

**AMERICAN  
SOCIETY OF  
LANDSCAPE  
ARCHITECTS**

**CLARB**

# Joint Licensure Web Summit

March 27, 2018 – 3:00 PM EST

# Let's Make the Most of Our Time Together

- This web event is being recorded
- Please mute your phone or computer/mobile device microphone
- Submit questions to Andrea Elkin using the chat feature
- Experiencing technical difficulties? Contact Zoom at 1-888-799-9666 ext. 2 and enter Meeting ID 820 505 462



# Welcome!



Joel Albizo  
CLARB  
Chief Executive Officer



Elizabeth Hebron  
ASLA  
State Government Affairs  
Director



David Sprunt, ASLA  
CLARB  
Senior Licensure  
Defense Consultant

1. Legislative trends and how we are responding
2. Understanding legislation and the potential impacts
3. Best practices in building strong relationships
4. Resources available to members
5. Next Steps in defending licensure

# On the Agenda

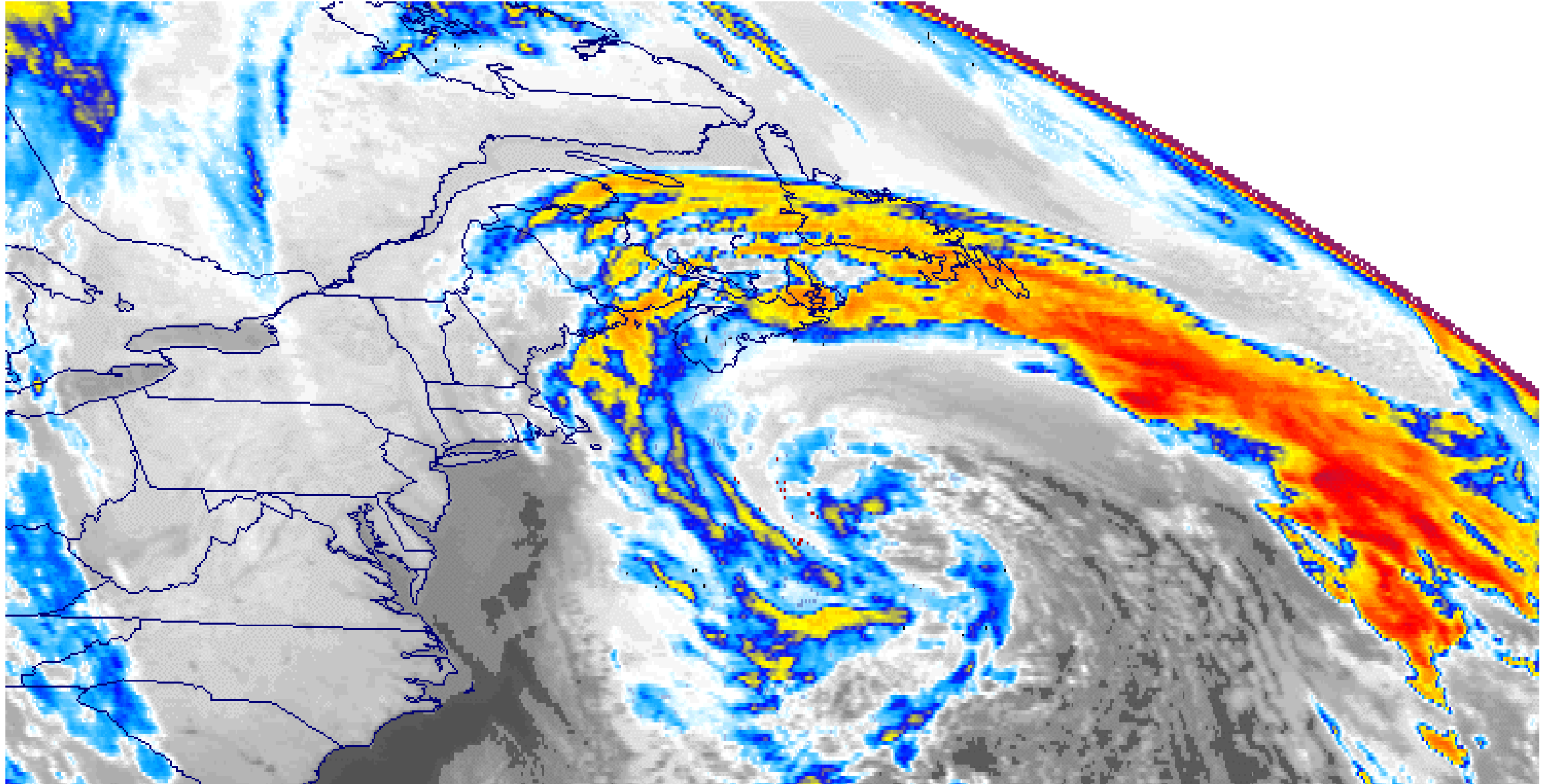




# Legislative Trends and Response

Joel Albizo, Chief Executive Officer

CLARB







# More Federal Intervention

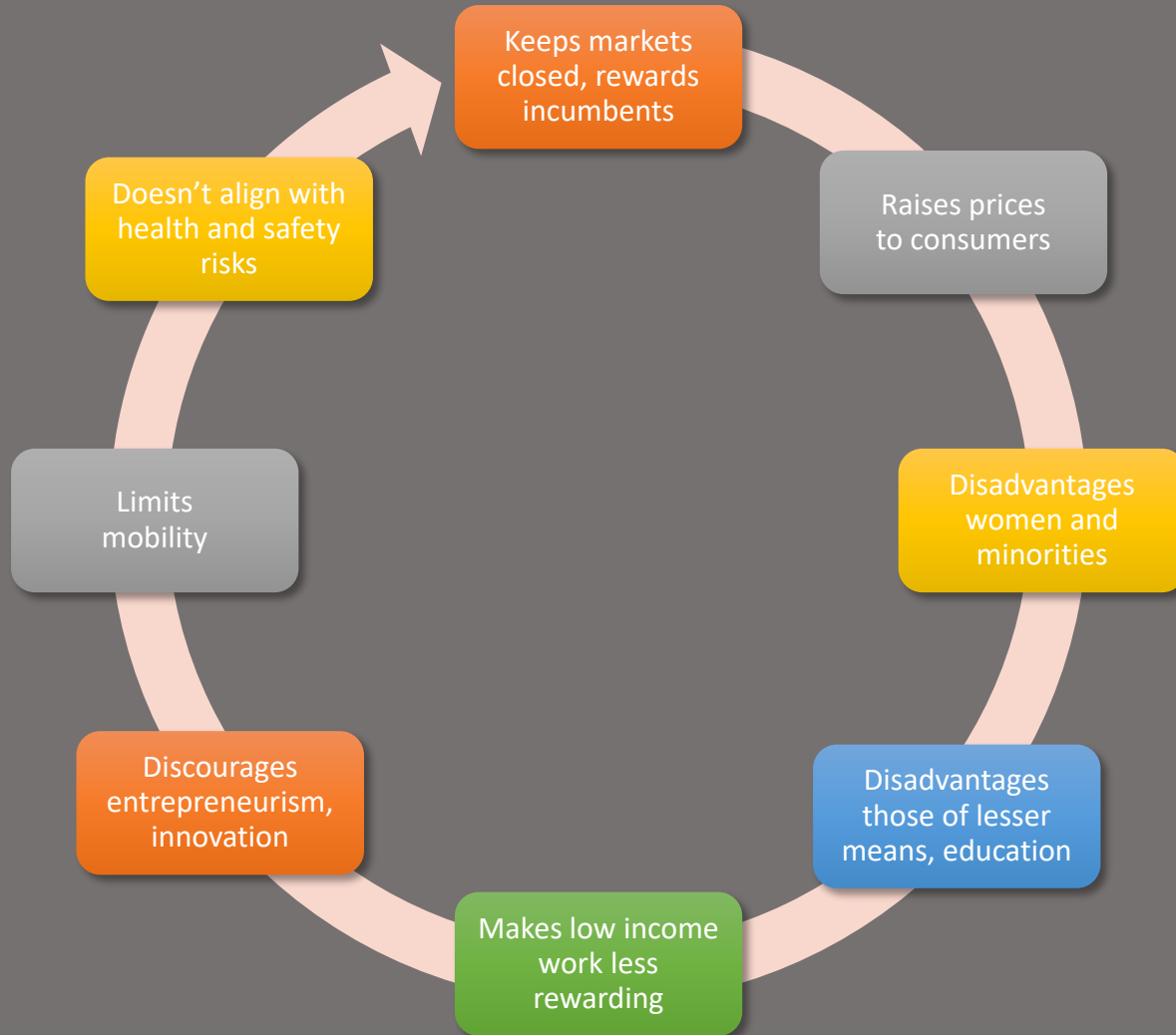
- National Occupational Licensing Learning Consortium
- Active FTC focused on licensure, boards
- Congressional legislation
- White House infrastructure plan\*

