

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

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REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Landscape Architects -- General Rules

5. Rule numbers or rule set range of numbers:

R 339.19001 - 339.19049

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The current landscape architects general rules pertain to experience requirements, examinations, and the requirements for a seal. The current rules do not comply with the Article 22 of the Occupational Code, MCL 339.2201 to 339.2211, which requires that a landscape architect be licensed and demonstrate current professional competency for license renewal.

The rules will be revised to provide for licensure, relicensure, current professional competency requirements, and license renewals for landscape architects.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The department in consultation with the Landscape Architects Ad Hoc committee.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 339.205, MCL 339.2203, MCL 339.2205, Executive Reorganization No. 1991-9, 1996-2, 2003-1, 2007-17, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, MCL 445.2023, and MCL 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 339.2203 requires the director, with the assistance of the ad hoc committee, to adopt rules regarding continuing education and continuing competency courses, providing for exceptions to licensure in extraordinary cases, and establishing sanction recommendations. MCL 339.205 requires the department to promulgate rules necessary and appropriate to enable it to fulfill its role.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal levels.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of the rules is not currently contained in any guidance, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The rules do not incorporate the recommendations received from the public regarding any complaints or comments regarding the rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

On October 9, 2014, several rules were rescinded from this rule set because they were thought to be unnecessary, but no rules were added to provide for the statutory requirements that landscape architects be licensed and demonstrate current professional competency for license renewal.

New rules will be added to comply with Article 22 of the Occupational Code, MCL 339.2201-339.2211, which requires that a landscape architect be licensed and demonstrate current professional competency for license renewal.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There are no changes or developments since implementation that demonstrate that there is no continued need for the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No