

SENATE BILL REPORT

SB 5273

As of February 5, 2009

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

Brief Description: Regarding the practice of landscape architecture.

Sponsors: Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles.

Brief History:

Committee Activity: Labor, Commerce & Consumer Protection: 1/27/09.

SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

Staff: Ingrid Mungia (786-7423)

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 (Department) regulates many businesses and professions under specific licensing laws. Each business and profession is under either the disciplinary

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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.

Summary of Bill: The practice of landscape architecture is restricted to those who are licensed to practice in the state of Washington by the State Board of Licensure for Landscape Architects (Board). The practice of landscape architecture is expanded to include the preparation of construction documents and construction administration. Use of the phrases "landscape architect," "landscape architecture," or "landscape architectural" are not affected if a person does not practice landscape architecture.

Requirements for Licensure. The Director must license all qualified applicants who have been certified by the Board. In order to qualify, an applicant must pass the required examination, offer 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 registered or licensed landscape architect;
- a baccalaureate degree from a college or university and eight years of practical landscape architectural work experience under the supervision of a registered or licensed landscape architect; or
- a high school diploma and 15 years of practical landscape architectural work experience, at least eight of which are under the supervision of a registered or licensed landscape architect.

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 the state 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, or any 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 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; and
- landscape design on residential properties.

Landscape Architects' License Account. A landscape architects' license account is created in the State Treasury. Receipts from fees must be deposited to the account. Expenditures from the account may be used only after appropriation and for the purpose of landscape architecture.

EFFECT OF CHANGES MADE BY LABOR, COMMERCE & CONSUMER PROTECTION COMMITTEE (Proposed First Substitute): Replaces the term "executive secretary" with "executive director" and conforms bill language to use the term "executive director" throughout. Provides the Department of Licensing with the enabling

authority and ability to set both fees and dates for certificates of licensure. Allows the director to administer suspensions and reissuance of licenses for non-compliance/compliance for child support offers. Allows the director to administer suspensions and reissuance of licenses for nonpayment or default on a federally or state-generated educational loan or service-conditional scholarship. Specifies expenditures from the account shall only be used for purpose under this chapter. Designates who has authority to expend moneys from the account and removes the necessity for an appropriation for expenditures. Repeals the landscape architects account in the business and professionals account. Creates separate effective dates for sections 17 and 19 and sections 1 through 16, 18, 20 and 21

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There have been issues about the definition of a landscape architect and who is and who is not a landscape architect. The amount of education that goes into getting a degree in landscape architecture is important to recognize and clarify. I am looking forward to this bill holding the profession to a higher standard of practice. Forty-three other states have a higher standard of practice similar to this bill. Since the title act was enacted in 1969, the complexity of the profession has grown in leaps and bounds. The definition of a landscape architecture is very broad and many people rely on landscape architects. To be licensed as a landscape architect, a person must graduate from an accredited college and work with a licensed landscape architect and pass a national exam. This practice act will solidify our professional relationship with other design professions in the state. Washington is the only state west of the Mississippi that does not have a landscape architect practice act. The earlier concerns of the Nursery and Landscape Association are taken care of with the new language in the bill.

Persons Testifying: PRO: Senator Murray, prime sponsor; Kas Kinkead, Trent Grantham, Charles Warsinske, Don Benson, Washington Chapter of the American Society of Landscape Architects (WASLA); Chris Overdorf, Jones & Jones/WASLA; Curtis LaPierre, TAK, Inc; Jeanne McNeil, Washington State Nursery & Landscape Association.