*\*Requiring that States accepting federal funds for infrastructure projects accept workers with out-of-state licenses to work on those projects would speed project delivery, reduce project costs and provide flexibility to workers with out-of-state skilled trade licenses.*

# Energized, Mature Interest Group Coalition







Well Established,  
Refined Narrative

**Legislator rips up bill to end licensing for social workers, barbers, other professionals**

Need a license to do your job? That may be excessive

## **Do Occupational Licenses Exacerbate the Prison-to-Poverty Pipeline?**

**The Disappearing Right to Earn a Living**

**Occupational Licensing Reform Becomes a Cause Both Republicans and Democrats Can Love**

**The Onerous, Arbitrary, Unaccountable World of Occupational Licensing**

Occupational (License) Hazards: Style Hair at a Church And Go to Jail?

**Occupational Licensing Reduces Interstate Mobility**

License to Mow Lawns? Occupational Licensure and Liberty

**New Study Shows Licensure Laws Kill Jobs in All 50 States**

**States realizing it's stupid to make it hard to earn a living**

**Nebraska Requires Barbers To Train Longer Than EMTs. That's Ridiculous**



# Commentary: A dog-walking license? Please. Here's how to stop this silliness.



A man walks a dog through the snow during Winter Storm Grayson on Thursday, Jan. 4, 2018 in Manhattan, N.Y. (James Keivom / TNS)

Chicago Tribune

IN PARTNERSHIP WITH

BEST REVIEWS

We tested the  
top TVs.

See which  
TV we rated  
**Best of the Best.**





Conflict  
Limitations  
Fear





# Comprehensive Licensure Reviews Growing



## OCCUPATIONAL LICENSING TASK FORCE REPORT A STUDY OF OCCUPATIONAL LICENSING IN OKLAHOMA

THIS REPORT WAS PREPARED BY:  
The Occupational Licensing Task Force and  
the Oklahoma Department of Labor

*This publication is issued by the Oklahoma Department of Labor as authorized by Labor Commissioner Melissa McLawhorn Houston. Copies have not been printed but are available through the agency website.*

JANUARY 9, 2018

- Alabama
- Arizona
- Delaware
- Connecticut
- Georgia
- Idaho
- Illinois
- Indiana
- Kentucky
- Louisiana
- Massachusetts
- Michigan
- Mississippi
- Missouri
- Nebraska
- New Hampshire
- New Jersey
- Ohio
- Oklahoma
- Pennsylvania
- Utah
- Virginia
- Washington
- West Virginia

(24 states so far)



# New Focus on **Mobility**

## Examples

- FTC portability roundtable
- Congressional hearings
- Department of Labor Compacts
- White House infrastructure plan
- Temporary license compacts
- Letters from service branch secretaries

## Why

- Feds have an interest in interstate commerce, competition
- Lots of juicy examples
- Military angle
- Divide and conquer
- *It might work!*



**SMALL  
BUSINESS  
COMMITTEE**

# OCCUPATIONAL HAZARDS: HOW EXCESSIVE LICENSING HURTS SMALL BUSINESS

FEBRUARY 27, 10 AM  
RAYBURN 2360

“There are also significant inconsistencies between state requirements for licensing. For example while an individual in Missouri must only pay a 52 dollar fee and does not need specialized training to be an auctioneer, Tennessee requires a 650 dollar fee and 756 days of specialized training for the same license.”

Dave Brat, R-VA

# Landscape Architecture: A mobile profession

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LANDSCAPE  
ARCHITECTURE •

## A MOBILE PROFESSION

THE FACTS:

1

LANDSCAPE ARCHITECTURE IS A MOBILE PROFESSION WITH OVER 50% PRACTICING IN MORE THAN ONE JURISDICTION.



LANDSCAPE ARCHITECTS CAN WORK IN MULTIPLE JURISDICTIONS WITH EASE BECAUSE OF CONSISTENT REQUIREMENTS

2

3

ALL 50 STATES, THE DISTRICT OF COLUMBIA READILY ACCEPT AN ACCREDITED DEGREE IN LANDSCAPE ARCHITECTURE, FOUR YEARS (OR LESS) OF EXPERIENCE AND PASSAGE OF THE LANDSCAPE ARCHITECT REGISTRATION EXAM AS QUALIFICATION FOR LICENSURE.



