



CHAPTER ADVOCACY UPDATE 12.19.19

Fellow Members and Advocates,

For the past two+ years, we have been working on elevating the regulation of the Landscape Architecture Title Act to a Landscape Architecture Practice Act. Long hours have been spent drafting language and meeting with the various groups affected by the legislation. This summer and fall, we continued to push for a consensus on the Practice Act legislation, but unable to do so, refocused our efforts to pass a ten-year extension of the Title Act during the fall veto session.

As of today,

- The House did not pass this bill during veto session because the Speaker shut down the chamber before all issues were passed.
- The fall veto session was cut short before our bill, which would have provided the Title Act extension, could be called to a vote.
- Thus, the existing Title Act will sunset on January 1, 2020. Before the General Assembly returns to Springfield for the Spring Legislative Session beginning January 28, 2020, Landscape architecture will become deregulated until we can pass a new bill to reinstate a Title Act.

We are coordinating with the attorneys from the House of Representatives and the Department of Financial and Professional Regulation (IDFPR / the Department) on language to reinstate a Title Act. The Governor's Office, IDFPR, bill sponsors, and staff are supportive of moving this new bill expeditiously through the legislative process in the spring session.

Based on this:

- The Department will have to propose new rules through the Joint Committee on Administrative Rules (JCAR) once the new bill is passed and signed into law.
- We are working with IDFPR to determine more specifics regarding the timeline for reinstatement, potential revisions to the new Title Act language, potential impacts to current licensees, and so on.
- We are working with IDFPR staff to obtain more information and as it becomes available, we will keep you informed.
- Please note that the expiration of the Title Act will not prohibit licensed landscape architects from continuing to practice landscape architecture. What will, however, expire with the Title Act is the aspect of title protection. In other words, any individual will become able to advertise himself/herself to be a landscape architect after January 1, 2020, up to the point a new Title Act is reinstated and rules reestablished.

In light of the above information, we thought it would be judicious to send you the direct language from the IDFPR relayed to us yesterday, Wednesday 12/18/19, in response to a list of questions we had asked them on Monday. Yesterday, on Wednesday, 12/18, the Department relayed the following information in response to a list of questions we had asked them.

“The regulatory Act that provides the legal authority and basis for the Department to enforce the Act will sunset January 1, 2020 due to the Act not being reauthorized.

In practice, this means that the registration of all currently registered landscape architects in Illinois will expire January 1, 2020. At such time, the administrative rules that lay out how the Act is implemented will no longer be enforced because there is no statute to which they would apply. The House has stated that there will be legislation to reauthorize the Act (essentially passing a “new” Act). The Department has held any pending applications and begun the process of informing new applicants that the Act will be repealed on January 1, 2020. If an applicant chooses to move forward after being informed about the upcoming repeal, then it is their right to have the file reviewed. All functions pursuant to the Act will cease on January 1, 2020.

The Department is currently drafting a new version of the Act. At the appropriate time, the Department intends to re-engage with stakeholders for additional input. Stakeholders are not prohibited from developing their own draft proposal should they so choose.

The timeline for the new legislative session is as follows. Session begins January 28, 2020, which is the first day that legislation can be introduced for passage by May 31, 2020. If legislation passes both chambers, the legislature has up to 30 days to send it to the Governor. The Governor then has 60 days from its passage to act in favor or against any legislation. If the Governor chooses not to act, the bill automatically becoming [sic] law.

Upon the new Act becoming law, the Department will have to reauthorize the administrative rules.”

We will continue to keep you updated on this effort to reinstate a Title Act in the spring legislative session and informed of our ongoing coordination with IDFPR. The reinstatement of a Title Act is our first and foremost priority. As this process unfolds, we ask that you continue to remain alert and attentive. Watch for additional Advocacy updates and take action as soon as it is requested. Participation in the iAdvocate network takes less than 2 minutes and will be critical in ensuring our profession is kept in front of our State Legislators. Once the bill is drafted and assigned a number, we will send a notice requesting you contact your legislators and urge their support of the bill and the reinstatement of a Landscape Architecture Title Act.

If you have any questions, comments, or concerns – please contact Advocacy Chair Mark Jirik at mark.jirik@site.design.com.

Thanks again for your continued assistance and support.

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Additional Letters to Members regarding the Title and Practice Acts can be found at <https://il-asla.org/advocacy/>.