2009 DRAFTING REQUEST

Bill

Received: **02/03/2009**

Received By: **csundber**

Wanted: **As time permits**

Identical to LRB:

For: **Jennifer Shilling (608) 266-5780**

By/Representing: **Nathan Houdek**

This file may be shown to any legislator: **NO**

Drafter: **csundber**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Shilling@legis.wisconsin.gov**

Carbon copy (CC:) to: **christopher.sundberg@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Landscape architects practice protection

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	csundber 02/03/2009	bkraft 02/04/2009		_____ _____			
/1			rschluet 02/04/2009	_____ _____	lparisi 02/04/2009	sbasford 02/23/2009	

FE Sent For: none needed

<END>

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/?	csundber	/1 bjk 2/4					

FE Sent For:

<END>

Sundberg, Christopher

From: Houdek, Nathan
Sent: Tuesday, February 03, 2009 1:19 PM
To: Sundberg, Christopher
Subject: LRB 0547/2

Hi Chris,

Rep. Shilling is going to be the lead sponsor of LRB 0547/2 relating to requiring a license to engage in the practice of landscape architect.

I believe you have been working with Rep. Lothian's office on this draft. Can you send me the jacketing request e-mail, or do I need to have Lothian's office notify you first?

Thanks

Nathan Houdek
Office of Representative Jennifer Shilling
95th Assembly District
phone 608.266.5780
toll-free 888.534.0095
fax 608.282.3695

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In: 2/3/09

1927/1

2009 – 2010 LEGISLATURE

LRB–~~0547/2~~
CTS:bjk:ph RmNR

2009 BILL

d-note

SA-

regen.

AN ACT ***to repeal*** 443.02 (5); ***to renumber and amend*** 443.01 (3r); ***to amend*** 66.1027 (2) (a), 443.02 (2), 443.02 (3), 443.10 (1) (d), 443.10 (2) (c), 443.11 (1) (intro.), 443.16, 443.18 (1) (a) and 443.18 (2) (a); and ***to create*** 443.01 (3r) (a) to (h) and 443.14 (15) of the statutes; **relating to:** requiring a license to engage in the practice of landscape architecture.

Analysis by the Legislative Reference Bureau

Under current law, no person may use the title "landscape architect" unless he or she holds a certificate of registration as a landscape architect issued by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (the board). In order to be granted a certificate of registration as a landscape architect, a person must hold a bachelor's or a master's degree in landscape architecture from a curriculum approved by the board and have at least two years of practical experience in landscape architecture, or have a specific record of at least seven years of training and experience in the practice of landscape architecture including at least two years of courses in landscape architecture approved by the board, and four years of practical experience in landscape architecture. Further, the person must successfully complete an examination by the board.

Under this bill, no person may practice landscape architecture unless he or she is registered as a landscape architect by the board. The registration requirements remain the same under the bill. The bill clarifies that landscape architecture does

not include professional services provided by a person who is an architect, engineer, or land surveyor, if the person holds the credential required to engage in that practice. The bill also contains exemptions from the registration requirements for a number of persons, including: 1) an individual doing work on property owned by the individual; 2) biologists, professional geologists, and professional soil scientists; and 3) a person making plans or drawings for the selection, placement, or use of plants or site features.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 66.1027 (2) (a) of the statutes is amended to read:

2 66.1027 **(2)** (a) Not later than January 1, 2001, the extension, in consultation
3 with any other University of Wisconsin System institution or with a landscape
4 architect, as that term is used in s. ~~443.02 (5)~~ 443.02 (2), or with independent
5 planners or any other consultant with expertise in traditional neighborhood
6 planning and development, shall develop a model ordinance for a traditional
7 neighborhood development and an ordinance for a conservation subdivision.

8 **SECTION 2.** 443.01 (3r) of the statutes is renumbered 443.01 (3r) (intro.) and
9 amended to read:

10 443.01 **(3r)** (intro.) "Landscape architecture" means the performance of a
11 professional service involving conceptual land planning and conceptual design for
12 integrated land development based on the analysis of environmental characteristics,
13 operational requirements, land use or commensurate land values. "Landscape
14 architecture" includes the investigation, selection or allocation of land or water
15 resources for appropriate uses; the formulation of graphic or written criteria for a
16 land planning or land construction program; the preparation, review or analysis of
17 a master plan for land use or development; the production of a graphic land area,
18 grading, drainage, irrigation, planting or land construction plan; and the planning

of a road, bridge or other structure with respect to the aesthetic requirements of the area on which it will be constructed~~.~~, except that "landscape architecture" does not include any of the following:

SECTION 3. 443.01 (3r) (a) to (h) of the statutes are created to read:

443.01 **(3r)** (a) Professional services performed by a registered architect or by a person who has in effect a permit under s. 443.10 (1) (d).