NEARLY ALL (92%) LANDSCAPE ARCHITECTURAL LICENSEES MEET THESE STANDARDS

4

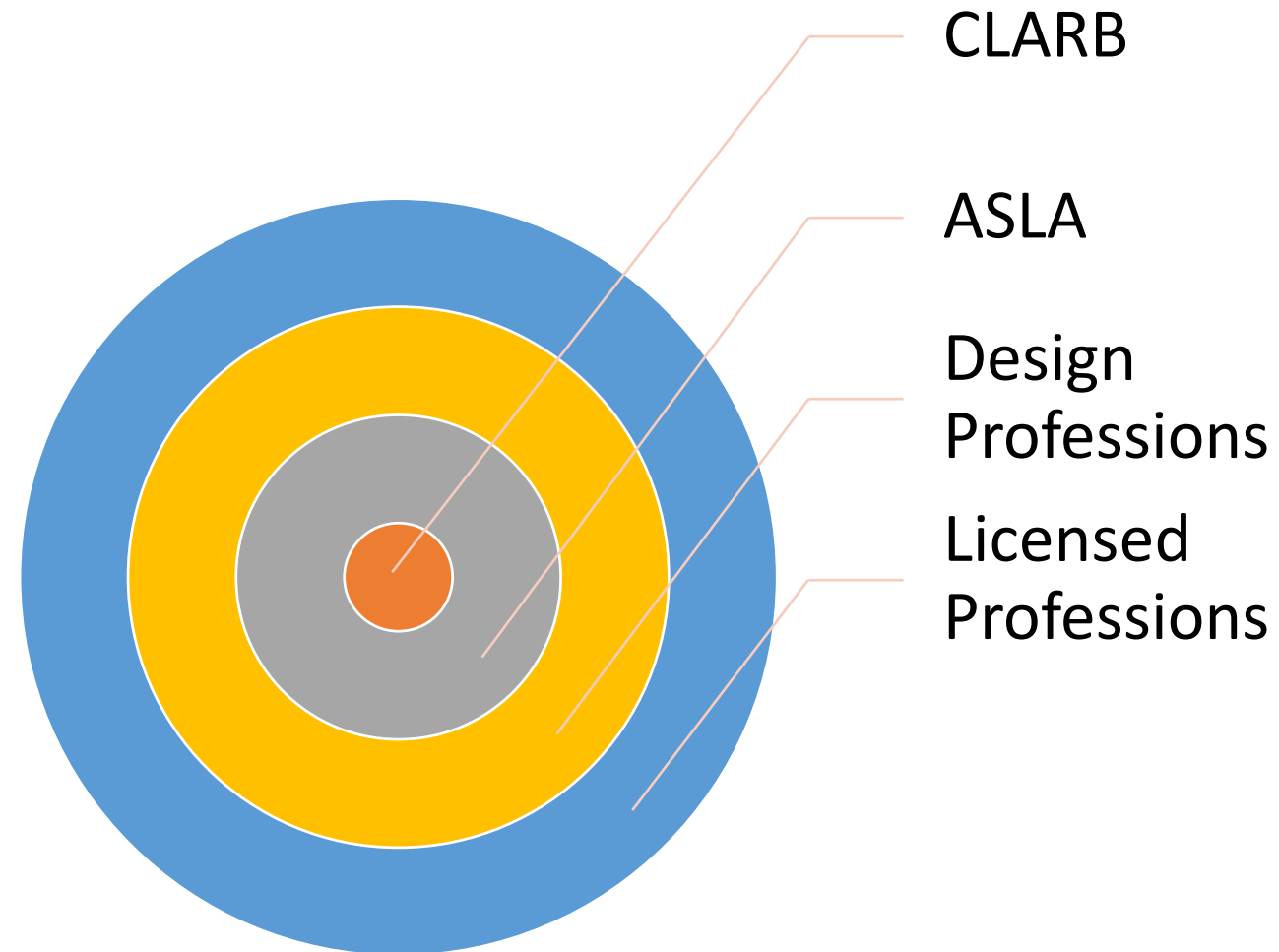
5

LANDSCAPE ARCHITECTURE IS ONE OF ONLY 60 PROFESSIONS LICENSED IN EVERY US STATE AND DC.



CLARB

# The Licensure Community Is Engaged



# Licensed Professions



21 member associations

500 boards

5 millions licensees

- Disruption is #1 CEO concern
- New focus on positive story
- July National Policy Summit to explore collective action

“What keeps me up at night is the fear of the unknown as it relates to licensure challenges. I never know what to expect when I wake up each morning.”

Humayun Chaudhry, DO  
President and Chief Executive Officer  
Federation of State Medical Boards



# Design Professions

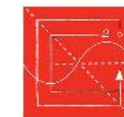
- Joined by interior design
- Robust information exchange
- Coordination on state issues
- Consensus emerging on collective action

CLARB



Council for  
Interior Design  
Qualification

NCARB



**NCEES**  
*advancing licensure for  
engineers and surveyors*



Questions?



The ASLA-CLARB Advocacy  
Connection is Stronger and More  
Productive

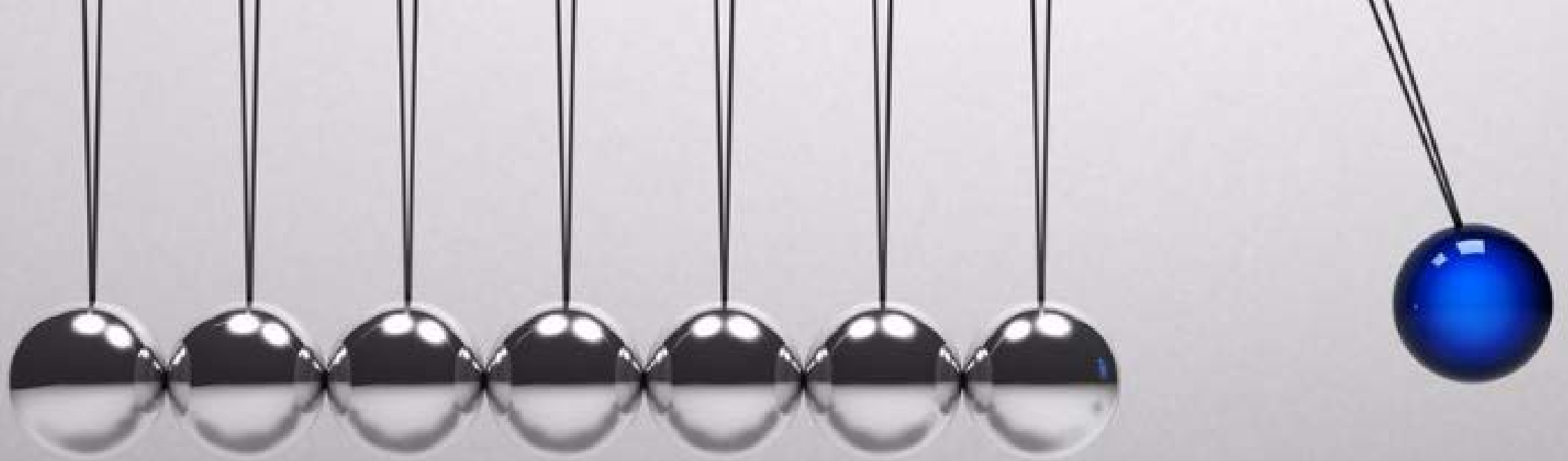
- Development of joint resources
- Better communications coordination
- Collaborative response to threats

# OPPORTUNITY

## FY 2018 Focus

- Strengthen the board/chapter relationship,  
and
- Increase participation as an active participant  
(in appropriate ways) to defend licensure



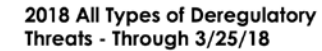


# Understanding Legislation and the Impacts on LA Licensure

Elizabeth Hebron, Director, State  
Government Affairs ASLA

David Sprunt, Sr. Licensure Defense  
Consultant CLARB

# 2018 Occupational Licensing Deregulation Activity



- Legislation potentially affecting professional licensure, including landscape architecture
- Executive Order licensing studies underway
- Both Exec. Orders and Legislation affecting licensure



