

BOARDS AND COMMISSIONS
Board of Landscape Architects
(Amendment)

201 KAR 10:040. Applications.

RELATES TO: KRS 323A.040, 323A.050, 323A.060, 323A.070

STATUTORY AUTHORITY: KRS 323A.210(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 323A.210 authorizes the board to promulgate administrative regulations necessary to implement KRS Chapter 323A. This administrative regulation establishes the procedures for the filing and processing of an application for registration as a landscape architect.

Section 1. Application for Initial License. ~~{Filing of Applications.}~~

(1) An applicant for a license~~{registration}~~ as a landscape architect shall file a completed Application for License~~{Registration}~~ to Practice Professional Landscape Architecture. The application shall be signed by the applicant certifying that the applicant is familiar with the provisions of KRS Chapter 323A and the administrative regulations in 201 KAR Chapter 10 and agrees to abide by them.~~{-}~~

~~{(a)} {Be filed during regular business hours at the office of the board;}~~

~~{(b)} {Include an attached photograph, taken within thirty (30) days of the application, of the applicant showing the face of the applicant at least three-fourths (3/4) of an inch wide;}~~

~~{(c)} {List at least five (5) references in accordance with Section 3 of this administrative regulation;}~~

~~{(d)} {Be received by the board by February 1 to be considered for the June examination or by August 1 to be considered for the December examination;}~~

~~{(e)} {Be signed by the applicant, certifying that the applicant:}~~

~~{1.} {Is familiar with the provisions of KRS Chapter 323A; and}~~

~~{2.} {Subscribes to and agrees to abide by the applicable statutes and administrative regulations promulgated by the board; and}~~

~~{(f)} {Be notarized.}~~

(2)

(a) An applicant shall take and pass the Landscape Architect Registration Examination (LARE).

(b) The applicant shall cause the results of the LARE to be sent to the board by the exam administrator. ~~{An application for a written examination shall be filed at the office of the board at least four (4) months prior to the beginning date of an examination.}~~

(3) The fee prescribed in 201 KAR 10:050, Section 1(6), shall accompany the application.

Section 2. Verification of Work Experience. ~~{Personal References.}~~

(1) An applicant shall cause a Verification of Work Experience form to be submitted by a former or present employer. The former or present employer shall submit the form directly to the board. ~~{The application shall list at least five (5) citizens of the United States as a personal reference for the applicant. Three (3) of the five (5) persons listed as a reference shall be a registered professional landscape architect. A personal reference for an applicant:}~~

~~{(a)} {Shall not be a relative of the applicant; and}~~

~~{(b)} {May be contacted by the board for information relating to the applicant's character and professional ability.}~~

~~[(2)] [A member of the board may be listed as a person who has supervised the work of an applicant.]~~

(2) Military experience shall be acceptable if it has been gained in landscape architecture as defined by the provisions of KRS 323A.010(3).

(3) The sale or installation of a product such as landscape materials (plants and construction) shall not be considered professional experience.

(4) A plan or sketch drawn by a person solely for the promotion or sale of that person's products shall not be considered professional experience.

Section 3. Reciprocity. An applicant who seeks a license~~[registration]~~ under KRS 323A.050(1) shall submit:

(1) Satisfactory proof of a license~~[registration]~~ in good standing in a state or country in which the applicant is licensed;~~[and]~~

(2)

(a) An applicant who is licensed in another state of the United States shall have passed the LARE to be considered for licensure by reciprocity.

(b) An applicant who is licensed in another country shall take and pass the LARE to be considered for licensure by reciprocity. ~~[A statement that licensure in the state was obtained:]~~

~~[(a)] [Under a grandfather clause;]~~

~~[(b)] [By examination; or]~~

~~[(c)] [Other means, including an explanation of the other means;]~~

(3)

(a) An applicant for licensure by reciprocity who was educated in the United States shall have graduated from a school that is accredited by the Landscape Architectural Accreditation Board (LAAB).

(b) An applicant for licensure by reciprocity who was educated outside the United States shall provide documentation from an educational assessment organization approved by the board that the applicant's education is equal to an accredited landscape architecture curriculum approved by the board. The applicant shall be responsible for any fee charged by such an organization.

Section 4. Board Consideration of Applications for Licensure.

(1) Each applicant shall be considered and voted on by the board.

(2) Approval of an applicant shall require a majority vote of the board.

(3) The action taken by the board shall be recorded in the board minutes.

(4) A copy of the letter from the board notifying an applicant of the board's decision regarding application shall be placed in the applicant's file.

