

# SENATE BILL REPORT

## ESSB 5746

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As Passed Senate, February 15, 2008

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

**Brief Description:** Regarding the practice of landscape architecture.

**Sponsors:** Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Jacobsen, Kohl-Welles, Murray, Keiser and Poulsen).

**Brief History:**

**Committee Activity:** Labor, Commerce, Research & Development: 2/27/07 [DPS, DNP, w/oRec].

Passed Senate: 2/15/08, 27-20.

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### SENATE COMMITTEE ON LABOR, COMMERCE, RESEARCH & DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5746 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kohl-Welles, Chair; Keiser, Vice Chair; Clements, Ranking Minority Member; Franklin, Murray and Prentice.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Holmquist.

**Minority Report:** Do not pass.

Signed by Senator Hewitt.

**Staff:** Ingrid Mungia (786-7423)

**Background:** In 1969, the Legislature passed a title act regulating landscape architects. The law regulates those professionals who declare themselves by title as landscape architects.

Requirements for Landscape Architect's registration in Washington are based on a minimum of seven years of combined education and practical work experience, plus completion of an examination.

**Summary of Engrossed Substitute Bill:** Licensure or authorization is required to practice landscape architecture in the state of Washington. Definitions are added and revised. The State Board of Licensure for Landscape Architects (Board) is comprised of five members who are appointed by the Governor. Newly appointed members must possess residency and experience requirements and will serve six-year terms. Board members are compensated for travel expenses. The Board is authorized to adopt rules as necessary to perform its duties.

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*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.*

A certificate of licensure must be granted by the Director of the Department of Licensing (DOL) to all qualified applicants who are certified by the Board as having passed the required examination and have provided proof of completion of the required education and work experience.

The DOL may allow reciprocity licensure to qualified landscape architects.

DOL establishes the process for the application for licensure, sets examination fees, renewal dates, and fees for certificates of licensure. A licensed landscape architect is required to demonstrate continuing professional education activities established by the Board. The Board may impose actions for unprofessional conduct.

The Board may also suspend the license to practice landscape architecture of a person who has been certified by the Department of Social and Health Services as someone who is not in compliance with a child support order.

All receipts from fees must be deposited into the business and professionals account in the state treasury.

It is specified that this chapter does not affect or prevent the practice of any legally recognized profession by persons not licensed as landscape architects.

Sections of the RCW are repealed relating to the Board's terms of office, misuse of the seal on the certificate, and the penalty for violations of the chapter.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill takes effect on July 1, 2008.

**Staff Summary of Public Testimony on Substitute Bill:** PRO: Washington is one of only eight states that still offers a title act registration to Landscape Architects. The title act allows anyone to practice landscape architecture because it only restricts the use of the title "landscape architect." The title act does not protect the consumer and the public expects a landscape architect to be highly qualified and professional. A landscape architect must complete a rigorous educational degree and training program and then pass an examination. The education for a landscape architect is at the same level as architects and engineers who are licensed. A landscape architect deals with safety, security, and ecological risks to the public, especially in public spaces. It is important to have a professional, highly qualified, and licensed person to deal with these risks in order to protect public safety.

CON: The concern with this bill is that if regulations and standards imposed for practicing landscape architecture are misinterpreted, it may cause landscape designers to go out of business.

**Persons Testifying:** PRO: Curtis LaPierre, Washington American Society of Landscape Architects, Jones and Jones; Greg Murphy, Washington American Society of Landscape Architects and Otak, Inc.

CON: Kate Easton, Garden Vision, Inc., Washington State Nursery and Landscape Association member; Vanessa Nagel, Milieux Design Studio, L.L.C.