## Deregulation Trends:

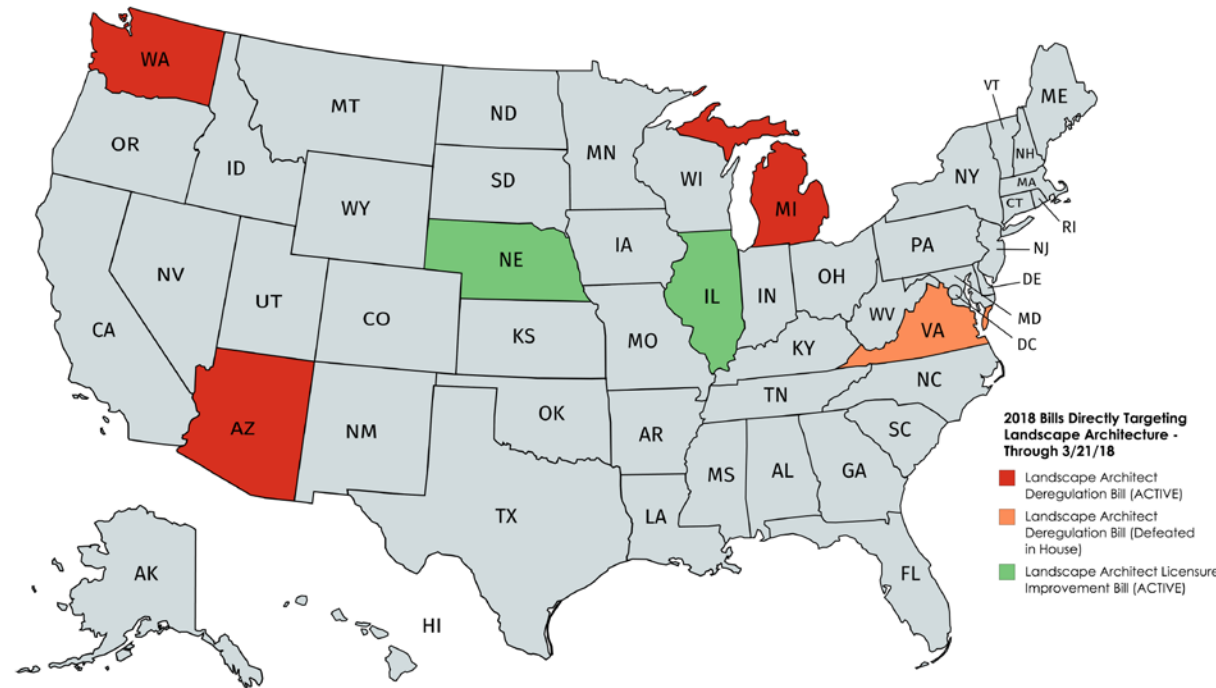
# Occupational Licensing Deregulation Bills

## What do they do?

- Remove licensing: "oversight does not serve the public"
- Belief: government should not prevent individuals from pursuing an occupation
- "Market Darwinism"

## Where have LA deregulation bills appeared?

- AZ (2016 & 2018)
- VA (2017 & 2018)
- MI
- WA (2017 carryover)
- Previous years
  - IL, MT, MO, WI
- NE and IL bills reform LA licensure



2018 Bills Focused on LA Licensure

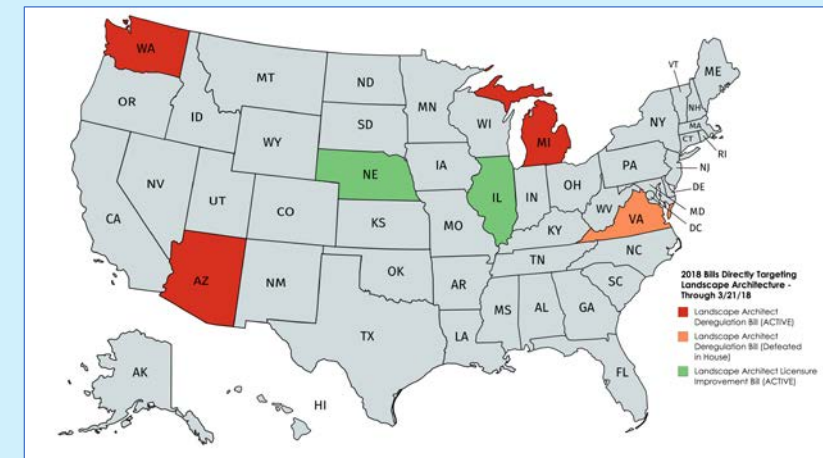
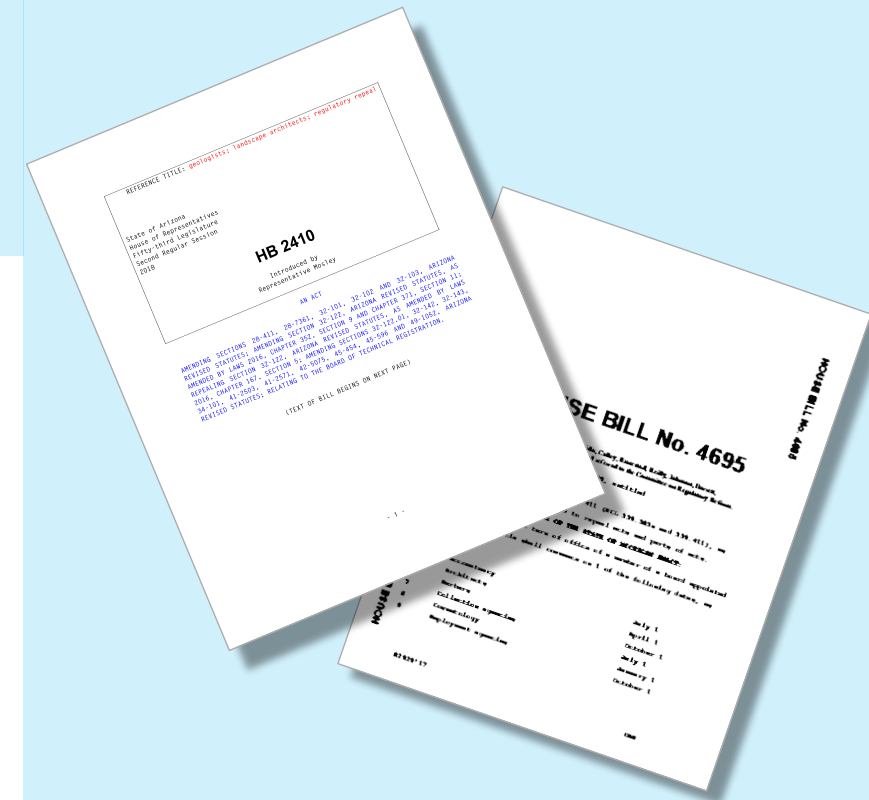
# Overview: Deregulation Laws

## Key Elements:

- Remove occupational regulation
- Some laws replace licensing with certification or registering with the state and participating in an “Angie’s List or Yelp”

## Impacts:

- Incompetent practitioners
- Harm to public health, safety and welfare
- Difficult to gauge competence of professionals
- Inability to compete for projects requiring licensed professionals



