

At a duly called and noticed meeting of the Legislative Council/Joint Committee on Administrative Regulation Review on March 22, 2018, the Council took the following actions:

- (1) Found that Rule 100-X-4-.10 of the Board for Registration of Architects may significantly lessen competition but was adopted pursuant to a clearly articulated state policy to do so and adopted the written statement offered by the board (attached).
- (2) Set the salary of the Chief Examiner of Public Accounts.
- (3) Created a subcommittee to plan the 2018 Legislative Orientation Program.

**BEFORE THE JOINT COMMITTEE ON ADMINISTRATIVE
REGULATION REVIEW**

IN THE MATTER OF:)	
)	
ALABAMA BOARD OF)	LRS# 2018-439
REGISTRATION OF)	
ARCHITECTS:)	
ADMINISTRATIVE RULE)	
100-X-4-.10)	

WRITTEN STATEMENT

Pursuant to Ala. Code 1975 § 41-22-22.1, the Joint Committee/Legislative Council of the Alabama Legislature has reviewed the Legislative Services Agency's Legal Division's¹ ("Legal Division") independent review dated January 30, 2018 of the Architect Board's Admin. Code r. 100-X-4-.10 ("Rule 100-X-4-.10"), and the Architect Board's Preliminary Decision dated January 3, 2018, related to the same and issues the following final written statement:


This Committee APPROVES Rule 100-X-4-.10 which became effective March 26, 2010, and the Board's preliminary declaratory ruling finding that Rule 100-X-4-.10 is consistent with the single-family exemption set forth in Ala. Code 1975 § 34-3-32(b). The Committee's decision conforms with the Legal Division's Review wherein it, too, determined that "The language in the rule in question mimics the language in the code almost word for word. The only difference is that the rule refers to a 'detached single-family residence' while the code refers

¹ The Legislative Reference Service was established as a legislative agency by an act of the Legislature in 1945 and became the Legal Division of the Legislative Services Agency in 2017.

to a 'single family residence building.' We fail to see any discernible difference in these two terms." (See Review at # LRS, 2018-439. p. 3, ¶ 4).

This Committee further finds that, although the regulatory rule in issue may lessen competition, it is consistent with and conforms to the Board's corresponding exemption statute, § 34-3-32(b), which was enacted pursuant to the State Legislature's clearly articulated policy to safeguard the health, safety and welfare of the public by requiring the services of a registered architect on certain projects. Additionally, the Committee APPROVES and ADOPTS the following language from the Legal Division's Review which states in pertinent part that "...there is a clearly articulated state policy authorizing the board to have promulgated the rule, and it therefore enjoys immunity from antitrust laws under North Carolina Board of Dental Examiners." (See Review at LRS # 2018-439. p. 4).

DONE this the ___ day of March 2018.



Committee Chair