Web Licensure Summit
February 28, 2019
Agenda

Review of legislative activity

What ASLA and CLARB are doing to support you

What states are doing #DoOneThing

Updated Resources

Upcoming Events
Review of Legislative Activity
Where are we seeing activity?

- Tracking 170+ bills
  Regular coordination between ASLA and CLARB
2019 Occupational Licensing Legislation Trends

- **Bills directly affecting LA licensure acts**
  - Title-to-practice (IL)
  - Technical modifications & board operations (IA, NE)
  - Direct attempts to deregulate LA (VA – failed)

- **Bills "reducing barriers" to occupational licensure**
  - Military spouse and active duty licensure reciprocity, temporary and provisional licenses, reduced fees
  - “Second Chance” Acts and similar – limiting use of prior convictions or criminal history in licensure decisions
  - Limiting use of student loan defaults in licensing decisions

- **Bills creating or amending reviews of occupational licensing**
  - Sunrise/sunset bills
  - Licensing studies – either by legislature or by Exec. Order.
  - Creating review boards or commissions

- **Bills reforming occupational licensure**
  - Right To Earn A Living Acts (least restrictive regulation)
  - Consumer choice acts (disclosure of non-licensure)
  - Various other occupational licensing reforms and technical changes

- **Bills requiring state contractors/subs to install billable hours tracking software on employee computers**
2019 Heat Map – Where are we seeing the most bills?
Bills affecting landscape architect license acts

- Title-to-Practice Act - IL
- Technical modifications & board operations - IA, NE
- Direct attempts to deregulate landscape architect licensure - VA – failed
Bills "reducing barriers" to occupational licensure

- Military spouse and active duty licensure Acts (various types)
  - Provides licensure reciprocity, temporary or provisional licenses, reduced fees

- “Second Chance” Acts
  - Prohibits use of prior convictions or criminal history in licensing decisions.

- “Put our Graduates to Work” Acts
  - Prohibits boards from considering student loan defaults in licensure decisions
- "Right to Earn a Living Acts"
- "Least restrictive form of regulation" bills
- "Consumer choice" acts
  - Pre-contract disclosure of non-licensure
  - "I'm not a landscape architect, but I play one on TV"
• Reviews of occupational licensure
  • Sunrise/Sunset Bills
  • Review boards or commissions
  • Other types of reviews

• Comprehensive reviews:
  • Professional Governance Act (in legislative process) - BC
  • Reviews of all boards and commissions (incl. LA) - AB
Occupational Licensing Reform Bills

- Many other reforms, including
  - Board operations / composition
  - Rule approval processes
  - "Active Supervision" provisions
  - Agency/statute modifications
  - Reducing fees
  - Continuing education modifications
  - License renewal process
  - Endorsement/reciprocity
  - Etc.
Supporting our Members
Focused Area of Shared Interest

Regulation

Licensure

Profession
Building Partnerships and Collaborations

Within the profession
Among related professions
Across all regulated professions
Within the Profession

Building strong relationships for coordinated action
The ASLA / CLARB Partnership

- Building effective board/chapter relations
- Tracking and monitoring legislation
- Increasing response coordination
- Developing co-sponsored tools and resources
The Presidents Council

- Monitoring the health of the profession
- Commitment to a more diverse and inclusive profession
- Reframing landscape architecture in the public realm
Among Related Professions

Building strong relationships for coordinated action
Design Professions Coalition

- Tracking and responding to occupational licensure reform bills
- Information sharing/resources
- Speaking with one voice
Design Profession Coalition

9:00 – 10:00 AM - Legislative updates and state by state strategy
- Mississippi HB 898 (review of all state agencies and boards)
- South Dakota HB 1111 (military licensure)
- Arizona HB 2569 (universal licensing recognition)
"Billable hours software tracking" bills

- "Software Tracking" bills
  - Legislation requires state contractors to install software on employee/subcontractor computers to track billable hours.
  - Promoted by the company that created the software.
Across all Regulated Professions

Building strong relationships for coordinated action
• Establish a compelling narrative that licensing standards for advanced professions are important and must be protected
• Build awareness of the important distinction between licensing of advanced professions and occupational licensing
• Illustrate and communicate the depth and breadth of concern over efforts to weaken professional licensure standards.
SUCCESS STORIES

Share Yours!
Senate Resolution

A resolution recognizing April 2019 as “Landscape Architecture Month” in Florida.

