

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 103 (The President)(By Request - Department of Legislative Services)
Education, Health, and Environmental Affairs Economic Matters

**State Board of Examiners of Landscape Architects - Sunset Extension and
Program Evaluation**

This bill extends the termination date for the State Board of Examiners of Landscape Architects to July 1, 2024, and requires an evaluation of the board by July 1, 2023. The bill includes a related reporting requirement.

Fiscal Summary

State Effect: Special fund revenues and expenditures for the State Occupational and Professional Licensing Design Boards' Fund are maintained beyond FY 2013. The Governor's proposed FY 2011 budget includes \$76,824 for board operations. The bill's reporting requirement can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background:

Regulation of Landscape Architects

The State Board of Examiners of Landscape Architects safeguards public welfare, health, and property by regulating persons who practice landscape architecture in the State. The regulation of landscape architecture ensures that consumers of landscape architectural services are protected from unqualified or incompetent practitioners. Regulation was instituted to establish and enforce certain minimum standards of competency and

behavior within the industry. Substandard design has the potential to harm consumers, their property, and the environment.

Landscape architects in Maryland became regulated 38 years ago, when the State Board of Examiners of Landscape Architects was created by Chapter 645 of 1971. Originally, the board was created as part of the Department of Natural Resources. The board was transferred to the jurisdiction of the Department of Licensing and Regulation (now the Department of Labor, Licensing, and Regulation, or DLLR) in 1974, where it currently operates as part of the Division of Occupational and Professional Licensing. The board is one of five “design boards” under DLLR’s purview; the other design boards include the State Board of Architects, State Board of Certified Interior Designers, State Board for Professional Engineers, and State Board for Professional Land Surveyors.

Board Funding Continues Through the State Occupational and Professional Licensing Design Boards’ Fund

Chapter 227 of 2003 created the State Occupational and Professional Licensing Design Boards’ Fund to ensure that costs for the five design boards were covered by their revenues. Chapter 273 of 2008 extended the fund’s termination date by five years to June 30, 2013. Since 2003, the Secretary of Labor, Licensing, and Regulation has been charged with annually calculating the direct and indirect costs attributable to each of the design boards. With consent of the boards, the Secretary is authorized to average the direct and indirect costs among the boards in order to establish fees that more equitably distribute the costs associated with the operation of each board across all five boards.

In 2007, the design boards determined that the fund balance merited a fee reduction, and the across-the-board license fee of \$78 was reduced to the current fee of \$68. Prior to the enactment of the special fund, the board charged a \$100 fee for an original license and \$200 fee for biennial renewal.

Significant Increase in Licensees Since 2000

The board currently issues three different types of licenses or permits to practice landscape architecture in the State: (1) a landscape architect license; (2) a partnership permit; and (3) a corporation permit. Licenses and permits are valid for two years and can be renewed online at DLLR’s web site. As of June 2009, there were 907 licensed landscape architects, 74 permitted corporations, and 4 permitted partnerships – this represents a 52% increase in the number of licensed landscape architects and a 32% increase in the number of permitted corporations since 2000.

Maryland Program Evaluation Act

The board is one of approximately 70 entities currently subject to periodic evaluation under the Maryland Program Evaluation Act. The Act establishes a process better known as “sunset review” as most agencies evaluated are also subject to termination, including the board which is scheduled to terminate July 1, 2013. The sunset review process begins with a preliminary evaluation conducted by the Department of Legislative Services (DLS) on behalf of the Legislative Policy Committee (LPC). LPC decides whether to waive an agency from further (or full) evaluation. If waived, legislation to reauthorize the agency typically is enacted. Otherwise, a full evaluation usually is undertaken the following year.

Board Recommended for Reauthorization with a Reporting Requirement

A preliminary sunset evaluation conducted by DLS in 2009 found that the board provides a valuable service to the public and is fulfilling its statutory requirements. Therefore, DLS recommended that the board be waived from full evaluation and that legislation be enacted to extend the board’s termination date by 11 years to July 1, 2024. DLS also recommended that DLLR submit a report by October 1, 2011, to specified committees of the General Assembly that addresses (1) allowing individuals who have a college degree in a field related to landscape architecture to sit for the licensing examination; and (2) whether licensees of the board should be required to fulfill a continuing education requirement as a condition for license renewal.

The bill implements those recommendations as adopted by LPC at its December 15, 2009 meeting.

Additional Information

Prior Introductions: None.

Cross File: HB 134 (The Speaker)(By Request - Department of Legislative Services) - Economic Matters.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

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