

Dear Senators PATRICK, Agenbroad, Ward-Engelking, and
Representatives DIXON, DeMordaunt, Smith:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Bureau of Occupational Licenses - State Board of Landscape Architects:

IDAPA 24.07.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 24-0701-1900F).

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 07/23/2019. 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 08/20/2019.

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 334-4854, or send a written request to the address on the
memorandum attached below.



Eric Milstead
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: Legislative Drafting Attorney - Matt Drake

DATE: July 02, 2019

SUBJECT: Bureau of Occupational Licenses - State Board of Landscape Architects

IDAPA 24.07.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 24-0701-1900F)

The Idaho Bureau of Occupational Licenses - State Board of Landscape Architects - submits notice of temporary and proposed rules at IDAPA 24.07.01, Rules of the State Board of Landscape Architects. The rulemaking adopts and re-publishes existing and previously approved chapters with minor edits in the nature of clean-up. **No substantive changes are noted.** This is a fee rule. **No new fees or charges are imposed by this rule reauthorization and republication.** These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation.

cc: Bureau of Occupational Licenses - State Board of Landscape Architects
Kelley Packer

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.07.01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

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

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

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:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 24.07.01, rules of the Idaho State Board of Landscape Architects:

IDAPA 24

- 24.07.01, *Rules of the Idaho State Board of Landscape Architects*—All rules *except Sections 010, 100, and 600.*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications to practice landscape architecture and ensure that an individual has demonstrated the knowledge, skills, and abilities to practice landscape architecture without endangering the health, safety or welfare of the public.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and the immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. Absent the ability to impose the licensure fees outlined in this chapter, the Idaho State Board of Landscape Architects would not be able to remain self-sufficient, contrary to its statutory mandate.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. Fees are established in accordance with Section 54-3003, Idaho Code, as follows: application fee: \$75; landscape architect-in-training application fee: \$25; and original license fee and annual license fee: \$125.

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: This rulemaking is not anticipated to

have any fiscal impact on the state General Fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the Legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Rob McQuade 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 within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th of June, 2019.

Kelley Packer
Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720
Phone: (208) 334-3233
Fax: (208) 334-3945

**IDAPA 24
TITLE 07
CHAPTER 01**

24.07.01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-3003, Idaho Code, the Idaho State Board of Landscape Architects promulgates these rules which implement the provisions of Chapter 30, Title 54, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

These rules are titled IDAPA 24.07.01, “Rules of the Idaho State Board of Landscape Architects.” (11-25-94)

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements which pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-20-04)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals will be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-20-04)

004. INCORPORATION BY REFERENCE (RULE 4).

The document titled the Council of Landscape Architectural Registration Boards (CLARB) Model Rules of Professional Conduct as amended February 2007, referenced in Subsection 425, is herein incorporated by reference. (3-26-08)

005. ADDRESS OF IDAHO BOARD OF LANDSCAPE ARCHITECTS (RULE 5).

The office of the Board of Landscape Architects is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The phone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is lar@ibol.idaho.gov. The Board's official website is <http://www.ibol.idaho.gov>. (3-29-10)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Landscape Architects are subject to the provisions of the Idaho Public Records Act. Title 74, Chapter 1, Idaho Code. (3-20-04)

007. -- 100. (RESERVED)

101. APPROVED EDUCATION (RULE 101).

An approved college or school of landscape architecture shall have a landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB), or shall substantially meet the accrediting standards of the LAAB as may be determined by the Board. (3-22-18)

102. PRACTICAL EXPERIENCE IN LIEU OF EDUCATION (RULE 102).

An applicant shall document at least eight (8) years of actual practical experience in landscape architecture in lieu of graduation from an approved college or school of landscape architecture. Such experience shall establish the applicant's education in those subjects and areas contained in the curriculum of an approved college or school of landscape architecture. No less than fifty percent (50%) of such practical experience shall be under the supervision of a licensed landscape architect. (3-20-04)

103. -- 199. (RESERVED)

200. APPLICATION (RULE 200).

Each applicant for licensure shall submit a complete application together with the required fees to the Board. An application shall be made on the uniform application form adopted by the Board and furnished to the applicant by the Bureau. An application shall not be reviewed by the Board until all required information is furnished and the required

fees paid. (3-20-04)

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 (3-20-14)
- e. Proof of successful passage of an examination approved by the Board. (3-20-14)

03. Deadlines. To be considered by the Board, completed applications must be received by the Bureau prior to the next scheduled meeting of the Board. (3-20-14)

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. (3-20-14)

202. -- 249. (RESERVED)

250. LANDSCAPE ARCHITECT-IN-TRAINING (RULE 250).

An individual may represent themselves as a landscape architect-in-training only under the following conditions: (3-20-04)

01. Qualifications. Any person who is at least eighteen (18) years of age and has graduated from an approved college or school of landscape architecture, or who documents at least eight (8) years of actual practical experience in landscape architecture approved by the Board. (3-20-04)

02. Supervision. Each landscape architect-in-training shall be employed by and work under the direct supervision of an Idaho licensed landscape architect. Any change in supervision shall require a new application and registration. (3-26-08)

03. Prohibitions. A landscape architect-in-training shall not sign or seal any plan, specification, or other document, and shall not engage in the practice of landscape architecture except under the direct supervision of an Idaho licensed landscape architect. (3-20-04)

04. Registration. Each landscape architect-in-training shall register with the Board on forms provided by the Bureau of Occupational Licenses that shall include the application fee and the names and addresses of their employer, and supervisor. (3-26-08)

05. Termination. A registration for a landscape architect-in-training shall not exceed a total of six (6) years. (3-26-08)

251. -- 299. (RESERVED)

300. EXAMINATIONS (RULE 300).

The examination prepared by the Council of Landscape Architectural Registration Boards is an approved examination. The Board may approve other examinations it deems appropriate. (3-20-14)

01. Minimum Passing Score. The minimum passing score for each section of the examination shall be the score as determined by the examination provider. (3-20-14)

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)

301. (RESERVED)

302. ENDORSEMENT (RULE 302).

The Board may approve the registration and licensure of an applicant who holds a current license in another state and who has successfully passed the Landscape Architect Registration Examination as required by Section 300 or holds a current Council of Landscape Architectural Registration Boards certificate. (3-20-04)

303. -- 399. (RESERVED)

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: Seventy-five dollars (\$75). (3-22-18)

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 (CLARB). (3-22-18)

04. Original License and Annual License Fee. Original license and annual license fee: One hundred twenty-five dollars (\$125). (3-22-18)

05. Reinstatement Fee. Reinstatement fee is as provided in Section 67-2614, Idaho Code. (3-24-16)

401. -- 424. (RESERVED)

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 incorporated, are the Rules of Professional Responsibility for all Idaho licensed landscape architects. (3-29-10)

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)

426. -- 449. (RESERVED)

450. DISCIPLINE (RULE 450).

01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed landscape architect for each violation of Section 54-3004, Idaho Code. (3-18-99)

02. Costs and Fees. The Board may order a licensed landscape architect to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-3004, Idaho Code. (3-18-99)

451. -- 499. (RESERVED)

500. MEETINGS (RULE 500).
Board meetings will be held at least twice yearly and at such other times as the Board deems necessary. (3-20-14)

501. -- 999. (RESERVED)