## Deregulation trends:

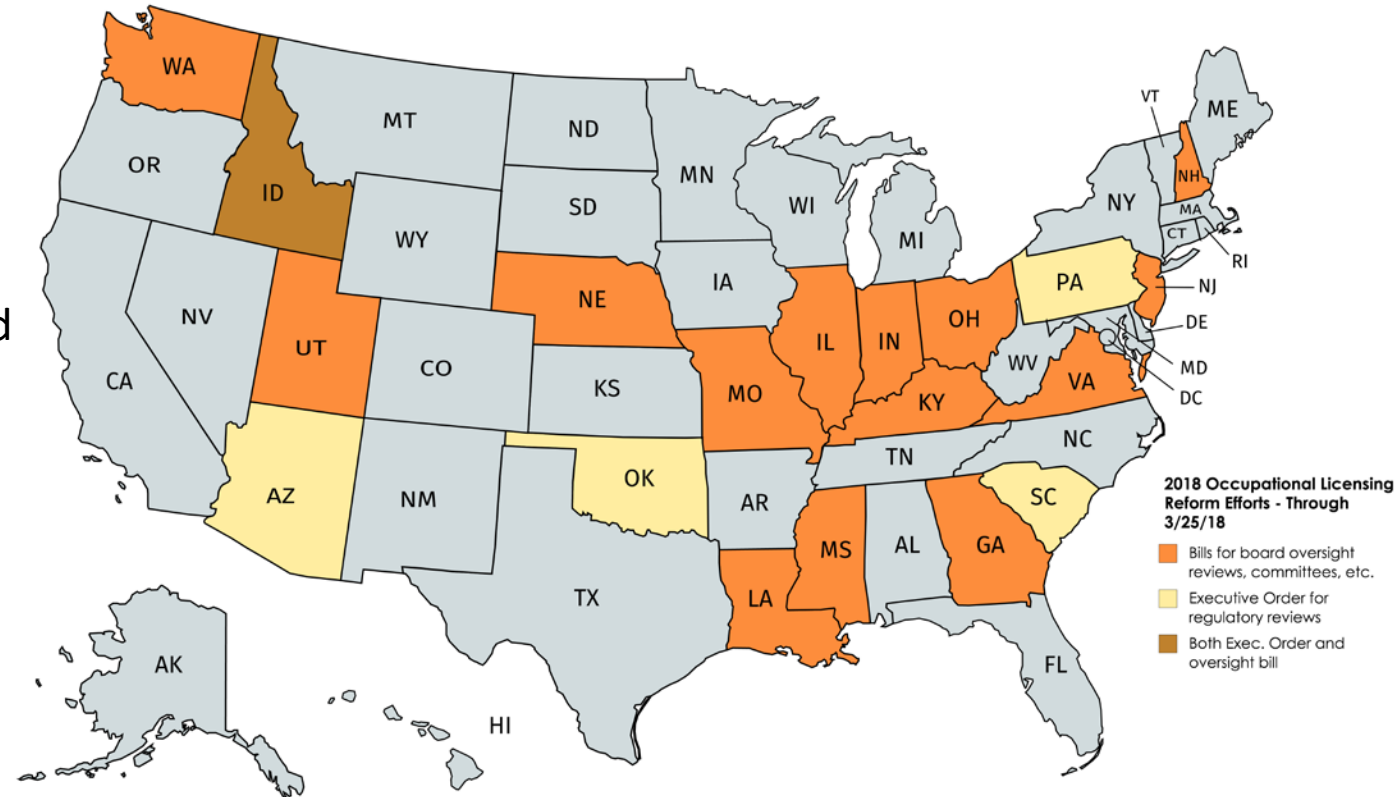
# Occupational Regulation Oversight & Review Bills

## What do they do?

- Create provisions and entities to oversee and study state occ. regulation, and make recommendations
- Increased oversight
- Ensure state agency/board actions premised upon a clearly articulated state policy

## Where have they appeared this year?

- Executive Orders – 5 States
- Legislation – 15 States
- In Idaho – Both



2018 Regulation Oversight Bills and Executive Orders



## Deregulation trends:

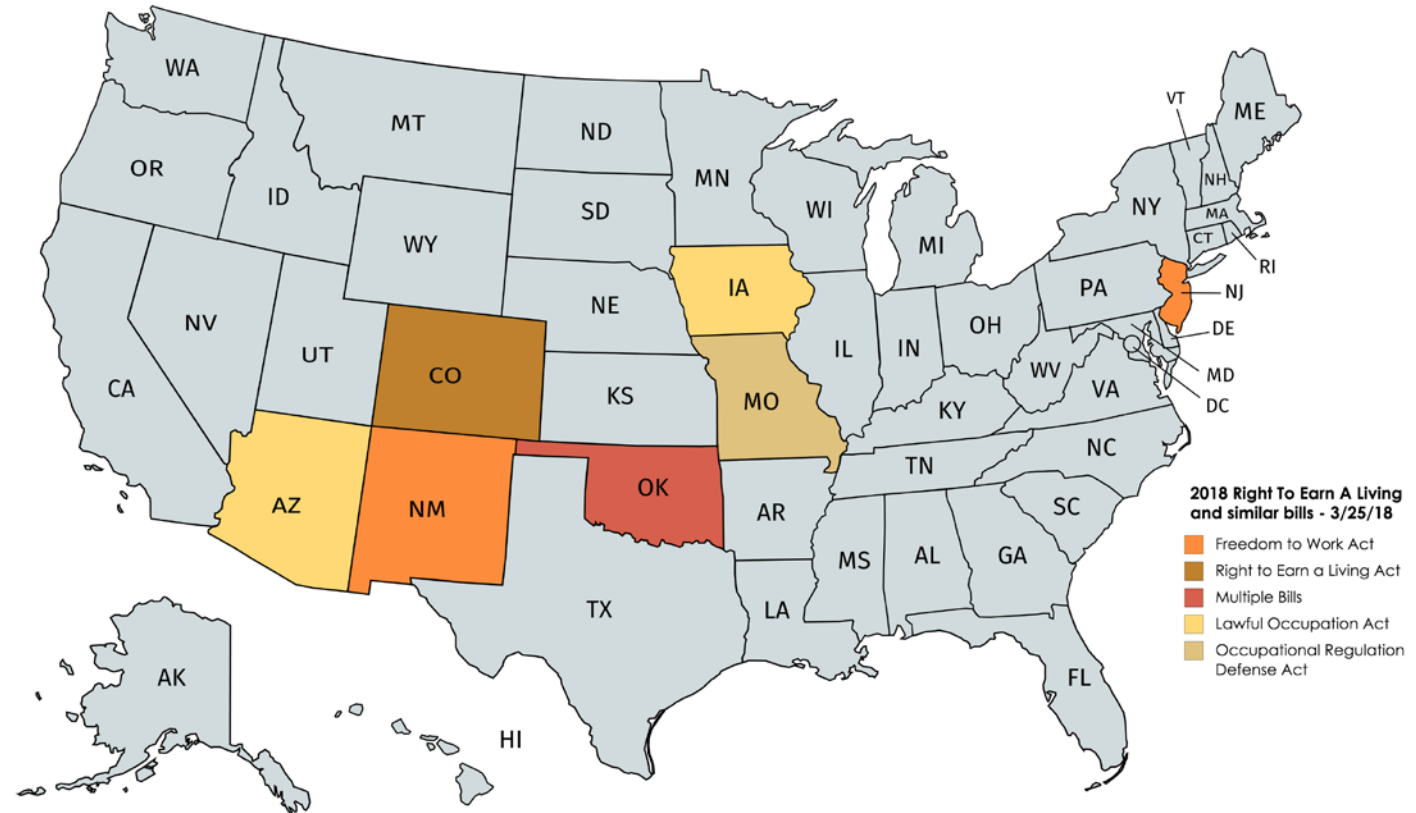
# Right to Earn a Living and similar bills

### What do they do?

- Model law promoting occupational licensing reform
- Developed by the Goldwater Institute
- Endorsed by influential pro-licensing reform organizations

