

**STATE OF CALIFORNIA - DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
INITIAL STATEMENT OF REASONS**

Hearing Date: October 2, 2008

Subject Matter of Proposed Regulation: Regulatory Cleanup

Sections Affected: California Code of Regulations, Title 16, Division 26 (CCR), Section 2606, 2611, 2612, 2613, 2614, 2615, 2616, 2621, 2623, and 2649.

As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions of the Landscape Architects Practice Act.

SPECIFIC PURPOSE OF AMENDMENT

The specific purpose of this proposal is to: 1) amend language to make the Practice Act consistent and clear throughout the Act, 2) add new language requiring the abandonment of an application for licensure or examination after a prescribed period of time, 3) remove regulatory language no longer applicable due to repeal of referenced section, 4) remove any reference in the Practice Act referring to the LATC's administration of the Landscape Architect Registration Examination (LARE) due to contracting of this function to Council of Landscape Architectural Registration Boards (CLARB).

FACTUAL BASIS

BPC section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California.

BPC section 5620.1 mandates protection of the public as the LATC's highest priority. BPC section 5650 describes the qualifications for eligibility for the licensing examination. BPC section 5651 requires that the Board administer a written examination that ascertains the professional qualifications of all applicants for licenses to practice landscape architecture. BPC section 5652 authorizes the LATC to issue a landscape architecture license upon successful completion of the licensing examination. BPC section 5659 requires a licensed landscape architect to use a stamp within defined specifications. BPC section 5673 specifies that the unauthorized use of a landscape architecture stamp constitutes a ground for disciplinary action. BPC section 5681 authorizes the Board to charge fees for sections of the licensing examination administered by the Board.

The 2007/2008 Strategic Plan sets goals for the LATC throughout the year and into future years. Specifically, two of those goals are the implementation of regulatory changes in order to keep the Practice Act current and improvement of service to all constituencies through timely, cost-effective, and efficient operations.

At the Strategic Planning meetings in February 2007 and January 2008, the LATC and staff discussed and agreed to review the Practice Act in its entirety and recommend changes making the language consistent and clear to its constituents. Staff recommended and presented clarifying language to the LATC at its April 17, 2008 meeting. The LATC discussed the proposed changes and agreed to make the clarifying and non-substantive changes to the Practice Act.

Licensure candidates are required to pass the California Supplemental Examination prior to eligibility for licensure; once a candidate is eligible to take the California Supplemental Examination it is the intent of the Board and LATC that their eligibility not be indefinite. Due to the absence of an expiration date provided for in regulation, eligibility to take the California Supplemental Examination is currently indefinite. Additionally, there is no established expiration date for an applicant to submit additional required information to verify their application for the licensure examination. These applications cannot be processed without the required additional information and would otherwise be held indefinitely or until submittal of the additional information.

CLARB is the national test vendor that supplies the LARE, the licensing examination, to the LATC. CLARB administers the multiple-choice sections of the LARE, whereas the LATC administers the graphic performance sections of the LARE. Administration of the multiple-choice sections was delegated to CLARB in August 2004, when they automated this examination process. In June 2007 staff researched the history behind administration of the LARE graphic sections in California. LATC records indicate that delegating the administration of these sections to CLARB, as done with the LARE multiple-choice sections, had not been considered.

During LATC meetings in July 2007 and October 2007 staff presented research on contracting of the LARE graphic sections to CLARB and data on other states that contract these sections. Research found that contracting would provide additional examination security by eliminating the physical exchange of examination material between CLARB and LATC staff, saving staff resources, and providing a means for staff to continue with the redevelopment of the new California Supplemental Examination. Contracting would also remove the ongoing confusion caused when licensure candidates are directed to CLARB for the examination of the multiple-choice sections then to the LATC for the graphic sections of the LARE and eliminate the need to file regulatory packages annually in order to keep up with CLARB fee increases. Other states that contract the LARE graphic sections to CLARB were surveyed and all reported only positive experiences. Based on this information, the LATC directed staff to proceed with the necessary steps to contract the administration and review of the LARE graphic sections.

This proposal would modify CCR sections 2606, 2611, 2612, 2613, 2614, 2615, 2616, 2621, 2623, and 2649 with the following changes: 1) amend language to make the Practice Act consistent and clear throughout the Act, 2) add new language requiring the abandonment of an application for licensure or examination after a prescribed period of time, 3) remove regulatory

language no longer applicable due to repeal of referenced section, 4) remove any reference in the CCR referring LATC's administration of the LARE due to contracting of this function to CLARB.

UNDERLYING DATA

CLARB is the national test vendor that supplies the LARE, the licensing examination, to the LATC. CLARB administers the multiple-choice sections of the LARE, whereas the LATC administers the graphic performance sections of the LARE.

Staff researched the benefits of delegating to CLARB the graphic sections of the LARE including the testing requirements of other states and the financial impact on candidates. The research was presented to the LATC at its October 2007 and January 2008 meetings. Staff found several benefits to delegating the LARE graphic sections including the ability to, 1) fulfill a Strategic Plan goal to improve service to all constituencies through timely, cost-effective, and efficient operations, 2) address the Joint Legislative Sunset Review Committee recommendation that the LATC make effort to ensure applicants pay the full costs for examination, 3) maintain oversight by the LATC for all LARE sections through contractual agreement, 4) improve security of the examination by eliminating the physical exchange of examination material between LATC staff, CLARB and examination proctors, 5) redirect staff workload to annual maintenance of the newly redeveloped California Supplemental Examination and other LATC goals in the Strategic Plan, 6) eliminate confusion of candidates that examine with CLARB for the multiple-choice sections and LATC for the graphic performance sections, and 7) reduce the subsidy of the LARE graphic sections and the required annual rulemaking changes to keep up with CLARB increases to the examination cost. Research also indicated other licensing jurisdictions have had success with CLARB administering the LARE graphic sections.

BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.