

Dear Senators TIPPETS, Patrick, Schmidt, and
Representatives HENDERSON, Thompson, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Bureau of Occupational Licenses - Idaho State Board of Landscape Architects:
IDAPA 24.07.01 - Rules of the Idaho State Board of Landscape Architects (Docket No. 24-0701-1301) - **Fee Rule**.

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 10/07/2013. 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 11/05/2013.

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 on the memorandum attached below.



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 Brouman
DATE: September 18, 2013
SUBJECT: Bureau of Occupational Licenses - Idaho State Board of Landscape Architects

IDAPA 24.07.01 - Rules of the Idaho State Board of Landscape Architects (Docket No. 24-0701-1301) -
Fee Rule

The Bureau of Occupational Licenses, on behalf of the Idaho State Board of Landscape Architects, submits notice of proposed fee rulemaking. The rule changes are as follows:

- (1) Requires proof of successful passage of a Board-approved examination be submitted with an application package;
- (2) Modifies the submission deadline for the consideration of completed applications and provides for the disposition of inactive applications;
- (3) Clarifies that the examination prepared by the Council of Landscape Architectural Registration Boards is an approved examination, provides that the Board may approve other examinations and removes provisions relating to examination dates, required forms and reexamination;
- (4) Eliminates a \$25.00 processing fee; and
- (5) Removes a requirement that the Board meetings must take place in certain months and clarifies that the Board meetings will be held at least twice a year.

The Bureau states that there is no negative fiscal impact to the general fund as a result of this rulemaking. The elimination of the processing fee is expected to reduce the Board's dedicated fund by approximately \$225.00 per year. This figure is based on the number of examination applicants in the last calendar year.

The Board's fee rule is authorized pursuant to the provisions of Section 54-3003, Idaho Code.

cc: Bureau of Occupational Licenses
Tana Cory, Bureau Chief, & Cherie Simpson

PROPOSED RULE COST/BENEFIT ANALYSIS

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

Department or Agency: Bureau of Occupational Licenses

Agency Contact: Cherie Simpson Phone: 208 334-3233

Date: August 13, 2013

IDAPA, Chapter and Title Number and Chapter Name:

Title 54, Chapter 30, Idaho Code – IDAPA 24-07-01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

Fee Rule Status: Proposed Temporary

Rulemaking Docket Number: 24-0701-1301

STATEMENT OF ECONOMIC IMPACT:

There is no impact on general funds. This rulemaking will remove the processing fee for the examination and is anticipated to reduce the Board's dedicated fund by approximately \$225 per year based on the number of examination applicants in the last calendar year.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-1301 (FEE RULE)

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 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 September 18, 2013.

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 Council of Landscape Architectural Registration Boards (CLARB) has changed the examination to on-line and applicants now apply directly to the exam provider to take the examination. The Board is amending its rule to allow for the change in the examination process. The Board is currently required to meet in April and October of each year. The Board is amending the rule to require that it meet twice yearly and at such other times as it deems necessary.

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

Rule 400 is being amended to remove the processing fee for the examination as the examination is scheduled and taken through the examination provider.

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:

This rulemaking is anticipated to reduce the Board's dedicated fund by approximately \$225 per year based on the number of examination applicants in the last calendar year.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature and was discussed during a noticed open meeting of the Board.

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 September 25, 2013.

DATED this 9th day of August, 2013.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W State St.
P O Box 83720
Boise, ID 83720-0063
208 334-3233 phone 208 334-3945 fax

THE FOLLOWING IS THE PROPOSED TEXT OF FEE DOCKET NO. 24-0701-1301

201. APPLICATION FORM (RULE 201).

01. Reference Requirements. Applicants are required to furnish the Board with four (4) references. Two (2) of the references must be from currently licensed Landscape Architects. The remaining two (2) may be licensed landscape architects, licensed engineers, licensed architects, or any combination thereof. All references must be from competent individuals who are well acquainted with the applicant's character and professional ability.

(3-29-10)

02. Materials Submitted to Board. All required applications, statements, fees and other documentation must be submitted to the Board in care of the Bureau of Occupational Licenses, and shall include:

(3-20-04)

a. A passport photograph taken within thirty (30) days of the date of application; (3-20-04)

b. Documentation of being at least eighteen (18) years of age at the time of application; and (3-20-04)

c. Either certification of graduation from an approved college or school of landscape architecture; or (3-20-04)

d. Documentation of all actual landscape architectural or other applicable experience signed by the person under whose supervision the work was performed, giving kind and type of work done, together with dates of employment: and (3-20-04)()

e. Proof of successful passage of an examination approved by the Board. ()

03. Deadlines. To be considered by the Board, completed applications must be received by the Bureau ~~at least thirty (30) days~~ prior to ~~the first day of the month in which~~ the next scheduled meeting of the Board ~~will meet~~. ~~Applications for examination must be filed with the Bureau of Occupational Licenses by April 1 for the June examination, or October 1 for the December examination.~~ (3-20-04)()

04. Inactive Applications. Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for twelve (12) consecutive months shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. ()

(BREAK IN CONTINUITY OF SECTIONS)

300. EXAMINATIONS (RULE 300).

The examination ~~shall be that published~~ prepared by the Council of Landscape Architectural Registration Boards is an approved examination. ~~Examinations will be in the months of June and December.~~ The Board may approve other examinations it deems appropriate. (3-20-04)()

01. Minimum Passing Score. The minimum passing score for each section of the examination shall be seventy-five percent (75%). (7-1-93)

02. Failing a Section of Exam. An applicant failing any section of the examination will be required to retake only that section failed. (7-1-93)

~~03. Required Forms. Each applicant approved for examination must provide notice of intent to sit for~~

~~examination on a form approved by the Board. Notice of intent to sit for examination must be filed with the Bureau of Occupational Licenses by April 1 for the June examination, or October 1 for the December examination. (3-20-04)~~

~~**04. Reexamination.** Applicants applying for reexamination must file an application of intent to sit for examination by April 1 for the June examination, or October 1 for the December examination. The fees for reexamination shall be the same as those for examination and must accompany the application of intent to sit. (3-20-04)~~

(BREAK IN CONTINUITY OF SECTIONS)

400. FEES (RULE 400).

Fees are not refundable, therefore, applications should not be filed unless the applicant can meet all requirements. (7-1-93)

01. Application Fee. Application Fee ~~(Original-Reapplication-Endorsement):~~ One hundred dollars (\$100). ~~(3-20-04)()~~

02. Landscape Architect-in-Training Application Fee. Landscape architect-in-training application fee: Twenty-five dollars (\$25). (3-26-08)

03. Examination Fees. Examination fees will be as established by the Council of Landscape Architectural Registration Boards. (3-20-04)

04. Original License and Annual License Fee. Original license and annual license fee: One hundred fifty dollars (\$150). (3-21-07)

05. Reinstatement Fee. Reinstatement fee: Twenty-five dollars (\$25). (7-1-93)

~~**06. Processing Fee.** Applicants for examination must submit a twenty five dollar (\$25) processing fee, together with the examination fees and the application fee. (3-20-04)~~

(BREAK IN CONTINUITY OF SECTIONS)

500. MEETINGS (RULE 500).

Board meetings will be held ~~in April and October of each~~ at least twice yearly and at such other times as the Board deems necessary. ~~(3-20-04)()~~