LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]

Regulatory Analysis

Notice of Intended Action to be published: 193D—Chapter 1
"Description of Organization"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 544B.5

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A and 544B and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024	6200 Park Avenue
2:30 to 3 p.m.	Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing (DIAL) website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by DIAL no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

These proposed rules provide Iowans and licensees and their employers with relevant information on the practice of landscape architecture, requirements prior to licensure, requirements after licensure, and making sure licensees are held to a higher standard to protect the public from harm. This proposed chapter articulates practice standards and provides a scope of practice for the profession.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

This proposed chapter provides administrative background for the Landscape Architect Examining Board and explains the description of the Board's origination. No costs are incurred by the public by this chapter.

- **Classes of persons that will benefit from the proposed rulemaking:**

Current licensees, future licensees, and the general public will benefit. These rules set forth the organization of the Board as well as the duties the Board is expected to perform to ensure public safety. This work is done with a focus on protecting members of the public who receive services from these licensed professionals.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

No economic impact is imposed by this rule.

- **Qualitative description of impact:**

Iowa statutes require the regulation and licensing of landscape architect professionals to ensure the health and safety of members of the public who are receiving services from the licensed professionals. This rulemaking provides the administrative and regulatory authority for the Board to ensure rules are being utilized and complied with by licensees.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Staff salaries to support the work of the Board and compensation to Board members for meeting attendance, including travel compensation. Staff salaries are paid from the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. Licensing fees go into the fund to support the work of the boards.

- **Anticipated effect on state revenues:**

There is no anticipated impact from this proposed chapter on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

No new fees are being imposed. The benefits include less restrictive language and consolidation of chapters, which simplify rules and provide better understanding to the public, licensees, and future licensees.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

As mentioned above, there is little or no cost from this proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered in the proposed chapter.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

No alternative methods were considered in the proposed chapter.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Due to only removing restrictive language in this chapter, there would be little to no impact on current small business practices. The rules herein apply to all landscape architects, whether in a small business or a large corporation. Should a licensee find a rule to be overly burdensome, the licensee may utilize the Department's established waiver procedures.

Text of Proposed Rulemaking

ITEM 1. Rescind 193D—Chapter 1 and adopt the following **new** chapter in lieu thereof:

CHAPTER 1
DESCRIPTION OF ORGANIZATION

193D—1.1(544B,17A) Definitions. As used in these rules, the following definitions of words and terms shall apply:

"Board" means the Iowa landscape architectural examining board.

"CLARB" means the Council of Landscape Architectural Registration Boards.

"Evidence" means any document or record of any kind of drawings, specifications, photographs, diplomas, licensee statements, published data and certified personal statements as may be required as a part of any action on the part of the board. Each item of evidence shall be clearly marked to ensure positive and certain identification. It is the responsibility of the applicant to satisfy the board as to the sufficiency of the record and the evidence.

"Inactive" means that a landscape architect is not engaged in Iowa in any practice for which a certificate of licensure is required.

"Intern landscape architect" means an individual who is not licensed and has a degree in landscape architecture and is employed under the direct supervision of a professional landscape architect. The initials "I.L.A." should not be used.

"LARE" means the Landscape Architecture Registration Examination.

"Practice of landscape architecture" means the performance of professional service or offering to render professional services to clients, including any one or any combination of the professional services defined in Iowa Code section 544B.1(2).

"Professional landscape architect" means a person who obtains a license and engages in the practice of landscape architecture under the authority of Iowa Code chapter 544B. For the purposes of these rules, a professional landscape architect may be referred to as a landscape architect and may use the initials "P.L.A."

"Years of practical experience" means, for each year of practical experience the applicant has worked performing landscape architectural services, a minimum of 2,080 hours per year.

193D—1.2(544B,17A) Organization and duties. The board consists of five licensed professional landscape architects and two members who are not licensed professional landscape architects and who represent the general public.

1.2(1) *Qualifications of professional landscape architect board members.* Four of the five professional members will be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. One of the five professional members will be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university and may have been so engaged for fewer than five years preceding.

1.2(2) *Election of chairperson and vice chairperson.* The board elects annually from its members a chairperson and a vice chairperson. A quorum of the board will be four members, and all final motions and actions must receive a vote by a majority of the members of the board.

1.2(3) *Duties of board.* The board enforces the provisions of Iowa Code chapter 544B and makes rules for the examination of applications for licensure. The board keeps records of its proceedings. The board adopts an official seal that is affixed to all certificates of licensure granted. The board makes other rules, not inconsistent with law, as necessary for the proper performance of its duties. The board maintains a roster showing the name, place of business, residence, and date and number of the certificate of licensure of every professional landscape architect in the state.

1.2(4) *Duties of chairperson.* The chairperson will, when present, preside at meetings, appoint committees, and perform all duties and powers of the chairperson.

1.2(5) *Duties of vice chairperson.* The vice chairperson will, in the absence or incapacity of the chairperson, exercise the duties and powers of the chairperson.

193D—1.3(544B,17A) Meetings. Calls for meetings are issued in accordance with Iowa Code section 21.4.

193D—1.4(544B,17A) Order of business. The board executive will prepare an agenda listing all matters to be discussed at meetings. A copy of this agenda will be available to each member of the board.

193D—1.5(17A) Interim waivers. In addition to the provisions of 481—Chapter 6, the following will apply for interim rulings:

1.5(1) The board chairperson, or vice chairperson if the chairperson is not available, may rule on a petition for waiver when it would not be timely to wait for the next regularly scheduled board meeting for a ruling from the board.

1.5(2) The board administrator, upon receipt of a petition that meets all applicable criteria established in 481—Chapter 6, will present the request to the board chairperson or vice chairperson along with all pertinent information regarding established precedent for granting or denying such requests.

1.5(3) The chairperson or vice chairperson will reserve the right to hold an electronic meeting of the board when prior board precedent does not clearly resolve the request, input of the board is deemed required and the practical result of waiting until the next regularly scheduled meeting would be a denial of the request due to timing issues.

1.5(4) A waiver report will be placed on the agenda of the next regularly scheduled board meeting and recorded in the minutes of the meeting.

1.5(5) This rule on interim rulings does not apply if the waiver was filed in a contested case.

These rules are intended to implement Iowa Code sections 544B.3, 544B.5, and 544B.15.