



Eric Milstead  
Director

# Legislative Services Office

## Idaho State Legislature

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### MEMORANDUM

**TO:** Senators PATRICK, Agenbroad, Ward-Engelking and,  
Representatives DIXON, DeMordaunt, Smith

**FROM:** Matt Drake - Legislative Drafting Attorney

**DATE:** April 22, 2020

**SUBJECT:** Temporary Rule

IDAPA 24.07.01 - Notice of Omnibus Rulemaking (Fee Rule) - Adoption of Temporary Rule - Docket  
No. 24-0701-2000F

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Matt Drake at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

# IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

## 24.07.01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

### DOCKET NO. 24-0701-2000F (FEE RULE)

#### NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule being adopted through this omnibus rulemaking is the adjournment date of the second regular session of the 65th Idaho State Legislature - March 20, 2020.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-3003, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

This temporary rulemaking adopts the following chapter under IDAPA 24:

**IDAPA 24.07**

- 24.07.01, *Rules of the Idaho State Board of Landscape Architects.*

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These temporary rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety, and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These rules govern the qualifications to practice landscape architecture and ensure that an individual has demonstrated the knowledge, skills, and abilities to practice landscape architecture without endangering the health, safety or welfare of the public.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fees or charges being imposed or increased are justified and necessary to avoid immediate danger and the fees are described herein:

The fees or charges, authorized in Section 54-3003, Idaho Code, are part of the agency’s 2021 budget that relies upon the existence of these fees or charges to meet the state’s obligations and provide necessary state services. Failing to reauthorize these temporary rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho’s constitutional requirement that it balance its budget.

The following is a specific description of the fees or charges:

FEE TYPE	AMOUNT (Not to Exceed)
Application	\$75
Landscape Architect-in-training Application	\$25
Examination	As established by CLARB
Original License and Annual Renewal	\$125
Reinstatement	As provided in Section 67-2614, Idaho Code

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Rob McQuade at (208) 334-3233.

DATED this February 21, 2020.

Kelley Packer  
Division Administrator  
Division of Occupational and Professional Licenses  
700 W. State Street  
P.O. Box 83720  
Boise, ID 83720  
Phone: (208) 334-3233  
Fax: (208) 334-3945

## 24.07.01 – RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

### 000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-3003, Idaho Code, the Idaho State Board of Landscape Architects promulgates these rules which implement the provisions of Chapter 30, Title 54, Idaho Code. (3-20-20)T

### 001. TITLE AND SCOPE (RULE 1).

These rules are titled IDAPA 24.07.01, “Rules of the Idaho State Board of Landscape Architects.” (3-20-20)T

### 002. INCORPORATION BY REFERENCE (RULE 4).

The document titled the Council of Landscape Architectural Registration Boards (CLARB) Model Rules of Professional Conduct as amended February 2007, referenced in Subsection 425, is herein incorporated by reference. (3-20-20)T

### 003. ADDRESS OF IDAHO BOARD OF LANDSCAPE ARCHITECTS (RULE 5).

The office of the Board of Landscape Architects is located within the Division of Occupational and Professional Licenses, 700 W. State Street, Boise, Idaho 83702. The Division is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The phone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is [lar@ibol.idaho.gov](mailto:lar@ibol.idaho.gov). The Board's official website is <http://www.ibol.idaho.gov>. (3-20-20)T

### 004. -- 100. (RESERVED)

### 101. APPROVED EDUCATION (RULE 101).

An approved college or school of landscape architecture shall have a landscape architecture program accredited by the Landscape Architectural Accreditation Board (LAAB), or shall substantially meet the accrediting standards of the LAAB as may be determined by the Board. (3-20-20)T

### 102. PRACTICAL EXPERIENCE IN LIEU OF EDUCATION (RULE 102).

An applicant shall document at least eight (8) years of actual practical experience in landscape architecture in lieu of graduation from an approved college or school of landscape architecture. Such experience shall establish the applicant's education in those subjects and areas contained in the curriculum of an approved college or school of landscape architecture. No less than fifty percent (50%) of such practical experience shall be under the supervision of a licensed landscape architect. (3-20-20)T

### 103. -- 199. (RESERVED)

### 200. APPLICATION (RULE 200).

Each applicant for licensure shall submit a complete application together with the required fees to the Board. An application shall be made on the uniform application form adopted by the Board and furnished to the applicant by the Division. An application shall not be reviewed by the Board until all required information is furnished and the required fees paid. (3-20-20)T

### 201. APPLICATION FORM (RULE 201).

**01. Reference Requirements.** Applicants are required to furnish the Board with four (4) references. Two (2) of the references must be from currently licensed Landscape Architects. The remaining two (2) may be licensed landscape architects, licensed engineers, licensed architects, or any combination thereof. All references must be from competent individuals who are well acquainted with the applicant's character and professional ability. (3-20-20)T

