



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9045 • Olympia, Washington 98507-9045

July 17, 2009

To: Interested Parties and Persons Who Commented on the Proposed Amended WAC 308-13

From: Joe Vincent, Jr., Administrator
Board of Registration for Landscape Architects (Board)

Re: Concise Explanatory Statement
WSR 09-12-086

Reasons for Adoption

The amendment to WAC 308-13-150 will increase landscape architect licensing fees. The purpose of the fee increase is to adjust fee collection to fund implementation and ongoing costs of legislative changes resulting from the passage of SSB5273 in the 2009 legislative session.

Summary of Comments Received

In reply to the advertisement of public hearing in the Washington State Register, WSR 09-12-086, the program received 14 written comments. No oral comments were presented at the July 9, 2009 hearing.

Comments about the fee increase:

The proposed fees, in comparison to Architects, Engineers, and Land Surveyors, far exceed those of most professional license fees. Why would it require a \$150 for a late payment?

The fees should be in the low \$300 range, instead of more than double the existing renewal fee.

In this limited economy with much design industry business down and lay-offs high, the proposed fee increases are excessive, unreasonable, and should not be implemented. The fees will add more financial hardship to individuals and small businesses.

Reply:

The 2009 legislature passed SSB 5273 and the bill was signed into law on May 6, 2009 by Governor Christine Gregoire. The Board and the Department of Licensing (Department) are now required to implement the law as it was passed. The Department was authorized by the legislature to increase licensing fees to cover the cost of the new law, as is required by RCW 43.24.086.

The landscape architect profession is required by RCW 43.24.086 to bear the cost administering the program. The overall cost of the program must be supported by the revenue generated from licensing fees. The amount of the fees is calculated by the costs of administering the program divided among the number of licensees. Typically fees are lower when divided among a larger licensee base, as in architects and engineers, and higher for professions with fewer licensees, as is the case with landscape architects.

The late renewal penalty fee is set at one-third of the renewal fee, as written in SSB 5273, section 11.

Comments about the new level of regulation:

Can you assure us that increasing the fees to enforce a more complex law than the relatively "simple" title law will lead to improved enforcement?

I cannot understand how the money you would be receiving from us long term justifies the monitoring of essentially what you do now.

I urge the Board and the Governor to repeal this misguided and ineffective Substitute Senate Bill 5273 at once.

Why don't you wait and see after a year or two to see if there is an increase in disciplinary cases rather than anticipate an increased workload.

In the information received from the Department of Licensing, a letter from Joe Vincent stated that one of the reasons for the fee increase is that "the Board anticipates increased workload for reviewing disciplinary cases...." Why can't the burden of fee increases be placed on those misusing their license or lack of license by increasing disciplinary fines, rather than increasing fees for those of us who correctly use our license?

Reply:

Administrative costs of initial implementation of the new law must be paid for through the fee increases. If ongoing revenue generated outweighs the ongoing expenses, the fees will be adjusted again to maintain a steady moderate fund balance.

These rules as proposed are amending WAC 308-13-150. The Board does not have the authority to repeal legislation and must move forward with implementation as required.

There are many costs associated with processing and adjudication of complaints. Unfortunately these costs are borne by the licensees, similar to the taxpayers bearing the costs of the criminal justice system.

Comments about the continuing education requirement:

The continuing education requirement also adds financial and time expense.

Are these going to cost extra as well or are they included in our fee increase?

Continuing education credits seem to serve more the companies selling them than the individuals. There are fees for the classes, additional time unpaid or non-billable away from the job, travel expenses if we have to add travel costs like those incurred due to limited exam sites.

I'd like to have an idea of what the requirements will be for ongoing education.

Reply:

The new law requires continuing professional education activities upon renewal. (Section 11 SSB 5273) The Board must implement the law as it was passed.

The requirements for ongoing education are currently being developed by the Board in rule. Details of the requirements will be distributed for public comment prior to adoption.

Comments about the Licensing status change:

Will there be a classification and reduced fee for those who will be inactive?

Reply:

Yes, you will have the option to, upon written notice, make your license inactive. To reactivate the license within 5 years, you will pay the then-current renewal fees. The requirements for reactivating your license after 5 years will be determined by the Board in rule.

JV:sl