

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

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Rule Set Information:

ARD assigned rule set number:

2022-23 LR

Title of proposed rule set:

Landscape Architects – General Rules

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to the regulation of this profession, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

A. Are these rules required by state law or federal mandate?

The department is required to promulgate rules necessary and appropriate to enable it to fulfill its role pursuant to MCL 339.205. 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.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed a federal standard.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The proposed rules are consistent with the standards required in the Michigan Occupational Code, and the rules are largely consistent with the requirements in other Great Lakes region states that regulate the profession. All states in the Great Lakes region license or register landscape architects.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The education and experience requirements for licensure or registration and continuing education requirements for landscape architects differ from state to state. Overall, the standards in the proposed rules do not exceed those of the other states in the Great Lakes region that license or register landscape architects.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

MCL 24.232(9) does not apply.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

Part 1 General Provisions: The current rule in this part provides definitions for terms used in the rule set. Several current rule numbers that should be included in Part 1 of the rules contain rules that pertain to education and examination or licensure. The rule numbers will be moved to Part 1, those current rules related to education and examination or licensure will be rescinded, and the substance of those rules will be moved to a new rule number within the Part of the rules where they should be located to comply with current drafting requirements and for organization and clarity. The proposed rules are intended to assist a licensee in complying with the requirements for licensure or license renewal.

Part 2 Education and Examination: The proposed rules in this part identify the approved educational programs and examination. The accreditation standards will be updated to assist an applicant in identifying the educational programs approved by the department. Several current rule numbers that should be included in Part 2 of the rules contain rules that pertain to relicensure, license renewal, and continuing education. Those rules pertaining to relicensure, license renewal, and continuing education will be rescinded, and the substance of those rules will be moved to new rule numbers within the Parts of the rules where they should be located to comply with current drafting requirements and for organization and clarity. The proposed rules are intended to assist a licensee in complying with the education and examination requirements for licensure.

Part 3 Licensure: The proposed rules in this part identify the requirements for licensure, licensure by endorsement, and relicensure. The proposed rules do not change the substance of rules currently contained in this rule set. Rather, the substance of these rules is currently contained in rule numbers that should be included in either Part 1 or Part 2 of the rules. The proposed rules renumbering will comply with current drafting rule requirements and will provide organization and clarity within the rule set. The proposed rules are intended to assist a licensee in complying with the requirements for licensure.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules in this part identify standards for license renewal, identify approved continuing education providers and activities, and provide sanctions for failure to satisfy continuing education requirements for renewal. The proposed rules add the procedure to be used if a licensee is requesting a waiver of the continuing education requirements for license renewal. The remainder of the new rules do not change the substance of rules currently contained in this rule set. Rather, the substance of these rules is currently contained in rule numbers that should be included in either Part 2 or Part 3 of the rules. The proposed rules renumbering will comply with current drafting rule requirements and will provide organization and clarity within the rule set. The proposed rules are intended to assist a licensee in complying with the requirements for license renewal.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

Part 1 General Provisions: The current rule in this part provides definitions for terms used in the rule set for better reader understanding. It is estimated that reader understanding of the rules will be increased by reorganizing the rules contained to comply with current drafting requirements. The frequency of the targeted behavior is not expected to change.

Part 2 Education and Examination: The proposed rules in this part identify the approved education programs and examination for licensure. The prior rules contained outdated information, which is updated in the proposed rules. The frequency of the targeted behavior will not increase, but the proposed rules will provide better organization, greater clarity, up-to-date information, and will comply with current drafting requirements.

Part 3 Licensure: The proposed rules in this part establish the requirements for initial licensure, licensure by endorsement, and relicensure. It is expected that each applicant seeking licensure will be impacted by the new rules, but the frequency of use is not expected to change. The proposed rules will also provide better organization and greater clarity while complying with current drafting requirements.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules in this part pertain to license renewal standards, identify approved continuing education providers and activities, and establish sanctions if a licensee fails to comply with the continuing education required for license renewal. The proposed rules will add the procedure to be used if a licensee is requesting a waiver of the continuing education requirements for license renewal. The frequency of use is not expected to change. The proposed rules will provide better organization and greater clarity while complying with current drafting requirements.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Part 1 General Provisions: This part provides general rules within the rule set. It is estimated that reader understanding of the rules will be increased by reorganizing the rules to comply with current drafting requirements.

Part 2 Education and Examination: The proposed rules in this part identify the approved education programs and examination for licensure. The prior rules contained outdated information, which is updated in the proposed rules. It is expected that the proposed rules will provide better organization, greater clarity, up-to-date information, and will comply with current drafting requirements for greater reader understanding.