### Where have they appeared?

- Throughout the country 2016 - 2018
- AZ SB 1437 passed in 2017

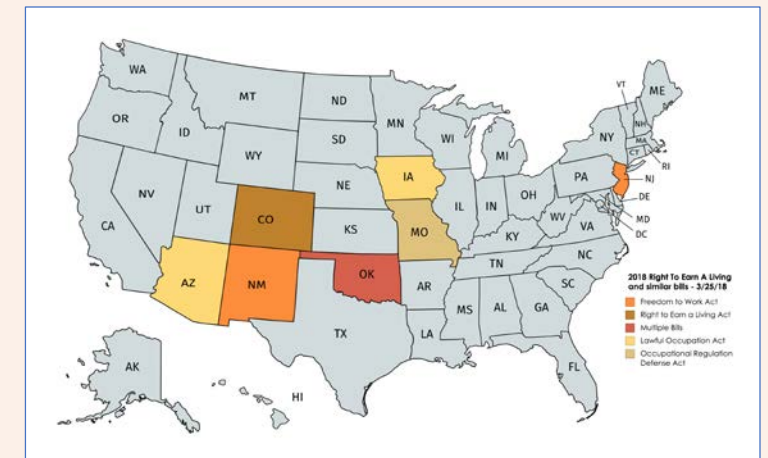
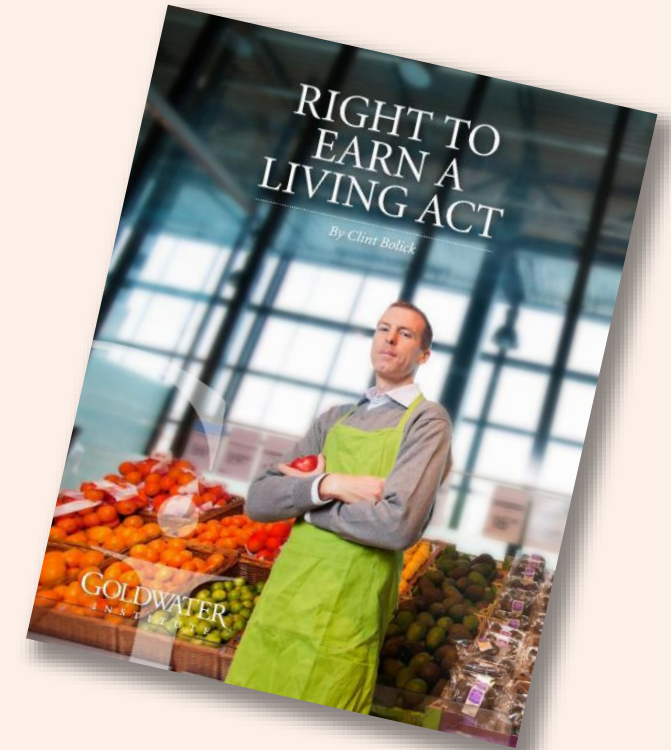


2018 Right to Earn A Living Bills (and similar)

## Overview:

# Right to Earn a Living and similar laws

- Key elements:
  - Emphasizes the right of an individual to pursue a trade or occupation
  - Requires review of all occupational licensing laws
  - Allows challenges to regulatory system through the courts
  - Shifts burden to the agency/board to justify its existence
- Impacts:
  - Continual legislative reviews
  - Higher legal bar to justify licensing
  - Unknowns of court rulings
  - Potentially lowered standards for professional competence
  - Increased administrative burden defending against lawsuits





# Interstate Compacts for Temporary Licensure

- Contract between states creates an agreement on various issues:
  - Establishing legal relationship to resolve a specific dispute or problem
  - Uniform guidelines and standards
- Supported by U.S. Sec. of Labor Acosta, FTC, and multiple Governors

- Active – Arizona, Missouri
- Defeated – South Dakota



## Overview:

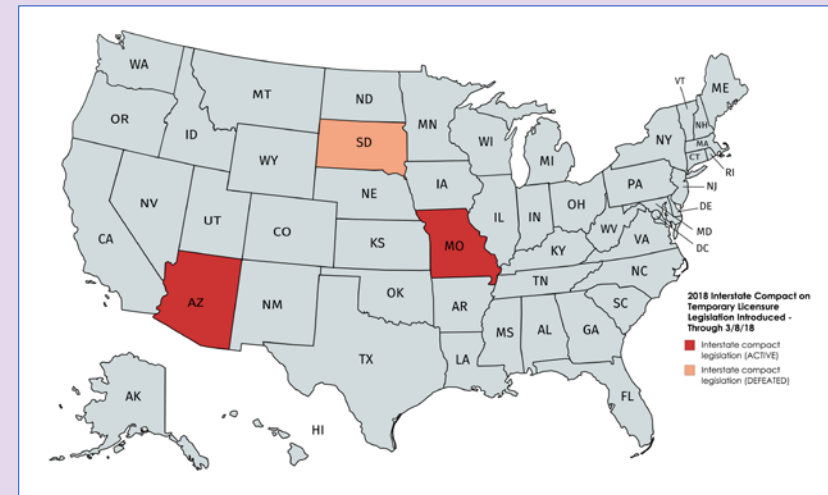
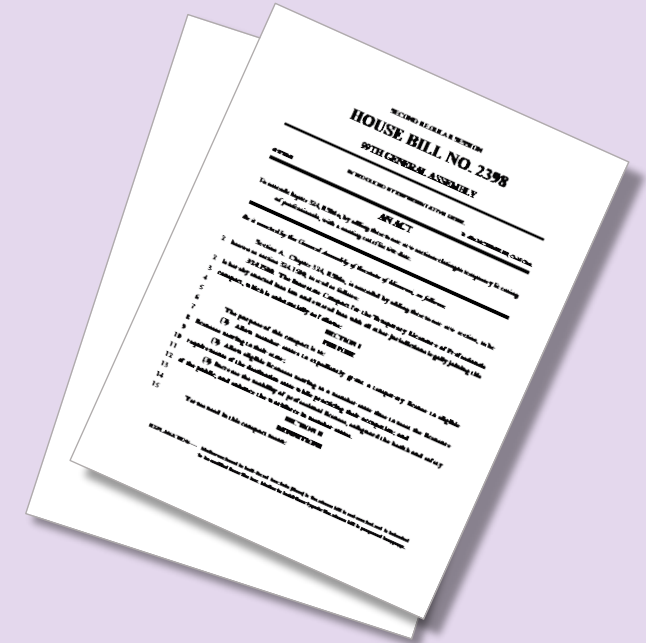
# Interstate Compacts for Temporary Licensure

## Key Elements:

- Allow licensed professionals from one state to temporarily practice in another state
  - 18 month term
  - 24 month term for military spouses

## Impacts:

- Dilution of professional standards to least common denominator
- Additional administrative burden – if existing process works
- Reciprocity not usually an issue for military spouses
- Mismatch in state-to-state scopes of practice and requirements





Questions?

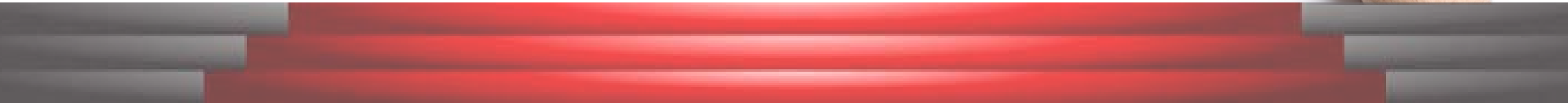
# Best Practices: Members in the Spotlight

David Sprunt, Senior Licensure Defense Consultant

CLARB

# March Web Summit Survey

- Survey responses
  - 29 CLARB respondents (including Canada and Puerto Rico)
  - 19 ASLA respondents
- Best practices
  - Board/chapter interactions
  - Interactions with lawmakers



Survey results:

# Recent interactions between board and chapter

- Information sharing & outreach
  - Meeting times & Invitations to attend
  - Legislative activity
- Shared events
  - Brown bag lunch for emerging professionals
  - Planning for recognition of new licensees
  - Joint presentations to students
- Challenges
  - Board/Chapter location
  - Perceived or legal barriers to interaction
  - Planning for long-term engagement
  - Annual turn over of Chapter leadership



*Hello Oregon!*

In the Spotlight:

