

Dear Senators ANDREASON, Coiner & Werk, and  
Representatives BLACK, Henderson & Elaine Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses: IDAPA 24.07.01 Rules of the State Board of Landscape Architects (Docket No. 24-0701-0801).

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 12-18-08. 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 1-26-08.

\_\_\_\_\_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 334-2475, or send a written request to the address or FAX number indicated on the memorandum enclosed.

## **MEMORANDUM**

**TO:** Subcommittees for Administrative Rules Review of the Senate Commerce and Human Resources Committee and the House Business Committee

**FROM:** Eric Milstead, Principal Research Analyst

**DATE:** December 1, 2008

**SUBJECT:** Bureau of Occupational Licenses - IDAPA 24.07.01 Rules of the State Board of Landscape Architects (Docket No. 24-0701-0801)

The Bureau of Occupational Licenses has submitted temporary and proposed rules at IDAPA 24.07.01 - Rules of the State Board of Landscape Architects. [NOTE: The Legislative Services Office received these temporary and proposed rules on November 24, 2008]. The Bureau states that negotiated rulemaking was not conducted because the temporary and proposed rule is necessary to clarify ambiguity. Simply put, the temporary and proposed rule updates Section 425.01 which was inadvertently not updated following a rule change approved by the Legislature during the 2008 legislative session.

The effective date of the temporary rule was October 10, 2008.

The proposed rule appears to be within the authority granted to the Board under Section 54-3003, Idaho Code.

cc: Bureau of Occupational Licenses  
Tana Cory & Cherie Simpson

## **IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**

### **24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS**

**DOCKET NO. 24-0701-0801**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 10, 2008.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-3003, 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 December 17, 2008.

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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The 2008 Legislature approved a change to Section 004 for the CLARB model rules of professional conduct as amended February 2007. Subsection 425.01 was not updated at that time and has created a conflict of requirements. This change will protect public safety by removing the ambiguity and specifying the appropriate code of conduct.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) a and b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The 2008 Legislature approved a change to subsection 004 for the CLARB model rules of professional conduct as amended February 2007. Subsection 425 was not updated at that time and has created a conflict of requirements. This change will protect public safety by removing the ambiguity and specifying the appropriate code of conduct.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: None

**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: None

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the change is necessary to remove ambiguity and specify appropriate code of conduct.

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

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 24, 2008.

DATED this 31st day of October, 2008.

Tana Cory  
Bureau Chief  
Bureau of Occupational Licenses  
1109 Main St., STE 220  
Boise, ID 83702  
(208) 334-3233 phone  
(208) 334-3945 fax

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 24-0701-0801**

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**425. RULES OF PROFESSIONAL RESPONSIBILITY (RULE 425).**

**01. Rules of Professional Responsibility.** Pursuant to Section 004 of these rules, ~~the~~ CLARB model rules of professional conduct, as ~~amended September 2002~~ incorporated, are ~~hereby adopted as~~ the Rules of Professional Responsibility for all Idaho licensed landscape architects. ~~(3-20-04)~~(10-10-08)T

**02. Violation of the Rules of Professional Responsibility.** The Board will take action against a licensee under Section 54-3004(5), Idaho Code, who is found in violation of the Rules of Professional Responsibility. (3-20-04)