

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
Agency and Division

804

Administrative Rules Chapter Number

Updates to Registration Rules, Including Standards for Registration by Reciprocity

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

In the Matter of: **AMENDMENTS to 804-022-0005 and 804-022-0010**

Statutory Authority: ORS 671.316, ORS 671.335, ORS 671.345, ORS 671.415

Other Authority:

Stats. Implemented: ORS 671.310-671.459

Need for the Rule(s):

Amendments to OAR 804-022-0005 and OAR 804-022-0010 are proposed to clarify language in relation to application criteria for registration. Additional amendments to OAR 804-022-010 are proposed to define an additional path for determining that an applicant for registration by reciprocity has qualifications substantially equivalent to the registration requirements of 804-022-0005 as required by ORS 671.345. The rule revisions related to reciprocity are designed to add flexibility and fairness while still ensuring that only duly qualified professionals obtain an Oregon registration.

Documents Relied Upon, and where they are available:

The Board partially relied on the work of its Rules Committee. The Board discussed draft rules at its quarterly work sessions and meetings and maintains records of documents reviewed as well as meeting minutes. The Board obtained legal counsel advice. A rulemaking file is also maintained in the Board office. All documents subject to public disclosure are available upon request through the Board's administrative office by contacting the Board Administrator.

Fiscal and Economic Impact:

The proposed rule amendments are put forth by the Board to clarify standards for registration, clearly reflect statutory requirements, and increase fairness and flexibility with respect to applicants applying for registration by reciprocity. The Board does not anticipate any fiscal impact on registrants or other interested parties as the proposed rules do not increase fees or toughen registration standards. Compliance with the rules by applicants may in fact decrease as the rules will provide more clarity about what is required by the Board and how to prepare applications for registration. For those applicants applying for reciprocity with over 10 years of experience as a licensed professional in another jurisdiction, registration may be more accessible upon adoption of these rule amendments.

Statement of Cost of Compliance:

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

None anticipated. These rules only address how individuals can demonstrate that they have met standards for registration as a Landscape Architect with the Board. The rules do not impact state agencies, local governments, or the public except for potentially in a positive way by clarifying how Landscape Architect's must demonstrate proficiency for registration. In other words, the rules define how the Board ensures that registrants are qualified to carry out work in a manner that protects public health, safety, and welfare. The Board does not anticipate any fiscal impact on applicants and therefore does not foresee any transfer of increased costs to state agencies, local governments, or the general public when securing the services of a registered Landscape Architect.

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: These rules do not apply to small businesses or other businesses. The rules do not set or change any standards for business registrations by the Board. These rules only address how individuals can demonstrate that they have met standards for registration as a Landscape Architect with the Board. The only industry addressed by the rules is that of Landscape Architecture.

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

The Board does not anticipate any change in its administrative costs or processes. The rules do not set any new reporting, recordkeeping and other administrative activities for LA businesses or others. For all applicants, the rules could reduce costs by more clearly defining application standards. For certain reciprocity applicants (i.e., those with 10 years or more of experience in another jurisdictions), the rules could reduce time and barriers to registration by providing another way to demonstrate qualifications for registration.

c. Equipment, supplies, labor and increased administration required for compliance:
None anticipated.

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

The perspectives of small landscape architecture businesses are represented on the rules committee, where a majority of participants either work for or own small businesses. The Board also includes a member that owns a small landscape architecture business. Articles about the rules work were included in newsletters that are distributed to Board registrants, including those that own or work in small businesses, plus other interested parties. Public notice of rulemaking hearing is being distributed to all registrants, including those that own or work in small businesses, and posted on the Board's website.

Administrative Rule Advisory Committee consulted?:

Yes, but not fully as described in ORS 183.333. The OSLAB Rules Committee was engaged to review initial drafts of these rules. The Committee, composed of volunteers from the registrant community and chaired by a Board member, was asked to review all aspects of the draft rules. The Committee was not, however, specifically asked to comment on the potential fiscal impacts of the proposed rule changes. Therefore, the Committee technically may not meet the definition of Rules Advisory Committee as used in the context of ORS 183.333.

If not, why?: The Rules Committee was asked to review the initial draft rules for any and all potential impacts on the registrant community and the practice of landscape architecture in Oregon. The Board did not request that the Committee focus on questions of fiscal impact but did not in any way preclude the Committee from addressing fiscal impacts. The proposed rules approved by the Board for public review reflect input received from the Committee.


Signature

Christine Valentine
Printed name

3-13-12
Date