

Legislative Analysis



LANDSCAPE ARCHITECTS: CONTINUING EDUCATION REQUIREMENT

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House Bill 4553

Sponsor: Rep. Greg MacMaster

Committee: Regulatory Reform

First Analysis (5-20-11)

BRIEF SUMMARY:

House Bill 4553 would amend the Occupational Code to require continuing education requirements be met before a landscape architect's license can be renewed. Currently, they have to demonstrate a continuing professional competence.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). The impact would depend on the continuing education requirements ultimately established by the department, and the extent to which those requirements would be reviewed and verified by the department.

THE APPARENT PROBLEM:

Traditionally, landscape architects have only been required to register with LARA. The industry became licensed under Public Act 490 of 2008, with the stipulation that in order to renew a license, an individual must demonstrate continuing professional competence. Apparently many states require instead that a landscape architect seeking to renew a license meet continuing education requirements. Industry experts have said this disparity is putting Michigan landscape architects at a competitive disadvantage in competing for work in other states, since reciprocity requires Michigan landscape architects meet continuing education requirements. A bill to address this issue has been introduced.

THE CONTENT OF THE BILL:

House Bill 4553 would amend Article 22 of the Occupational Code to require continuing education requirements be met before a landscape architect's license can be renewed.

Under this legislation, a licensee would no longer need to demonstrate continuing professional competence. Instead, the department would require the licensee to demonstrate to its satisfaction that he or she has met any ***continuing education requirements*** as provided for by rule of the director.

Additionally, this legislation clarifies language requiring individuals to complete all the requirements for licensure within 10 years of the department receiving his or her application.

MCL 339.2203 and 339.2205

BACKGROUND INFORMATION:

Public Act 490 of 2008 created new licensing requirements for landscape architects. Previously, they had only been required to register with the department. Currently, individuals are required to demonstrate a ***continuing professional competence*** in order for their licenses to be renewed.

As of 2008 there were 29 states that required landscape architects to meet continuing education requirements as a condition of license renewal. Some 41 states had licensure requirements for landscape architects. Each state had a different requirement for required number of hours. For example, Nebraska requires 15 contact hours per year while Louisiana requires 8 credit hours per year for license renewal.

For more information on the continuing education requirements by state please visit the American Society of Landscape Architects at <http://www.asla.org>.

FISCAL INFORMATION:

The bill would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). The impact would depend on the continuing education requirements ultimately established by the department, and the extent to which those requirements would be reviewed and verified by the department.

The rule promulgation process entails some costs to the department (the Bureau of Commercial Services and the Office of Regulatory Reinvention), as it must provide notice of the public hearing required on proposed rules, and publish proposed and final rules in the Michigan Register under the Administrative Procedures Act. In addition to the typical publication expenses such as formatting and editing the Michigan Register and preparing it for publication, as well as publishing the Michigan Register on the Internet, the department's expenses also include expenses related to legal review of rules by ORR, as well as ORR's review and collection of all required documents for publication from the department, the Executive Office, and the Legislative Service Bureau. Those expenses would be covered within the department's existing appropriation.

Beyond that, however, any resulting impact on the DELEG-Bureau of Commercial Services relative to the administration and enforcement of the continuing education requirements is indeterminate, depending on the requirements ultimately proposed, and the bureau's method of ensuring compliance. For instance, for real estate brokers, the bureau relies on information on continuing education compliance provided by course sponsors. For other occupations, such as accountants, the bureau conducts random audits

of renewal applications to determine compliance with continuing education requirements. In any event, the cost implications to the department, governmental units, and regulated entities would be discussed as part of the agency's Regulatory Impact Statement.

ARGUMENTS:

For:

Proponents of this legislation say changing the law to allow landscape architects to meet continuing education requirements, instead of having to demonstrate continuing professional competence, will put Michigan's regulations in line with the rules in other states level the playing field for Michigan landscape architects.

Against:

There was no opposition to this legislation at the committee level.

POSITIONS:

The American Society of Landscape Architects - Michigan supports the bill. (5-18-11)

The Michigan Department of Licensing and Regulatory Affairs is neutral. (5-18-11)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.