Part 3 Licensure: The proposed rules in this part establish the requirements for initial licensure, licensure by endorsement, and relicensure. It is expected that each applicant seeking licensure will be impacted by the new rules, but the frequency of use is not expected to change. The proposed rules will also provide better organization and greater clarity while complying with current drafting requirements. It is estimated that reader understanding of the rules will be increased by reorganizing the rules to comply with current drafting requirements.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules in this part pertain to license renewal standards, identify approved continuing education providers and activities, and establish sanctions if a licensee fails to comply with the continuing education required for license renewal. The proposed rules will add the procedure to be used if a licensee is requesting a waiver of the continuing education requirements for license renewal. The frequency of use is not expected to change. The proposed rules will also provide better organization and greater clarity while complying with current drafting requirements. It is estimated that reader understanding of the rules will be increased by reorganizing the rules to comply with current drafting requirements.

C. What is the desired outcome?

Part 1 General Provisions: This section will provide the general rules within the rule set. The proposed rules will reorganize the rules to comply with current drafting requirements and is intended to provide ease of use and better reader understanding.

Part 2 Education and Examination: The proposed rules in this part identify the approved educational programs and the examination required for licensure. The desired outcome is to assist an applicant in determining if his or her educational program is approved and to identify the examination he or she must take for licensure and to reorganize the rules to comply with current drafting requirements for ease of use and better reader understanding.

Part 3 Licensure: The proposed rules set out the requirements for initial licensure, licensure by endorsement, and relicensure. The desired outcome is to assist an applicant for licensure in meeting the requirements, to reorganize the rules to comply with current drafting requirements, and to provide ease of use and better reader understanding of the rules.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules in this part pertain to license renewal standards, identify approved continuing education providers and activities, and establish sanctions if a licensee fails to comply with the continuing education required for license renewal. The proposed rules will add the procedure to be used if a licensee is requesting a waiver of the continuing education requirements for license renewal. The desired outcome is to provide better organization and clarity while complying with current drafting requirements and to setting forth the procedure to be followed when seeking a continuing education waiver for license renewal.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Part 1 General Provisions: Although the likelihood of harm is slight as written, the reorganization in compliance with current drafting requirements will ensure ease of use and better reader understanding.

Part 2 Education and Examination: The potential harm without the proposed rule change is that the licensee's education may not satisfy the requirements for licensure because accreditation standards in the rules are outdated.

Part 3 Licensure: Although the likelihood of harm is slight as written, the reorganization in compliance with current drafting requirements will ensure that the applicant can easily identify the requirements for obtaining a license.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The potential harm without the proposed rule change setting out the procedures for applying for a waiver of the continuing education requirements for license renewal is that the licensee may fail to apply for the waiver in a timely manner or fail to comply with all requirements.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Part 1 General Provisions: As written, the rules do not comply with current drafting requirements.

Part 2 Education and Examination: Updating the information regarding approved educational programs cannot be achieved without a rule change.

Part 3 Licensure: As written, the rules do not comply with current drafting requirements.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The current rules do not provide the procedural requirements to apply for a waiver of the continuing education requirements necessary for license renewal. This may result in the applicant not being granted the waiver he or she seeks.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

Part 1 General Provisions: Making administrative rules consistent protects the health, safety, and welfare of Michigan citizens by ensuring that the rules are easy to locate and read. The proposed rules do not impose any new burdens.

Part 2 Education and Examination: Updating the information regarding approved educational programs cannot be achieved without a rule change, and the health, safety, and welfare of Michigan citizens are protected by ensuring that an applicant's education is up to the current standards. The proposed rules do not impose any new burden.

Part 3 Licensure: Making administrative rules consistent protects the health, safety, and welfare of Michigan citizens by ensuring that the rules are easy to locate and read. The proposed rules do not impose any new burdens.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The current rules will be revised to add the procedure to be followed if a licensee is requesting a waiver of the continuing education requirements for license renewal. The health, safety, and welfare of Michigan citizens are protected when a licensee stays up to date in his or her profession, or the requirements are waived in compliance with statute. There is no new burden imposed on the licensee as a result of the proposed rules.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 339.19004 will be rescinded, and the content of the rule will be amended and relocated to R 339.19011 to comply with current drafting rules.

R 339.19006 will be rescinded, and the content of the rule relocated to R 339.19013 to comply with current drafting rules.

R 339.19008 will be rescinded, and the content of the rule relocated to R 339.19021 to comply with current drafting rules.

