

**STATE OF CALIFORNIA - DEPARTMENT OF CONSUMER AFFAIRS
CALIFORNIA ARCHITECTS BOARD
LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE
INITIAL STATEMENT OF REASONS**

Hearing Date: **October 11, 2007**

Subject Matter of Proposed Regulation: **Fees**

Section Affected: California Code of Regulations, Title 16, Division 26 (CCR), Section 2649

As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the California Architects Board (Board). Business and Professions Code (BPC) section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that are reasonably necessary to carry out the provisions of the Landscape Architects Practice Act.

SPECIFIC PURPOSE OF AMENDMENT

The specific purpose of this proposal is to: 1) modify examination fees for Sections C and E of the licensing examination to reflect the increased cost of purchasing the examination from the national examination vendor, effective on July 1, 2008, 2) increase the fee for an original license, 3) increase the fee for a biennial renewal, and 4) increase the California Supplemental Examination (CSE) fee to enable recovery of costs directly associated with the administration and annual development of the CSE, effective on July 1, 2008.

FACTUAL BASIS

BPC section 5630 authorizes the Board to adopt, amend, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California. BPC section 5651 requires that the Board administer a written examination that ascertains the professional qualifications of all applicants for licenses to practice landscape architecture. BPC section 5681 authorizes the Board to charge fees for sections of the licensing examination administered by the Board that do not exceed the actual cost of purchasing and administering those sections as well as charge a fee for an original license and renewal not to exceed \$400. CCR 2649 makes specific the reference and authority of the BPC and sets the fee for sections of the licensing examination administered by the Board and for an original and renewal license.

The Council of Landscape Architectural Registration Boards (CLARB) is the national test vendor that supplies the Landscape Architect Registration Examination to the LATC. Historically, CLARB has annually increased their fee for the LATC to purchase the examination. The LATC has also recently redeveloped the format of the CSE to a multiple-choice examination that will be administered at testing centers nationwide. The CSE had previously been a take home examination; the new multiple-choice format requires annual evaluation to maintain the validity, security and integrity of the CSE.

This proposal would modify CCR 2649 with the following changes: 1) modify examination fees for Sections C and E of the licensing examination to reflect the increased cost of purchasing the examination from the national examination vendor, effective on July 1, 2008, 2) increase the fee for an original license, 3) increase the fee for a biennial renewal, and 4) increase the CSE fee to enable recovery of costs directly associated with the administration and annual development of the CSE, effective on July 1, 2008.

UNDERLYING DATA

In 2004 the Joint Legislative Sunset Review Committee recommended the LATC should make effort to ensure applicants for licensure pay the full costs to the Board for processing applications and providing examinations rather than subsidizing these costs with licensing fees. In February 2007 CLARB notified the LATC of an increase to the examination administered by the Board through September 30, 2009.

An internal cost analysis was prepared for the LATC with the purpose of determining the relationship between examination fee revenue and direct costs involved in administering the examination. Direct costs have been relatively fixed over multiple administrations of the examination while revenue has been trending downward, thereby creating a disparity between costs and revenue. By increasing the examination fees the LATC is able to recover a portion, but not all, direct costs. Further research was undertaken to compare and contrast the licensure examination fees of several states. California was found to have the lowest overall licensure examination fees among the test population that included states with a high volume of licensees and geographically proximate states.

The fees for an original and renewal license have not increased since 1991 while inflation has grown at an average of 2.7% per year. Additionally, the Department of Consumer Affairs recently assessed the LATC fund condition and ascertained it will fall below acceptable reserve levels by the 2010/2011 Fiscal Year. The fund is also expected to incur a deficit in fiscal years thereafter.

Due to the redevelopment of the CSE, annual evaluation of the examination is required to maintain the validity, security and integrity of the CSE. In the evaluation, licensed landscape architect volunteers are tasked with reviewing the multiple-choice CSE format and writing additional examination questions. The LATC determined an increase to the CSE fee is necessary to assure candidates pay the full costs to the Board for the annual examination development process and cost of administering the examination.

BUSINESS IMPACT

This regulation will not have a significant adverse economic impact on businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.