# Case Studies – Board / Chapter Interactions



- Joint meetings to discuss issues
  - Colorado -
    - Dean Pearson (CO Board)
    - David Sprunt (ASLA CO)
  - Rhode Island
    - Steven Pilz (RI Board)
- Nevada board and chapter successfully respond to legislative reviews



Survey results:

# Advocacy: Interactions with lawmakers

- Messaging – Commitment to protection of public health, safety and welfare
- Site tours – focusing on HSW issues & importance to constituents
- Personal connections with legislators  
(and give copies of LA Magazine!)
- Show connections between LA's and their communities,  
and with legislative interests
  - LA's are small business owners
  - Students in state LA programs
- Emotionally-connecting stories
- Licensure Reciprocity argument:  
CLARB process works well, no need for an another gov't system



In the Spotlight:

# Case Studies - Advocacy

- How to convert a lawmaker from landscape architecture opponent to supporter ... and stop a de-licensure bill
  - Virginia – Billy Almond ASLA Chapter
- Interstate Compact - playing defense
  - South Dakota – Chad Kuker
  - Missouri – Susan Maag
- Ohio – Working together on challenges
  - Amy Kobe – Ohio Board
  - Carmine Russo – ASLA Ohio Chapter



Share your story:  
What's working,  
what's not and  
what have you  
learned?

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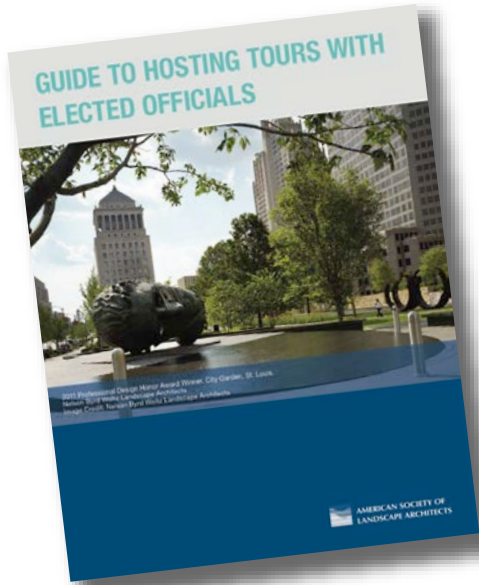
Questions?





# Site tours for public officials

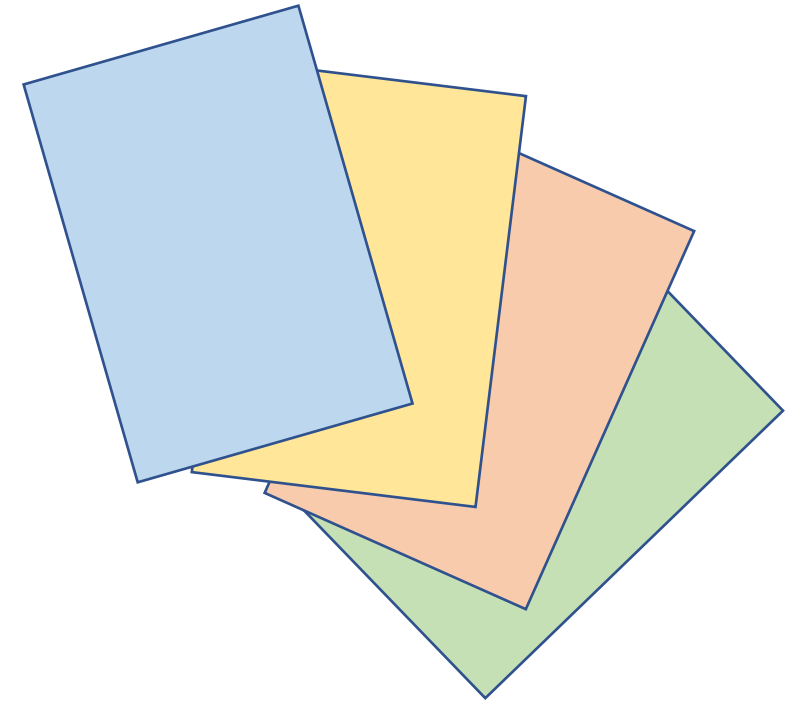
- ASLA national designated August 4, 2018 for site tours
- Save the date, plan ahead
- “How-to” resources available at ASLA Advocacy website



# New Resources – Legislation Definitions

## Understand the trends:

- Deregulation Bills
  - Bills that create regulatory oversight bodies
  - Right to Earn a Living Bills
  - Interstate Compacts on Temporary Licensure
- 
- One-sheeters available later this week at
    - ASLA website – Advocacy Tools
    - CLARB website – Board Resources





# Board/Chapter Contact List

- Know your contacts in each state
- Discuss the communication tree
- Plan for regular updates



# Best Practices – Board/Chapter Relations

- Regular board member attendance at chapter leadership meetings
- Regular chapter member attendance at board meetings
- Joint meetings prior to each legislative session
- Board participation at chapter annual conferences
- Joint board/chapter presentations at local universities
- State-level “president’s council” – ASLA/Board/Educators
- Licensure ceremony – celebrating the profession
- 1 hour public comment period at board meetings
- Joint/participate in strategic planning





# Best Practices – Advocacy

- Develop Chapter advocacy goals and incorporate into Chapter strategic plan
- Identify key legislative and public policy officials
- Invite key policy makers to attend/present at annual meeting
- Conduct site tours of landscape architecture projects for public officials
- Hold State Advocacy Days or other legislative events
- Participate in advocacy events with allied organizations



# ASLA Legislation Tracking

- Monitoring state legislation and executive actions regarding licensure
- Informing ASLA Chapter & CLARB
- ASLA > Advocate > Track Licensure Legislation
- <https://www.asla.org/legmap.aspx>



The screenshot shows the ASLA website's 'Track Licensure Legislation' page. The page features a navigation bar with links like 'About', 'News', 'Chapters', 'Meeting and Events', 'Become a Landscape Architect', 'Join', 'Learn', 'Advocate', and 'Practice'. The main content area is titled 'Advocacy' and 'TRACK LICENSURE LEGISLATION'. It contains two paragraphs of text discussing government regulation of occupations and the ASLA's stance on licensure reform. Below the text is a map of the United States with states colored in shades of blue and green to indicate legislative activity. A legend below the map shows 'Jurisdictions with Bills'. The page also includes a 'contact' section with ASLA Government Affairs information, social media links, and buttons for 'Join ASLA' and 'Donate'. The footer contains a 'Member Directory' and links to 'About', 'Chapters', and 'Join'.

AMERICAN SOCIETY OF  
LANDSCAPE ARCHITECTS

JobLink Member Logou

About News Chapters Meeting and Events Become a Landscape Architect Join Learn Advocate Practice

Shop

Advocacy

TRACK LICENSURE LEGISLATION

Government regulation of occupations and professions has recently come into the forefront of policy debate at the local, state, and federal levels. This interest, in part, is being fueled by the 2015 Supreme Court Decision in the North Carolina State Dental Board of Examiners vs the Federal Trade Commission case and the national growth in occupational licensing. According to the Bureau of Labor Statistics, more than a quarter of all U.S. workers reported having a license in 2015, compared to five percent in the 1950's.