~~[Section 5.] [Professional Landscape Architectural Experience.]~~

~~[(1)] [Military experience shall be acceptable if it has been gained in landscape architecture as defined by the provisions of KRS 323A.010(3).]~~

~~[(2)] [The sale or installation of a product such as landscape materials (plants and construction) shall not be considered a professional experience.]~~

~~[(3)] [A plan or sketch drawn by a person solely for the promotion or sale of that person's products shall not be considered a professional experience.]~~

Section 5. Renewal.

(1) A licensee shall renew a license annually by July 1 by completing the online renewal form and paying the fee required by 201 KAR 10:050. A license may be renewed as active or inactive status.

(2) A licensee who does not renew online shall renew a license annually by July 1 by completing the Annual Active Renewal Notice form or the Inactive Annual Renewal Form and paying the fee required by 201 KAR 10:050. In addition, the Annual Active

Renewal Notice form shall be accompanied by the Continuing Education Approval Request and Affidavit Form (Form #CE-1).

Section 6. Change of Status.

- (1) A licensee may choose to inactivate the license. To do so, the licensee shall notify the board in writing.
- (2) During the period a license is inactive, a licensee shall:
 - (a) Be exempt from the provisions of 201 KAR 10:080; and
 - (b) Not practice landscape architecture.

Section 7. Reinstatement and Reactivation.

- (1) Prior to reinstatement of a suspended or expired license or reactivation of an inactive or retired license, a licensee shall complete the number of continuing education hours required for the annual renewal of the license times the number of years the license was suspended, expired, retired, or inactive.
- (2) The number of continuing education hours required by subsection (1) of this section shall not exceed twenty-four (24) hours.
- (3) The request for reinstatement or reactivation shall be accompanied by the fee required by 201 KAR 10:050.

Section 8. Retired License.

- (1) A licensee who has retired from the practice of landscape architecture may request a retired license by notifying the board in writing.
- (2) The request shall be accompanied by the fee required by 201 KAR 10:050.
- (3) The licensee shall provide evidence of retirement, such as social security benefits or a public or private pension.

Section 9. [~~Section 6.~~] Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for ~~License~~[Registration] to Practice Professional Landscape Architecture", 7/2023; [~~May 2002 Edition, Kentucky State Board of Examiners and Registration of Landscape Architects, is incorporated by reference.~~]
 - (b) Verification of Work Experience, 7/2023;
 - (c) Annual Active Renewal Notice, 7/2023; and
 - (d) Inactive Annual Renewal Form, 7/2023.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky, 40504, [~~It may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Examiners and Registration of Landscape Architects, 301 East Main Street, Lexington, Kentucky 40507,~~] Monday through Friday, 8 a.m. to 4:30 p.m.

GARY R. WONITZEK, President

APPROVED BY AGENCY: January 8, 2024

FILED WITH LRC: January 8, 2024 at 2:45 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2024, at 10:30 a.m. Eastern Time at the office of the Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of

the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through March 31, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jane Alexander, Executive Director, Kentucky Board of Landscape Architects, 2365 Harrodsburg Road, Suite B350, Lexington, Kentucky, phone (859) 246-2753, email ky.labd@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jane Alexander

(1) Provide a brief summary of:

(a) What this administrative regulation does:

It establishes the procedures for filing and processing applications for licensure as a landscape architect.

(b) The necessity of this administrative regulation:

(c) How this administrative regulation conforms to the content of the authorizing statutes:

It is authorized by KRS 323A.210(2)(b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

By establishing procedures for applications as a Landscape Architect.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

It clarifies what is contained in an application for licensure, which examination is required, and how work experience is to be reported. It deletes unnecessary language. It clarifies the process for licensure by reciprocity, renewal, change of status, reinstatement, reactivation, and retired license.

(b) The necessity of the amendment to this administrative regulation:

The administrative regulation needed to be updated.

(c) How the amendment conforms to the content of the authorizing statutes:

The authorizing statute permits the amendment.

(d) How the amendment will assist in the effective administration of the statutes:

By updating the licensure process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Applicants for licensure as a Landscape Architect, number unknown.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

They will use the correct licensure procedure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There is no cost other than the application fee.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

They will have used the correct application procedure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

There will be no additional cost beyond the regular operating costs of the agency.

(b) On a continuing basis:

See (a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase is necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

It does not.

(9) TIERING: Is tiering applied?

Tiering was not applied as the amendment affects everyone equally.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Board of Landscape Architects.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 323A.210

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

No effect

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

The amount cannot be estimated since it depends on the number of applicants.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

See (a) above.

(c) How much will it cost to administer this program for the first year?

There will be no additional costs beyond the general operating budget of the agency.

(d) How much will it cost to administer this program for subsequent years?

See (c) above.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

No effect

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

No cost savings

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

No cost savings

(c) How much will it cost the regulated entities for the first year?

No cost

(d) How much will it cost the regulated entities for subsequent years?

No cost

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. It does not.