

HOUSE BILL REPORT

SSB 5273

As Passed House:

April 9, 2009

Title: An act relating to the practice of landscape architecture.

Brief Description: Regarding the practice of landscape architecture.

Sponsors: Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles).

Brief History:

Committee Activity:

Commerce & Labor: 3/13/09, 3/17/09 [DP].

Floor Activity

Passed House: 4/9/09, 62-36.

Brief Summary of Substitute Bill

- Establishes licensing requirements for the practice of landscape architecture in place of the registration requirements for using the title of landscape architect.
- Establishes exemptions to the licensing requirements for the practice of landscape architecture.
- Directs the State Board of Licensure for Landscape Architects to administer the requirements.
- Creates the Landscape Architects' License Account in the State Treasury.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

Minority Report: Do not pass. Signed by 3 members: Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Staff: Alison Hellberg (786-7152)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Legislation enacted in 1969 requires a person who uses or advertises the title of landscape architect, landscape architecture, or landscape architectural to register with the Board of Registration for Landscape Architects. The membership of the Board of Registration for Landscape Architects consists of four landscape architects and one member of the public, all appointed by the Governor.

A "landscape architect" is defined as a person who performs professional services such as consultations, investigations, reconnaissance, research, planning, design, or teaching supervision in connection with the development of land areas where the dominant purpose of the services is the preservation, enhancement, or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches to structures or other improvements, or natural drainage and erosion control.

Prior to applying for registration, an applicant must have completed a course of study in landscape architecture and graduated from an approved college or school, or the equivalent, as determined by the Board of Registration for Landscape Architects. The applicant must also have a minimum of seven years of combined training and experience and pass a written examination. The Director of the Department of Licensing (Director) may register an applicant who is a registered landscape architect in another state or country whose requirements for registration are substantially equivalent.

The Department of Licensing regulates many businesses and professions under specific licensing laws. Each business and profession is under either the disciplinary authority of the Director, or a board or commission charged with regulating that particular profession. The Uniform Regulation of Business and Professions Act (URBPA) provides consolidated disciplinary procedures for these licensed businesses and professions.

In addition to the conduct, acts, or conditions under the URBPA, the Director may impose discipline when a landscape architecture registrant:

- impersonates a practitioner; or
- permits his or her seal to be affixed to any plans, specifications, or drawings that were not prepared by him or her or by employees subject to his or her direction and control.

Summary of Bill:

The practice of landscape architecture is restricted to those who are licensed to practice in Washington by the State Board of Licensure for Landscape Architects (Board) and is expanded to include the preparation of construction documents and construction administration.

The practice of landscape architecture is the rendering of services where landscape architectural education, training, experience, and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design including the preparation and filing of plans, drawings, specifications, and other contract

documents, and administration of contracts relative to projects principally directed at functional and aesthetic use and preservation of land.

Requirements for Licensure.

The Director licenses qualified applicants who have been certified by the Board. In order to qualify, an applicant must pass the required examination, offer satisfactory proof of completing required education and work experience, be of good moral character, and be at least 18 years old. The required education and work experience consist of either:

- a professional landscape architectural degree from an institution of higher education accredited by the National Landscape Architecture Accreditation Board, or equivalent as decided by the Board, and three years of practical landscape architectural work experience under the supervision of a licensed landscape architect; or
- a high school diploma and eight years of practical landscape architectural work experience, at least six of which must be under the supervision of a licensed landscape architect. An applicant may receive up to two years of experience for related post-secondary courses.

The Director may license an applicant who is a licensed landscape architect from another state or country if the individual's qualifications and experience are determined by the Board to be equivalent to Washington's requirements. A landscape architect licensed or registered in another jurisdiction may offer to practice in Washington if:

- it is clearly and prominently stated in any offer that the landscape architect is not licensed to practice landscape architecture in Washington; and
- before practicing landscape architecture or signing a contract to provide these services, the landscape architect obtains a certificate of licensure.

A licensed landscape architect must demonstrate continuing professional education activities, as prescribed by the Board. A license of a person who is not in compliance with a child support order will immediately be suspended. The license may be reissued if the person continues to meet all other licensing requirements and the Board receives a receipt from the Department of Social and Health Services stating that the licensee is in compliance with the child support order.

Licensure Board for Landscape Architects.

The Board of Registration for Landscape Architects is replaced with the Board. The membership of the Board consists of four licensed landscape architects and one member of the public. The landscape architect members must be residents of Washington and have at least eight years of experience in the field of landscape architecture. Members are appointed to six-year terms by the Governor.

The Board certifies the education and work experience of applicants and determines the content, scope, and grading process of the required examination. The Board may adopt an appropriate national examination and grading procedure.

The Board may impose disciplinary procedures under the URBPA for the following actions:

- offering to pay, paying, or accepting any substantial gift, bribe, or other consideration to influence the award of professional work;

- being willfully untruthful or deceptive in any professional report, statement, or testimony;
- having a financial interest in a contract to supply labor or materials for a project in which a person is employed as a landscape architect, unless the client consents after a full disclosure;
- allowing an interest in any business to affect a decision regarding landscape architectural work;
- signing or permitting a seal to be affixed to any drawings or specifications that were not prepared or reviewed by the landscape architect; or
- willfully evading any law, ordinance, code, or regulation governing site or landscape construction.

Exemptions from Licensure.

These licensing requirements do not affect or prevent:

- the practice of architecture, land surveying, engineering, geology, forestry, or any legally recognized profession by persons not licensed as landscape architects;
- drafters, clerks, project managers, superintendents, and other employees of landscape architects from acting under the supervision of their employers;
- the construction, alteration, or supervision of sites by contractors or superintendents employed by contractors or the preparation of shop drawings;
- contractors from engaging persons who are not landscape architects to observe and supervise site construction of a project;
- qualified professional biologists from providing services for natural site areas that also fall within the definition of landscape architecture;
- the preparation of construction documents including planting plans, landscape materials, or other horticulture-related elements;
- individuals from making plans, drawings, or specifications for any property owned by them and for their personal use;
- the design of irrigation systems; or
- landscape design on residential properties.

The Landscape Architects' License Account is created in the State Treasury.

Appropriation: None.

Fiscal Note: Available

Effective Date: The bill takes effect on July 1, 2010, except for sections 17 and 19, relating to the new account, which contain an emergency clause and take effect on July 1, 2009.

Staff Summary of Public Testimony:

(In support) This bill would update the laws governing the landscape architecture profession, changing it from a "title" act to a "practice" act. This is a rapidly changing profession and requires specialized training and education. The laws have not been significantly changed for 40 years. This bill will provide for better protection of public health and safety.

This bill will not limit the ability of landscape designers to do the work they are already doing. It only limits unqualified people from doing landscape architectural work. The language in the bill is consensus language and was worked out last summer.

Forty-two other states have already adopted practice acts. Washington state is recognized as a leader in the field of landscape architecture. Firms based in Washington work both nationally and internationally. There is not enough work in Washington for all of the landscape architects. They need to have comparable standards to other states so they can be granted reciprocity and do projects elsewhere.

(Neutral) Several associations have opposed this legislation in the past because of the exemptions. A group worked all summer to ensure that landscape designers may do small commercial projects.

(Information only) The Department of Licensing is not sure of the need for the emergency clause and sees no problem with removing it.

(Opposed) None.

Persons Testifying: (In support) Greg Murphy, Charles Warsinske, Curtis LaPierre, and Terri Hotvedt, American Society of Landscape Architects.

(Neutral) Heather Hansen, Washington Association of Professional Landscapers and Washington State Nursery and Landscape Association.

(Information only) Joe Vincent, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.