Throughout the coming years we anticipate legislation will be introduced in numerous states to either deregulate various occupations and/or institute occupational licensing reform measures. These reform measures may follow model laws championed by anti-licensure organizations. While the work of landscape architects clearly affects public health, safety, and welfare, it is not uncommon for state legislators to categorize highly educated and trained Landscape Architects with occupations such as manicurists, auctioneers, and boxing announcers. It's imperative that your Chapter is actively working to educate your state and local lawmakers about the profession and its impact on health, safety, and welfare.

The map below provides a link to the licensure bills in each state as well as to other key pieces of legislation.

contact

ASLA Government Affairs  
governmentaffairs@asla.org

share this

Join ASLA

Donate

Jurisdictions with Bills

Alaska

Bill Number: HB 48  
Bill Title: An Act relating to the composition of the State Board of Registration for Architects, Engineers, and Land Surveyors; extending the termination date of the State  
Sponsor: Sam Kito  
Introduced: 01/19/2017  
Last Action: 06/19/2017

Arkansas

Bill Number: HB 1835  
Bill Title: TO PROMOTE, RECRUIT, AND RETAIN A HIGHLY SKILLED WORKFORCE IN THE STATE OF ARKANSAS, TO ESTABLISH A SYSTEM OF RECIPROcity FOR LICENSING, REGISTRATION, AND  
Sponsor: Jim Dotson  
Introduced: 03/02/2017  
Last Action: 03/22/2017

Colorado

Bill Number: SB 17-218  
Bill Title: Sunset Continue Licensing Of Landscape Architects  
Sponsor: Tate, Mark

Member Directory

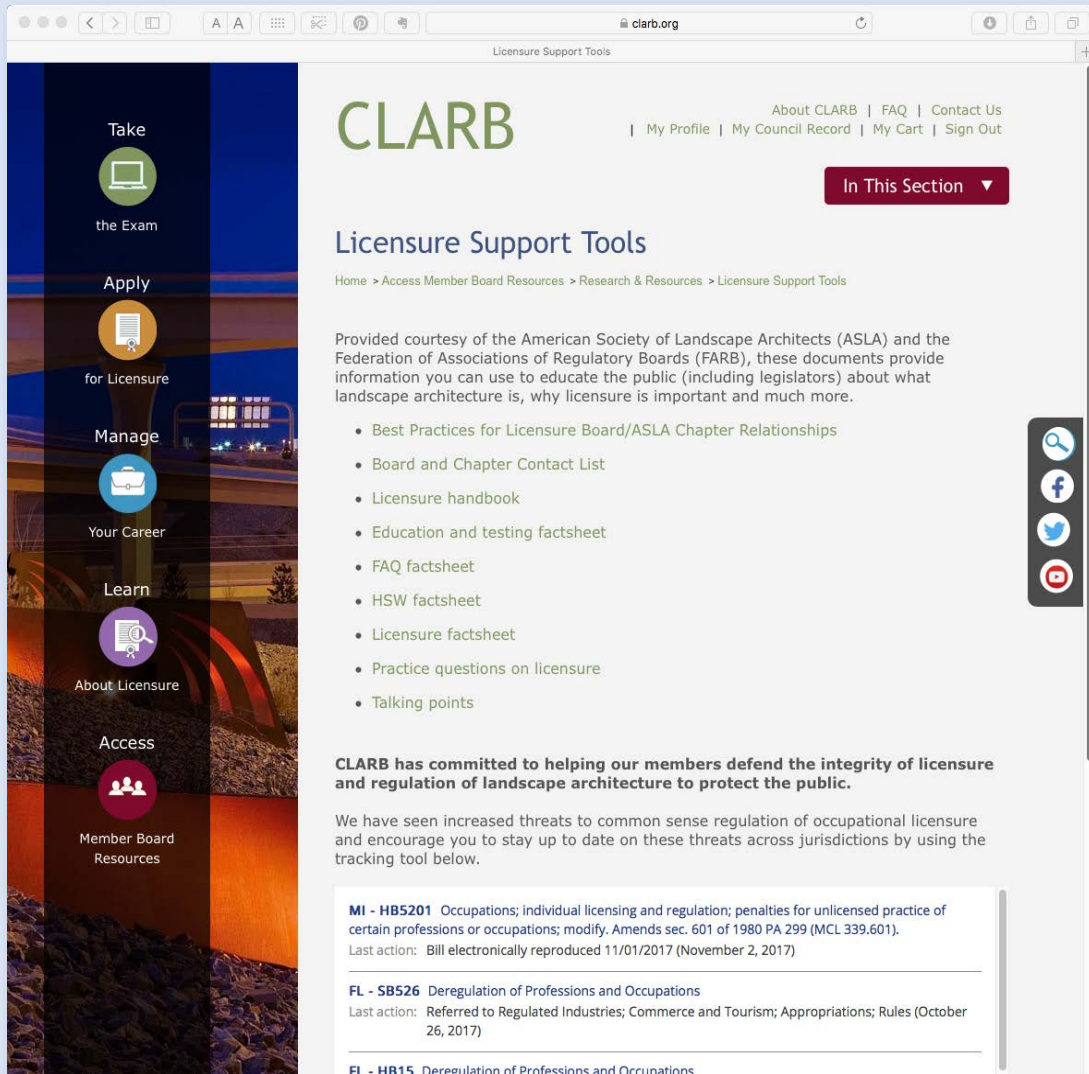
About  
About Landscape Architecture  
About ASLA  
Blue Ribbon Climate Panel

Chapters  
Find a Chapter  
Find a Student Chapter  
Chapter Operations Workbook

Join  
Join  
Renew  
Member Benefits



# CLARB Legislation Tracking



- Resources to support licensure
  - Best Practices, Contact List, FAQ's etc.
- Monitoring state legislation and executive actions regarding licensure
- CLARB.org > Access Member Board Resources > Research and Resources > Licensure Support Tools
- <https://www.clarb.org/access-member-board-resources/research-resources/licensure-support-tools>
- Informing state board members & ASLA....

A wooden signpost with a sign that says "NEXT STEPS". The sign is made of weathered wood and has a decorative, hand-painted border in a light brown or tan color. The text "NEXT STEPS" is written in large, bold, black capital letters. The signpost is mounted on a wooden post. The background is a bright blue sky with scattered white clouds.

**NEXT  
STEPS**





# Upcoming EVENTS

November 2018 – Pre-Session Joint Licensure  
Web Summit

March (TBD) 2018 – Mid-Session Joint  
Licensure Web Summit

- June 22-24, 2018 – Post-Session Joint Licensure Summit
- August 4, 2018 – In-District Site Tour Day
- September 27-29 – CLARB conference Toronto
- October 19, 2018 – Presentation at ASLA conference
  - FRI-D06: Protecting the Public: Licensure is at risk and how to respond





# 2018 Licensure Summit

Columbus, Ohio  
June 22-24

# Contact Information

- CLARB

- Veronica Meadows

- Senior Director of Strategy – [vmeadows@clarb.org](mailto:vmeadows@clarb.org)
    - Main: 571-432-0332, ext. 116      Direct: 703-949-9462

- David Sprunt

- CLARB Senior Licensure Defense Consultant – [dsprunt@clarb.org](mailto:dsprunt@clarb.org)
    - ASLA Colorado VP of Government Affairs & Advocacy      Mobile: 720-987-4185

- ASLA

- Elizabeth Hebron

- Director, State Government Affairs – [ehebron@asla.org](mailto:ehebron@asla.org)
    - Main: 202-898-2444      Direct: 202-216-2324

- Bradley Rawls

- State Government Affairs Manager – [brawls@asla.org](mailto:brawls@asla.org)
    - Main: 202-898-2444      Direct: 202-216-2370