**02. Materials Submitted to Board.** All required applications, statements, fees and other documentation must be submitted to the Board in care of the Division of Occupational and Professional Licenses, and shall include: (3-20-20)T

a. Documentation of being at least eighteen (18) years of age at the time of application; and (3-20-20)T

b. Either certification of graduation from an approved college or school of landscape architecture; or (3-20-20)T

c. Documentation of all actual landscape architectural or other applicable experience signed by the person under whose supervision the work was performed, giving kind and type of work done, together with dates of

employment; and (3-20-20)T

**d.** Proof of successful passage of an examination approved by the Board. (3-20-20)T

**03. Deadlines.** To be considered by the Board, completed applications must be received by the Division prior to the next scheduled meeting of the Board. (3-20-20)T

**04. Inactive Applications.** Applications on file with the Board where an applicant has failed to respond to a Board request or where the applications have lacked activity for twelve (12) consecutive months shall be deemed denied and shall be terminated upon thirty (30) days written notice unless good cause is established to the Board. (3-20-20)T

**202. -- 249. (RESERVED)**

**250. LANDSCAPE ARCHITECT-IN-TRAINING (RULE 250).**

An individual may represent themselves as a landscape architect-in-training only under the following conditions: (3-20-20)T

**01. Qualifications.** Any person who is at least eighteen (18) years of age and has graduated from an approved college or school of landscape architecture, or who documents at least eight (8) years of actual practical experience in landscape architecture approved by the Board. (3-20-20)T

**02. Supervision.** Each landscape architect-in-training shall be employed by and work under the direct supervision of an Idaho licensed landscape architect. Any change in supervision shall require a new application and registration. (3-20-20)T

**03. Prohibitions.** A landscape architect-in-training shall not sign or seal any plan, specification, or other document, and shall not engage in the practice of landscape architecture except under the direct supervision of an Idaho licensed landscape architect. (3-20-20)T

**04. Registration.** Each landscape architect-in-training shall register with the Board on forms provided by the Division of Occupational and Professional Licenses that shall include the application fee and the names and addresses of their employer, and supervisor. (3-20-20)T

**05. Termination.** A registration for a landscape architect-in-training shall not exceed a total of six (6) years. (3-20-20)T

**251. -- 299. (RESERVED)**

**300. EXAMINATIONS (RULE 300).**

The examination prepared by the Council of Landscape Architectural Registration Boards is an approved examination. The Board may approve other examinations it deems appropriate. (3-20-20)T

**01. Minimum Passing Score.** The minimum passing score for each section of the examination shall be the score as determined by the examination provider. (3-20-20)T

**02. Failing a Section of Exam.** An applicant failing any section of the examination will be required to retake only that section failed. (3-20-20)T

**301. (RESERVED)**

**302. ENDORSEMENT (RULE 302).**

The Board may approve the registration and licensure of an applicant who holds a current license in another state and who has successfully passed the Landscape Architect Registration Examination as required by Section 300 or holds a current Council of Landscape Architectural Registration Boards certificate. (3-20-20)T

**303. -- 399. (RESERVED)**

**400. FEES (RULE 400).**  
Fees are not refundable.

<b>FEE</b>	<b>AMOUNT (Not to Exceed)</b>
Application	\$75
Landscape Architect-in-training Application	\$25
Examination	As established by CLARB
Original License and Annual Renewal	\$125
Reinstatement	As provided in Section 67-2614, Idaho Code

(3-20-20)T

**401. -- 424. (RESERVED)**

**425. RULES OF PROFESSIONAL RESPONSIBILITY (RULE 425).**

**01. Rules of Professional Responsibility.** Pursuant to Section 004 of these rules, the CLARB model rules of professional conduct, as incorporated, are the Rules of Professional Responsibility for all Idaho licensed landscape architects. (3-20-20)T

**02. Violation of the Rules of Professional Responsibility.** The Board will take action against a licensee under Section 54-3004(5), Idaho Code, who is found in violation of the Rules of Professional Responsibility. (3-20-20)T

**426. -- 449. (RESERVED)**

**450. DISCIPLINE (RULE 450).**

**01. Civil Fine.** The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed landscape architect for each violation of Section 54-3004, Idaho Code. (3-20-20)T

**02. Costs and Fees.** The Board may order a licensed landscape architect to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-3004, Idaho Code. (3-20-20)T

**451. -- 499. (RESERVED)**

**500. MEETINGS (RULE 500).**

Board meetings will be held at least twice yearly and at such other times as the Board deems necessary. (3-20-20)T

**501. -- 999. (RESERVED)**