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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 806
STATE BOARD OF ARCHITECT EXAMINERS

FILED

08/22/2022 2:10 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: CORRECTION - Removes exceptions to NCARB Portfolios, updates references to NCARB guidelines, updates recognized jurisdictions language.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/27/2022 4:30 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Mari Karnowski
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205 Liberty St NE, Suite A
Salem, OR 97301

Filed By:
Mari Karnowski
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/27/2022

TIME: 2:00 PM - 2:30 PM

OFFICER: Mari Karnowski

ADDRESS: OSBAE - Videoconference

205 Liberty St NE Suite A

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Contact mari.karnowski@osbae.oregon.gov or (503) 763-0662 x 1 for information on how to join the videoconference. The hearing will be adjourned if there are no attendees after 10 minutes.

NEED FOR THE RULE(S)

To remove exceptions to NCARB's Architectural Experience Portfolio (AXP) and the Certificate Portfolio; update date references to the July 2022 version of NCARB's Certification Guidelines; delete separate references to Canada, Australia, and New Zealand as they are included in NCARB's mutual recognition agreements/arrangements; and add the term "arrangements" to mutual recognition agreements to match NCARB's terminology.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 671 and OAR 806 are available at www.osbae.com and NCARB guidelines are available at www.ncarb.org.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Accepting the Peer Reviewed Portfolio and Certificate Portfolio will help remove barriers to registration by reciprocity in Oregon for all qualified architects, regardless of race.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact to registrants or small businesses.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) No economic impact on state agencies, units of local governments, or members of the public.

(2) No effect on small businesses.

(a) The revisions only apply to individual applicants.

(b) No reporting, recordkeeping, administrative impacts, or new costs required to comply with the rules.

(c) No increased costs for services, supplies, labor, or administration as a result of the rule amendments.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Board members that work for or own small businesses participated in the rule revisions.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The revisions were discussed at a public Board meeting. The proposed rules will be distributed to all actively registered architects and architectural firms and input will be obtained via the public hearing and public comment process.

RULES PROPOSED:

806-010-0010, 806-010-0033, 806-010-0035

AMEND: 806-010-0010

RULE SUMMARY: Removes barriers to registration by removing the exceptions to NCARB's Architectural Experience Portfolio (AXP) and the NCARB Certificate Portfolio and updates date references to NCARB's guidelines.

CHANGES TO RULE:

806-010-0010

Approved Architect and Firm Registration and Evaluation Programs ¶¶

(1) The Board adopts the education standard adopted by the National Council of Architectural Registration Boards (NCARB), consisting of a professional degree in architecture from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB), or a professional degree in architecture certified by the CACB from a Canadian University.¶¶

(2) The Board adopts the requirements in the document titled NCARB Architectural Experience Program (AXP) Guidelines dated May 2020, ~~with the exception of documenting experience through the AXP Portfolio~~, for the experience requirement for registration.¶¶

(3) The Board adopts the Architect Registration Examination (ARE) 5.0 prepared by NCARB, and previously adopted versions of the examination, as the approved examination to test applicant qualifications for registration.¶¶

(4) The Board adopts the requirements in the document titled NCARB Certification Guidelines dated July 2024, ~~with the exception of documenting experience through the AXP Portfolio~~,² for the NCARB Certificate under OAR 806-010-0035(3)(f)(A).¶¶

(5) A person may be considered for registration by the Board by satisfying:¶¶

(a) The rules for registration by examination under OAR 806-010-0020; or ¶¶

(b) The rules for registration by reciprocity under OAR 806-010-0035.¶¶

(6) A firm may be considered for registration by the Board by satisfying the rules under OAR 806-010-0080. ¶¶

(7) To pass the Jurisprudence Exam (JE) an individual must do the following:¶¶

(a) Complete the JE within 90 minutes. ¶¶

(b) Score at least 84 percent. ¶¶

(A) An individual who fails the JE must wait seven days before retaking the examination. ¶¶

(B) Test results are final and binding on the applicant. ¶¶

~~[Publications: Publications referenced are available from the agency.]~~

Statutory/Other Authority: ORS 670, 671

Statutes/Other Implemented: ORS 671.060

AMEND: 806-010-0033

RULE SUMMARY: Deletes separate references to Canada, Australia, and New Zealand as they are included in NCARB's mutual recognition agreements/arrangements. Adds the term "arrangements" to mutual recognition agreements to match NCARB's terminology.

CHANGES TO RULE:

806-010-0033

Recognized Jurisdictions ¶¶

(1) The Board recognizes the following jurisdictions:-¶¶

(a) Each state of the United States;-¶¶

(b) The District of Columbia;-¶¶

(c) Guam;-¶¶

(d) Puerto Rico;-¶¶

(e) The US Virgin Islands;-¶¶

(f) ~~Each province of Canada;-¶¶~~

~~(g) States and territories in Australia;-¶¶~~

~~(h) New Zealand;-¶¶~~

~~(i) The Northern Mariana Islands; and¶¶~~

(jg) Jurisdictions that the Board has entered into mutual recognition agreements/arrangements through NCARB.

¶¶

(2) The Board will consider applicants from other jurisdictions who have been qualified under the NCARB Foreign Architect Certification Guidelines. They must meet NCARB's certification guidelines before being considered for registration.

Statutory/Other Authority: ORS 671.125

Statutes/Other Implemented: ORS 671.010, 671.020, 671.041, 671.065

AMEND: 806-010-0035

RULE SUMMARY: Updates date reference to NCARB's guidelines.

CHANGES TO RULE:

806-010-0035

Registration by Reciprocity ¶¶

(1) No person may use the "Architect" title, except under the conditions outlined under OAR 806-010-0037 and ORS 671.065. ¶¶

(2) Prior to practicing architecture in Oregon, an individual must apply for and obtain a certificate of registration from the Board.¶¶

(3) To become registered by reciprocity to practice architecture in Oregon, an individual must ¶¶

(a) Possess an active architectural certificate of registration or license from another Board recognized jurisdiction; ¶¶

(b) Submit a complete Registration by Reciprocity Application form;¶¶

(c) Pay the required fees; ¶¶

(d) Pass the Jurisprudence Exam according to OAR 806-010-0010(87);¶¶

(e) Provide any other information required by the Board; and¶¶

(f) Provide all required documentation by¶¶

(A) Transmitting an active Certificate issued by the National Council of Architectural Registration Boards (NCARB) as approved by the Board, or ¶¶

(B) Submitting official (i.e., provided to the Board by the granting authority) documentary evidence of all the following: ¶¶

(i) A professional degree in architecture meeting the education standard under OAR 806-010-0010(1); ¶¶

(ii) Passing the ARE or the examination equivalents to the ARE as listed in the July 2024~~2~~ NCARB Certification Guidelines, available at www.ncarb.org or by request from the Board; and¶¶

(iii) Completion of the NCARB AXP program, or two years of practice in architecture in a Board recognized jurisdiction after initial registration or licensure.¶¶

(4) The Board reserves the right to require an oral interview of any reciprocity applicant. Oral interviews are held on regularly scheduled Board meeting dates. If an oral interview is required, the applicant will be notified.¶¶

(5) Upon successful completion of all requirements for registration by reciprocity, the individual will be issued a certificate of registration and decorative wall certificate according to OAR 806-010-0040.¶¶

(6) If an application is not deemed complete within 12 months of the date of the original application, the applicant must apply again as a new applicant.

Statutory/Other Authority: ORS 671.125

Statutes/Other Implemented: ORS 671.050, 671.065