R 339.19010 will be rescinded, and the content of the rule relocated to R 339.19022 to comply with current drafting rules.

R 339.19012 will be rescinded, and the content of the rule relocated to R 339.19024 to comply with current drafting rules.

R 339.19014 will be rescinded, and the content of the rule will be amended and relocated to R 339.19031 to comply with current drafting rules.

R 339.19016 will be rescinded, and the content of the rule relocated to R 339.19034 to comply with current drafting rules.

R 339.19018 will be rescinded, and the content of the rule relocated to R 339.19036 to comply with current drafting rules.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

Part 1 General Provisions: The proposed rules do not place any burden on an individual.

Part 2 Education and Examination: There is no new cost imposed by the proposed rules in this part. The accreditation standards will be updated, but there is no new burden on an individual as a result of the proposed rules.

Part 3 Licensure: The proposed rules will assist a reader in locating the requirements for licensure. The proposed rules do not place any burden on an individual.

Part 4 License Renewal Standards, Continuing Education, Sanctions for Failure to Complete Continuing Education: The proposed rules add the procedure for applying for a waiver of the continuing education requirements needed for license renewal. The proposed rules will assist a licensee in making the request, and they do not impose any new burden on an individual.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The proposed rules do not impose any new burdens. To the extent that the current rules impose burdens for completing education, examination, and continuing education, the rules are necessary to ensure that an applicant for licensure has the appropriate training, can demonstrate a minimum level of competence, and that a licensee remains up to date in his or her knowledge and training. There is no less burdensome way to ensure the health, safety, and welfare of Michigan citizens.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or reductions for other state or local governmental units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact

16. In general, what impact will the rules have on rural areas?

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's workplace qualifies as a small business, the department could not exempt the licensee's business because it would create a disparity in the regulation of the profession.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules will not impact public or private interests in rural areas.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The department did not consider exempting small businesses because they are not impacted by the proposed rules.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees. Further, the Michigan Occupational Code requires landscape architects to be licensed.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

There are approximately 685 landscape architects in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, the licensee will have to comply with the proposed rules. The rules do not impact small business differently because the impact is to the individual licensee only.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all landscape architect licensees. The rules were drafted to be the least burdensome on all affected licensees.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules do not impact small business. They impact an individual licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules affect individuals applying for licensure and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to a small business that will cause economic harm to a small business or the marketplace as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt the licensee's business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt the licensee's business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

No small businesses were involved in the development of the rules.

A. If small businesses were involved in the development of the rules, please identify the business(es).

No small businesses were involved in the development of the rules.

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There are no estimated compliance costs with these rule amendments on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

It is estimated that there will be no new compliance costs imposed on an individual to comply with the proposed rules.

A. How many and what category of individuals will be affected by the rules?

All licensees and applicants are affected by the proposed rules.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The proposed rules do not impose any new costs on individuals.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear, concise language allows the public, applicants, and licensees to better understand the requirements for licensure and license renewal. The addition of the procedural requirements for applying for a waiver of the continuing education requirements for license renewal will also benefit a licensee who has encountered difficulties in obtaining the necessary continuing education for license renewal.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

Illinois: <https://www.idfpr.com/profs/LandScapeArch.asp>

Indiana: <http://iga.in.gov/legislative/laws/2020/ic/titles/025#25-4-2>; <http://iac.iga.in.gov/iac//T08040/A00011.PDF?>

Kentucky: <https://apps.legislature.ky.gov/law/statutes/chapter.aspx?id=38852>; Title 201 Chapter 10 • Kentucky Administrative Regulations • Legislative Research Commission

Minnesota: <https://www.revisor.mn.gov/statutes/cite/326>;
<https://www.revisor.mn.gov/rules/1800/full>

New York: <http://www.op.nysed.gov/prof/larch/article148.htm>; <http://www.op.nysed.gov/prof/larch/part79-1.htm>

Ohio: <http://codes.ohio.gov/orc/4703.30>; <http://codes.ohio.gov/oac/4703%3A1>

Pennsylvania: <http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter15/chap15toc.html&d=>;
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/LandscapeArchitects/Documents/Board%20Documents/Law.pdf>

Wisconsin: <https://dsps.wi.gov/Pages/RulesStatutes/AE.aspx>;
https://docs.legis.wisconsin.gov/code/admin_code/a_e/9.pdf

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

Since the rules are required by statute, no estimates were made.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing or registration of landscape architects are state functions, and states regulate landscape architects by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure their competency or hold them accountable.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. The rules are necessary for the administration and enforcement of the licensing process.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.