

ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 22. EXAMINING BOARDS

PART 1. TEXAS BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 1. ARCHITECTS

SUBCHAPTER C. EXAMINATION

22 TAC §1.41

The Texas Board of Architectural Examiners (Board) adopts amendments to 22 Texas Administrative Code §1.41. The amendments are adopted without changes to the proposed text published in the October 18, 2024, issue of the *Texas Register* (49 TexReg 8469) and will not be republished.

Reasoned Justification. The adopted rule provides an earlier opportunity to begin taking the Architect Registration Examination (ARE). The ARE is a six-division exam used to assess knowledge and skills regarding the practice of architecture. The ARE is prepared and scored by the National Council of Architectural Registration Boards (NCARB) and is required by all U.S. jurisdictions as a step on the path to earning an architectural registration.

Previously, rule §1.41 required completion of "at least six (6) months of full-time experience working under the direct supervision of a licensed architect," in order to be approved to take the ARE. The adopted rule §1.41 removes this requirement. By removing the experience requirement prior to testing, rule §1.41 streamlines the examination process and reduces impediments to registration. Note, this adopted rule change does not impact the requirement under §1.41 that an applicant must demonstrate completion of the Architectural Experience Program (a 3,740 hour experience program administered by NCARB) prior to becoming registered. Rather, the adopted rule allows applicants the flexibility to begin testing prior to collecting working experience.

This rule amendment was spurned by a recent NCARB resolution to amend its Model Law and Regulations. Under that resolution, the model law would allow applicants to begin testing with only a high school degree or equivalent. The Board is unable to fully implement NCARB's new policy because its enabling statute requires applicants to have graduated from a recognized university or college of architecture approved by the Board prior to approval for testing. However, the Board has greater discretion to determine the appropriate level of experience that is required prior to testing and is therefore amending this rule to allow applicants an earlier start in the examination process.

Accordingly, the Board amends the rule to eliminate the experience requirement prior to testing. The adopted amendments to rule §1.41 give architect candidates an earlier opportunity and

greater flexibility to take an exam section when they feel most prepared.

Summary of Comments and Agency Response. The Board did not receive any comments on the proposed rule.

Statutory Authority. The amendment of §1.41 is adopted under Tex. Occ. Code §1051.202, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of architecture; and Tex. Occ. Code §1051.705, which authorizes the Board to adopt an experience requirement for eligibility to take the registration examination for architects.

Cross reference to statutes. The adopted amendment does not affect any other statute.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 6, 2025.

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CHAPTER 3. LANDSCAPE ARCHITECTS

SUBCHAPTER C. EXAMINATION

22 TAC §3.41

The Texas Board of Architectural Examiners ("Board") adopts the amendment of 22 Texas Administrative Code §3.41. The amendments are adopted without changes to the proposed text published in the October 18, 2024, issue of the *Texas Register* (49 TexReg 8470) and will not be republished.

Reasoned Justification. This the adopted rule provides an earlier opportunity to begin taking the Landscape Architect Registration Examination (LARE). The LARE is a four-part examination designed to determine whether applicants for landscape architectural registration possess sufficient knowledge, skills, and abilities to provide services without endangering the health, safety and welfare of the public. The LARE is prepared and scored by the Council of Landscape Architectural Registration Boards (CLARB).

Previously, rule §3.41 required completion of "at least six (6) months of full-time experience working under the direct supervision of a licensed landscape architect," in order to be approved

to take the LARE. The adopted rule §3.41 removes this requirement. By removing the experience requirement prior to testing, rule §3.41 streamlines the examination process and reduces impediments to registration. Note, this adopted rule change does not impact the requirement under §3.191 that an applicant must complete at least 3,640 hours of acceptable experience prior to becoming registered. Rather, the adopted rule allows applicants the flexibility to begin testing prior to collecting working experience.

This rule amendment aligns Texas with the majority of CLARB jurisdictions. The national trend is to eliminate experience requirements prior to testing, and Texas is one of only seven states that still required experience before beginning testing. The Board has discretion to determine the appropriate level of experience that is required prior to testing.

Accordingly, the Board proposes eliminating the experience requirement prior to testing. The adopted amendments to rule §3.41 give landscape architect candidates an earlier opportunity and greater flexibility to take an exam section when they feel most prepared.

Summary of Comments and Agency Response. The Board did not receive any comments on the proposed rule.

Statutory Authority. The amendment of §3.41 is adopted under Tex. Occ. Code §1051.202, which authorizes the Board to adopt

reasonable rules as necessary to regulate the practice of landscape architecture; and Tex. Occ. Code §1052.154, which authorizes the Board to adopt an experience requirement for eligibility to take the registration examination for landscape architects.

Cross Reference to Statute. The adopted amendment does not affect any other statute.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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