and the NCARB Rules of Conduct;
- (2) Increases the minimum hours of continuing education in health, safety and welfare from eight hours annually to twelve hours in the calendar year prior to license renewal, effective January 1, 2014;
- (3) Decreases the maximum hours of continuing education that a licensee may carry over to meet the next year's continuing education requirement from eight hours to six hours;
- (4) Revises the course qualifications that satisfy the architectural health, safety and welfare continuing education requirement;
- (5) Increases the number of years each licensee is required to maintain verification of attendance at continuing education courses from three years to five years; and
- (6) Removes an exemption to the continuing education requirements.

Negotiated rulemaking was not conducted because the rule changes were discussed in a noticed open meeting.

The proposed rule is within the authority granted to the Board of Architectural Examiners in Section 54-312, Idaho Code.

cc: Bureau of Occupational Licenses - Board of Architectural Examiners  
Tana Cory & Cherie Simpson

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**24.01.01 - RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS**  
**DOCKET NO. 24-0101-1101**

**NOTICE OF RULEMAKING - PROPOSED RULE**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 54-312, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2011.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Architectural Examiners is updating the editions of the National Council of Architect Registration Boards (NCARB) Handbook for Interns and Architects and the Rules of Conduct which are incorporated by reference. It is also changing the continuing education required annually to a calendar year basis and increasing the number of hours required from eight (8) to twelve (12) effective January 1, 2014. This change will bring the continuing education up to national standards.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule changes were discussed in a noticed open meeting.

**INCORPORATION BY REFERENCE:** Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Cherie Simpson at 208 334-3233.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2011.

DATED this 29<sup>th</sup> day of August, 2011.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
700 W State  
Boise, ID 83702  
(208) 334-3233 Ph. (208) 334-3945, fax

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**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 24-0101-1101**

**004. INCORPORATION BY REFERENCE (RULE 4).**

The document titled 2009~~11~~ -2010~~2~~ NCARB Handbook for Interns and Architects, dated July 2009~~11~~, referenced in Subsection 250.01, is herein incorporated by reference. The document titled NCARB Rules of Conduct as published by the National Council of Architectural Registration Boards, Dated July 2009~~11~~, referenced in Section 750, is hereby incorporated by reference. All documents incorporated by reference can be obtained at the office of the Bureau and on the Board web site. (3-29-10)(\_\_\_\_)

**(BREAK IN CONTINUITY OF SECTIONS)**

**450. CONTINUING EDUCATION (RULE 450).**

In order to protect the public health and safety and promote the public welfare, the Board has adopted the following rules for continuing education. (3-20-04)

**01. Continuing Education Requirement.** Each Idaho licensed architect must successfully complete a minimum of eight (8) hours of continuing education in architectural health, safety and welfare annually for license renewal. Effective January 1, 2014 and for each year thereafter, each Idaho licensed architect must successfully complete a minimum of twelve (12) hours of continuing education in architectural health, safety and welfare in the calendar year prior to license renewal. (3-20-04)(\_\_\_\_)

**a.** ~~Beginning January 1, 2005, e~~Each licensee shall submit to the Board a license renewal application form, together with the required fees, certifying by signed affidavit that compliance with the annual CE requirements have been met during the previous twelve (12) months. Effective January 1, 2014 and for each year thereafter, each licensee shall submit to the Board a license renewal application form, together with the required fees, certifying by signed affidavit that compliance with the annual CE requirements have been met during the previous calendar year. The Board may conduct such continuing education audits and require verification of attendance as deemed necessary to ensure compliance with the CE requirements. (4-6-05)(\_\_\_\_)

**b.** A licensee shall be considered to have satisfied their CE requirements for the first renewal of their initial license. Licensees who have failed to meet the annual continuing education requirement may petition the Board for additional time to complete their continuing education requirements. (3-20-04)

**c.** ~~After January 1, 2005 and p~~Prior to reinstatement of a license lapsed, canceled or otherwise non-renewed for less than five (5) years, the applicant shall provide proof of attendance consisting of eight (8) hours of continuing education for each year the license was lapsed. Effective January 1, 2014 prior to reinstatement of a license lapsed, canceled or otherwise non-renewed for less than five (5) years, the applicant shall provide proof of attendance consisting of twelve (12) hours of continuing education for each year the license was lapsed. A license lapsed, canceled or otherwise not renewed for more than five (5) years may be reinstated in accordance with Section 67-2614, Idaho Code. (4-6-05)(\_\_\_\_)

