

NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon State Landscape Architect Board

804

Agency and Division

Administrative Rules Chapter Number

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RULE CAPTION

Qualifications for LAIT registration; new Division 27, Professional Practice including duties, functions, powers of LAIT.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

ADOPT:

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

OAR 804-027-0005

AMEND:

OAR 804-022-0000

REPEAL:

Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

Amend and Renumber: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

OAR 804-030-0005 to OAR 804-027-0010

OAR 804-030-0010 to OAR 804-027-0010

Statutory Authority: ORS

ORS 671; ORS 183

Other Authority:

Statutes Implemented: ORS

ORS 671.335, 671.345, 671.365, 671.425 , 671.316, 671.315

Continued on next page

Continuation of ... NOTICE OF PROPOSED RULEMAKING***RULE SUMMARY**

In OAR 804-022-0000, qualifications for the Landscape Architect in Training (LAIT) registration are clarified. The LAIT must be working toward registration as a Registered Landscape Architect (RLA) and annual registration is renewed only if the LAIT is working toward RLA registration. In addition, an LAIT must be working under the supervision of an RLA.

A new Division 27 is being added to the Oregon Administrative Rules 804. This division is titled PROFESSIONAL PRACTICE OF THE REGISTRANT.

In OAR 804-027-0005, the Board is outlining the duties, functions and powers of a LAIT as required in ORS ORS 671.316. This statutory requirement has not previously been defined in Administrative Rule.

In OAR 804-027-0010, the Board is moving the current practice requirements of a RLA found in Division 30 to the new Division 27 titled PROFESSIONAL PRACTICE OF THE REGISTRANT. There are also revisions to the current wording.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

ORS 183.335(2)(b)(G) requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

June 2, 2008	Close of Business	Susanna Knight	susanna.knight@state.or.us	05/06/2008
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Last Day (m/d/yyyy) and Time
for Public Comment

Printed Name

Email Address

Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 923-2003

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon State Landscape Architect Board

804

Agency and Division

Administrative Rules Chapter Number

Qualifications for LAIT registration; new Division 27, Professional Practice including duties, functions, powers of LAIT.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

OAR 804-022-0000

OAR 804-027-0005

OAR 804-027-0010

Statutory Authority: ORS

ORS 671; ORS 183

Other Authority:

Stats. Implemented: ORS

ORS 671.335, 671.345, 671.365, 671.425 , 671.316, 671.315

Need for the Rule(s):

The Board is mandated by ORS 671.316(3) to define the duties, functions, and powers of a Landscape Architect in Training (LAIT). New OAR 804-027-0005 outlines these requirements. Because a new Division 27 titled Professional Practice of the Registrant is being added to the Administrative Rules to accommodate the need to define the duties, functions and powers of the LAIT, practice information for the Registered Landscape Architect is being relocated to this new division. It is currently located under Division 30 titled General. Some revisions to this language are also being incorporated.

OAR 804-022-0000 defines the qualifications for registration as an LAIT. The Board will now require that an LAIT must be working under the direct supervision of a Registered Landscape Architect. In order to secure the necessary experience for purposes of passing the examination and meeting the registration requirements, it is necessary to make this requirement for LAIT registration. In addition, the LAIT must be working toward RLA registration to maintain the LAIT registration.

Documents Relied Upon, and where they are available:

The Board relied upon the requirements already stated in statute in developing this Administrative Rule for the duties, functions and powers of an LAIT. In addition, the Board relied upon pass rates presented in historical examination records of the Board. The records reveal that retake candidates for examination that do not have work history supervised by a Registered Landscape Architect are much less successful in passing national examinations than those candidates that work under the direct supervision of a Registered Landscape Architect. These candidates working in the design field without supervision have retaken the examination multiple times without success in passing.

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Continuation of ... STATEMENT OF NEED AND FISCAL IMPACT

Fiscal and Economic Impact:

Those candidates applying to retake the examination should have a higher chance of passing the examination without multiple retakes. Sitting for the examination is an expensive process because the candidate must pay application and examination fees. In addition, the candidate must miss work to sit for the test. The cost to the candidate will have a substantial economic impact as the candidate will not be spending money over and over without successfully passing the examinations. Because all costs of the examination are passed on to the candidate, there is negligible fiscal impact to the Board.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Complying with this supervision requirement should reduce the cost to the public, the public being the individuals not yet registered that must pay application and examination fees to sit for the national examination. With a better chance of passing the examination without additional retakes, future costs to retake the examination, and pay for reviewing failed exams, will lead to substantially less expense by the candidate. In that same realm of thinking, the impact to the staff is also reduced, as reviewing applications over and over will go away.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

Many small businesses pay the examination fees for their employees. If the employees pass the examination without multiple retakes, this would be a substantial savings to the business.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Recordkeeping by the state agency will be substantially reduced if candidates are successful in passing the national examination without multiple retakes.

c. Equipment, supplies, labor and increased administration required for compliance:

No additional equipment, supplies, labor, or administration is required to comply with this change.

How were small businesses involved in the development of this rule?

The Rules Advisory Committee is comprised of small business employees and owners. By participating in the rule development, registrants are representing the small businesses of the state.

Administrative Rule Advisory Committee consulted?:

Yes No

If not, why?:

[Empty text box for "If not, why?"]

June 2, 2008	Close of Business	Susanna Knight	susanna.knight@state.or.us	05/06/2008
Last Day (m/d/yyyy) and Time for Public Comment		Printed Name	Email Address	Date Filed

Please enter date as m/d/yyyy or mm/dd/yyyy