WHEREAS, landscape architecture encompasses the analysis, design, planning, management, and stewardship of the natural and built environment, and

WHEREAS, Floridians benefit from the licensed practice of landscape architecture, which assures the design of healthy, equitable, safe, and resilient public and private outdoor spaces, and

WHEREAS, landscape architects are responsible for protecting the public health by creating accessible spaces, such as public plazas, parks, schools, residential common areas, playgrounds, and trails that lead to active lifestyles and healthy communities, and

WHEREAS, landscape architects are also responsible for promoting public safety by applying land design skills, technical knowledge, and conservation techniques that ensure the safety of individuals and communities, and for promoting public welfare by purposefully designing public spaces that provide economic, social, and recreational opportunities for people of all ages and abilities.

WHEREAS, there are more...
Landscape Architecture Resolutions

• What is the purpose?

• What is included?
Talking Points

OCCUPATIONAL LICENSING CONSUMER CHOICE ACT

The Occupational Licensing Consumer Choice Act is model legislation that permits any individual to practice a profession or occupation without a valid state occupational license, so long as that individual discloses that fact to prospective consumers. Furthermore, the model law would allow an individual practicing a profession or occupation without a valid state license to assert the disclosure as a judicial defense to any regulatory enforcement of state occupational licensing laws and regulations.

Proponents of the Consumer Choice Act believe that professional and occupational licensure limits an individual’s freedom of enterprise, imposes regulatory burdens that outweigh public protection or benefit, and unfairly limits competition and entrance into professions and occupations. Proponents argue this model act gives entrepreneurs, business owners, and individuals the economic freedom to pursue and operate their desired profession or occupation unconstrained by the regulatory burdens of state licensure.

The profession of landscape architecture opposes the Consumer Choice Act, model as too broadly permitting individuals to practice professions that have a significant, substantial, and documented threat to public health, safety, and welfare, including landscape architecture, which necessitates a state license to protect public health, safety, and welfare.

Key Elements of Consumer Choice Act
- Allows individuals to practice a profession or occupation without the need of obtaining a professional license from the state
- Allows a non-licensed individual to engage in a profession by providing a "non-license disclosure" to consumers prior to entering into an agreement for service.
- Provides defense to the enforcement of any licensing regulation, civil or criminal, if a "non-license disclosure" was properly rendered.
- Provides that the Consumer Choice Act supersedes all other statutory provisions of the state.

Key Elements of Concern
- States have the constitutional right and responsibility to protect the health, safety, and welfare of the public.
- The Consumer Choice Act attempts to elevate an individual’s freedom of enterprise over a state’s right to protect the collective public’s health, safety, and welfare.
- The Model Act is written to superecede all other statutory provisions of the state.
- The Model essentially designates highly technical and skilled professions, such as landscape architecture, architecture, and engineering, which will result in incompetency and lack of professional standards, leading to losses to the public, safety, and welfare.
- Uncruepulous actors will easily be able to practice highly skilled professions that impact the state’s public, health, safety, and welfare.
- State authorities will have a hard time bringing civil or criminal action against these unscrupulous actors, due to the "non-license disclosure" provision.
- Uncruepulous actors will have a legitimate defense to any civil or criminal licensing regulation and would be entitled to reasonable costs and attorney’s fees incurred in asserting such a defense.

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Chapter & Board Contact List

<table>
<thead>
<tr>
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<th>Title</th>
<th>Email</th>
<th>Phone</th>
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<tbody>
<tr>
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**Chapter: State License Board**

- **President:** John Doe, johndoe@example.com, 123-456-7890
- **Vice President:** Jane Smith, janetsmith@example.com, 098-765-4321
- **Secretary:** David Lee, davidlee@example.com, 111-222-3333
- **Treasurer:** Sarah Brown, sarahbrown@example.com, 444-555-6666

**Board: AIA Chapter**

- **President:** John Doe, johndoe@example.com, 123-456-7890
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- **Secretary:** David Lee, davidlee@example.com, 111-222-3333
- **Treasurer:** Sarah Brown, sarahbrown@example.com, 444-555-6666

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**Reference:**

- **State License Board:** StateLicenseBoard@example.com, 123-456-7890
- **AIA Chapter:** AIAChapter@example.com, 098-765-4321
- **Contact List:** ContactList@example.com, 111-222-3333
Chapter & Board Contact List
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<thead>
<tr>
<th>WHAT</th>
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<td>Site Tour Webinar</td>
<td>Early Summer</td>
<td>ASLA Chapters</td>
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<td>Joint Web Licensure Summit</td>
<td>June 18 at 3 p.m. ET</td>
<td>CLARB Regulatory Boards</td>
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<td>Site Tour Month</td>
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<td>Advocacy Summit</td>
<td>September 6-8</td>
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<td>Salt Lake City, UT</td>
<td>and chapter leaders</td>
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<td>CLARB Annual Meeting with</td>
<td>September 26-28</td>
<td>CLARB Regulatory Boards</td>
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<td>Site Tour</td>
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Questions/Comments