**d.** A licensee may carryover a maximum of ~~eight six~~ (86) hours of continuing education to meet the next year's continuing education requirement. (3-20-04)(\_\_\_\_)

**e.** One (1) continuing education hour shall be equal to one (1) learning unit, as determined by the American Institute of Architects, or one (1) clock hour of education, as determined by the Board. (3-20-04)

**02. Architectural Health, Safety and Welfare Requirement.** To qualify for continuing education, a course must involve architectural health, safety and welfare, which generally relates to the structural integrity or unimpairedness of a building or building sites and includes the following subject areas: (3-20-04)

**a.** ~~Architectural planning and pre-design, accessibility, acoustics, building design, code of ethics, codes, acts, laws and rules governing the practice of architecture, construction administration, construction laws, construction functions, materials, methods and systems, environmental issues, energy efficiency, asbestos, lead based paint, toxic emissions, environmental analysis and environmental issues of building materials and systems, fire, building fire codes, flames spread, smoke contribution, explosives, fire safety systems, fire detection alarm standards, insurance issues, interior design, material use, functions and features, materials systems, roofing, waterproofing,~~

~~wall systems, mechanical, plumbing and electrical system concepts, materials and methods, security of buildings, natural hazards related to building design, earthquakes, high wind and floods, preservation, renovation, restoration and adaptive reuse and sustainable design, site and soil analysis, site design, specification writing, structural issues, survey methods and techniques, and such other subjects as determined by the Board. Legal, which includes laws, codes, zoning, regulations, standards, life safety, accessibility, ethics, insurance to protect owners and public.~~

(3-20-04)( )

**b.** Building systems, which includes structural, mechanical, electrical, plumbing, communications, security, and fire protection. ( )

**c.** Environmental, which includes energy efficiency, sustainability, natural resources, natural hazards, hazardous materials, weatherproofing, and insulation. ( )

**d.** Occupant comfort, which includes air quality, lighting, acoustics, ergonomics. ( )

**e.** Materials and methods, which includes construction systems, products, finishes, furnishings, and equipment. ( )

**f.** Preservation, which includes historical, reuse, and adaptation. ( )

**g.** Pre-Design, which includes land use analysis, programming, site selection, site and soils analysis, and surveying. ( )

**h.** Design, which includes urban planning, master planning, building design, site design, interiors, safety and security measures. ( )

**i.** Construction documents, which includes drawings, specifications, and delivery methods. ( )

**j.** Construction contract administration, which includes contracts, bidding, contract negotiations. ( )

**03. Approved Credit.** Continuing education courses must be in the subject of architectural health, safety and welfare and be presented by: (3-20-04)

**a.** Providers approved by the National Architectural Accreditation Board (NAAB) schools of architecture; or (3-20-04)

**b.** Providers approved by the National Council of Architect Registration Board (NCARB); or (3-20-04)

**c.** Providers approved by the American Institute of Architects (AIA); or (3-20-04)

**d.** Providers as otherwise approved by the Board. All requests for approval or pre-approval of continuing education credits must be made to the Board in writing and must be accompanied by a statement that includes the name of the instructor or instructors, his or her qualifications, the date, time and location of the course, the specific agenda for the course, the number of continuing education hours requested, and a statement of how the course is believed to be in the nature of architectural health, safety and welfare. (3-20-04)

**04. Verification of Attendance.** It shall be necessary for each licensee to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution substantiating any and all hours attended by the licensee. This verification shall be maintained by the licensee for a period of ~~three~~ five (35) years and provided to the Board upon request of the Board or its agent. (3-20-04)( )

**05. Failure to Fulfill the Continuing Education Requirements.** The license will not be renewed for those licensees who fail to certify or otherwise provide acceptable documentation of meeting the CE requirements. Licensees who make a false attestation regarding compliance with the CE requirements shall be subject to

disciplinary action by the Board.

(3-20-04)

**06. Exemptions.** A licensed architect shall be deemed to have complied with the CE requirements if the licensee attests in the required affidavit that for not less than ten (10) months of the preceding one (1) year period of licensure, the architect has met one (1) of the following criteria: (3-20-04)

**a.** Has served honorably on active duty in the military service (exceeding ninety (90) consecutive days). (3-20-04)

~~**b.** *Is a resident of another jurisdiction recognized by the Board having a continuing professional education requirement for registration as an architect and has complied with all requirements of that state or district for practice therein.*~~ (3-20-04)

**eb.** Is a government employee working as an architect and assigned to duty outside the United States. (3-20-04)

**dc.** Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health (certified by a medical doctor) or other good cause. The architect must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. (3-20-04)