

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

A-E 8, 9

3. Subject

Landscape Architect Licensure and Practice

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

All but two of the proposed rule amendments are based on statutory changes already in effect. Of the two exceptions, one clarifies an existing rule, and one removes obsolete date references, neither of which will make any substantive changes. Two of the statutory amendments from which this proposal arises have been in effect for more than two years, and thus, the proposed rule amendments prompted thereby involved no policy changes or discussions.

Neither the Legislative Council's original Act Memo for 2011 Wis. Act 146, nor the one created following the adoption of Senate Amendment 1, provide any information bearing on the impetus for granting full credentialing authority, including determining the content of the profession's licensure examination, to the Landscape Architecture Section of the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers and Land Surveyors (Joint Board). However, that authority grant would seem to reflect an acknowledgement that the Section, whose members are specifically devoted to the landscape architecture profession, are best equipped to perform that function, as opposed to the Joint Board as a whole.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

The rule amendments that are based on 2009 Wis. Acts 123 and 350, both of which have been in effect for more than two years, will have no current impact on any interested parties. 2011 Wis. Act 146's grant of full credentialing authority for landscape architects to the Landscape Architecture Section, which became effective on May 4, 2012, will have affected only those entities immediately involved, i.e., the Section and its licensees, the Joint Board, and DSPS credentialing and legal services staff.

11. Identify the local governmental units that participated in the development of this EIA.

None.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

None.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

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Promulgating the proposed amendments to the landscape architecture rules will implement the statutory changes made by 2009 Wis. Acts 123 and 350, and by 2011 Wis. Act 146, thus bringing the rules into conformance with the statutes. Because they are mandated by statute, there are no alternatives to promulgating these rules.

14. Long Range Implications of Implementing the Rule

The only potential long-range implication of this proposal is that current and future landscape architects will be better prepared to practice their profession, as their credentialing is now performed by the Landscape Architecture Section, whose members are specifically devoted to the landscape architecture profession, as opposed to the entire Joint Board, which governs several other professions as well.

15. Compare With Approaches Being Used by Federal Government

The federal government does not regulate professionals such as landscape architects.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The Illinois Landscape Architecture Act of 1989, incorporated into the Illinois Compiled Statutes (ILCS) at 225 ILCS 315, prohibits any person from representing him or herself as a landscape architect, or from using “landscape architect” or “landscape architecture” in a title associated with his or her name unless licensed by the Department of Financial and Professional Regulation (DFPR). 225 ILCS 315/4. However, any person may engage in the practice of landscape architecture so long as he or she complies with the title prohibition. 225 ILCS 315/5.

DFPR is required to consult the Illinois Landscape Architect Registration Board when promulgating rules regarding the licensure and practice of landscape architects. 225 ILCS 315/8 (c). Although the DFPR may seek the expert knowledge of the Board on any matter related to the administration of the 1989 Act, it retains final authority over all such matters, which includes content of examination for initial licensure. 225 ILCS 315/8 (b) and (d), 315/11 (a). The statutes do not address examination review for applicants who fail the required examination.

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1342&ChapterID=24>

DFPR’s administrative rules provide that applicants for licensure as a landscape architect must pass the Landscape Architect Registration Examination of the Council of Landscape Architectural Registration Boards (CLARB). 68 Ill. Reg. 1275.50 (a). The Illinois rules also do not address examination review for applicants who fail the required examination.

<http://www.ilga.gov/commission/jcar/admincode/068/06801275sections.html>

Iowa:

The Iowa statutes, referred to as the Iowa Code, prohibit any person from engaging in the practice of landscape architecture, or using a title containing those words or any variation thereof to represent him or herself, without a license issued by the Iowa Landscape Architectural Examining Board. XIII Iowa Code 544B.2. The Board, which is part of the Iowa Department of Commerce, has rule-making authority for all matters related to landscape architect licensure, including examination content and administration. XIII Iowa Code 544B.5., B.8. An applicant who fails the required examination may submit a written request for information concerning his or her grade or questions answered incorrectly, unless a uniform, standardized examination is used. In that event, the Board is only required to provide the examination grade and such other information as is made available to the Board. XIII Iowa Code 544B.8.

<http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>

The rules of the Iowa Landscape Architectural Examining Board provide that, within 30 days of notification of a failing grade, the landscape architect examinant may submit a written request to the Board to review his or her own graded examination. 193D—2.5(3)a., Iowa Admin. Code.

<http://www.legis.state.ia.us/aspx/ACODocs/DOCS/08-08-2012.193D.pdf>

Michigan:

Under Michigan’s statutes, known as the Michigan Compiled Laws (MCL), no person may engage in the practice of landscape architecture unless duly licensed in that profession. See MCL ss. 339.2201 (a) and (b), and 339.2202 (3). Additionally, no person may use the title “landscape architect” or use the phrase “landscape architecture” in representing him or herself unless that person is so licensed. MCL s. 339.2211.

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The Department of Licensing and Regulatory Affairs (LARA) has authority for the examination content and licensure of landscape architects. MCL s. 339.2204. The Michigan statutes do not address examination review for applicants who fail the required examination.

<http://legislature.mi.gov/doc.aspx?mcl-299-1980-22>

LARA requires an applicant for landscape architect licensure to pass either the uniform national examination of CLARB or a state licensing examination deemed by LARA to be equivalent thereto. R 339.19025 (1), Mich. Admin. Code.¹ The Michigan rules also do not address examination review for applicants who fail the required examination.

http://www7.dleg.state.mi.us/orr/Files/AdminCode/105_23_AdminCode.pdf

Minnesota:

In Minnesota, no person may practice, offer to practice, or use a title representing the professional capacity to practice, landscape architecture unless licensed by the Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design. Sections 326.02 (1), (4a), 326.06, Minn. Stats. The Board has rule-making authority for all aspects of the regulation of its associated professions, including licensure examination content. Section 326.06, Minn. Stats. The Minnesota statutes do not address examination review or re-examination for applicants who fail the required examination.

<https://www.revisor.mn.gov/statutes/?id=326>

By administrative rule, the Minnesota Board requires applicants for licensure as a landscape architect to pass the Landscape Architect Registration Examination administered by CLARB. Sections 1800.0800 E.; 1800.1500, Subp. 1.; 1800.1700, Subp. 1.; Minn. Admin. Code. While the Minnesota rules allow an applicant who fails the required licensing examination to retake it for another fee, s. 1800.0900, Subp. 4., they do not address review of failed examinations.

<https://www.revisor.mn.gov/rules/?id=1800>

17. Contact Name

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This document can be made available in alternate formats to individuals with disabilities upon request.

¹ It should be noted here that, information received through e-mail contact on August 7, 2012 with LARA's Bureau of Commercial Services at bcslic@michigan.gov indicates that the Michigan Board of Landscape Architects, referred to both in the Michigan statutes and on LARA's website, was "dissolved several years ago." That information was confirmed through a follow-up telephone call on August 8, 2012 to the author of the e-mail, a Licensing Analyst with the telephone number (517) 241-8720.