(b) Professional services performed by a professional engineer or by a person who has in effect a permit under s. 443.10 (1) (d).

(c) Professional services performed by a registered land surveyor or by a person who has in effect a permit under s. 443.06 (3).

(d) The practice of planning as is customarily done by a regional, park, or urban planner, or by a person participating on a planning board or commission, within the scope of that practice.

(e) The practice of a natural resource professional, including a biologist, professional geologist, as defined in s. 470.01 (5), or professional soil scientist, as defined in s. 470.01 (7).

(f) The actions of a person who is under the supervision of a licensed landscape architect or an employee of a licensed landscape architect, unless the person assumes responsible charge, design, or supervision.

(g) Work performed on property by an individual who owns or has control over the property, or work performed by a person hired by an individual who owns or has control of the property.

(h) Making plans or drawings for the selection, placement, or use of plants or site features.

SECTION 4. 443.02 (2) of the statutes is amended to read:

443.02 **(2)** No person may practice architecture, landscape architecture, or professional engineering in this state unless the person has been duly registered, is exempt under s. 443.14 or has in effect a permit under s. 443.10 (1) (d).

SECTION 5. 443.02 (3) of the statutes is amended to read:

443.02 **(3)** No person may offer to practice architecture, landscape architecture, or professional engineering or use in connection with the person's name or otherwise assume, use or advertise any title or description tending to convey the impression that he or she is an architect or professional engineer or advertise to furnish architectural, landscape architectural, or professional engineering services unless the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

SECTION 6. 443.02 (5) of the statutes is repealed.

SECTION 7. 443.10 (1) (d) of the statutes is amended to read:

443.10 **(1)** (d) The examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture, landscape architecture, or professional engineering ~~or to use the title "landscape architect"~~ to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects or professional engineers are of a standard not lower than specified in this chapter.

SECTION 8. 443.10 (2) (c) of the statutes is amended to read:

443.10 **(2)** (c) The examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the examining board, has satisfactorily met all the applicable requirements of this chapter. The

1 certificate shall authorize the practice of architecture, landscape architecture, or
2 professional engineering ~~or the use of the title "landscape architect"~~, as appropriate.
3 **SECTION 9.** 443.11 (1) (intro.) of the statutes is amended to read:
4 443.11 **(1)** (intro.) The examining board may reprimand an architect,
5 ~~registered~~ landscape architect, or professional engineer or limit, suspend, or revoke
6 the certificate of registration of any registrant, and the certificate of record of any
7 engineer–in–training, who is found guilty of:
8 **SECTION 10.** 443.14 (15) of the statutes is created to read:
9 443.14 **(15)** A person employed by the federal government who is engaged in
10 this state in the practice of landscape architecture for the federal government.
11 **SECTION 11.** 443.16 of the statutes is amended to read:
12 **443.16 Change of name.** No person may practice architecture, landscape
13 architecture, or professional engineering in this state~~, and no person who is~~
14 ~~registered as a landscape architect under this chapter may practice landscape~~
15 ~~architecture in this state,~~ under any other given name or any other surname than
16 that under which the person was originally licensed or registered to practice in this
17 or any other state, in any instance in which the examining board, after a hearing,
18 finds that practicing under the changed name operates to unfairly compete with
19 another practitioner or to mislead the public as to identity or to otherwise result in
20 detriment to the profession or the public. This section does not apply to a change of
21 name resulting from marriage or divorce.
22 **SECTION 12.** 443.18 (1) (a) of the statutes is amended to read:
23 443.18 **(1)** (a) Any person who practices or offers to practice architecture,
24 landscape architecture, or professional engineering in this state, or who uses the
25 term "architect," "landscape architect," or "professional engineer" as part of the

1 person's business name or title, except as provided in s. 443.08 (6), or in any way
2 represents himself or herself as an architect, landscape architect, or a professional
3 engineer unless the person is registered or exempted in accordance with this chapter,
4 or unless the person is the holder of an unexpired permit issued under s. 443.10 (1)
5 (d), ~~or any individual who uses the title "landscape architect" in this state unless the~~
6 ~~person is registered or exempted in accordance with this chapter,~~ or any person
7 presenting or attempting to use as his or her own the certificate of registration of
8 another, or any person who gives any false or forged evidence of any kind to the
9 examining board or to any member of the examining board in obtaining a certificate
10 of registration, or any person who falsely impersonates any other registrant of like
11 or different name, or any person who attempts to use an expired or revoked
12 certificate of registration, or violates any of the provisions of this section, may be
13 fined not less than $100 nor more than $500 or imprisoned for not more than 3
14 months or both.

15 **SECTION 13.** 443.18 (2) (a) of the statutes is amended to read:

16 443.18 **(2)** (a) If it appears upon complaint to the examining board by any
17 person, or is known to the examining board that any person who is neither registered
18 nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10
19 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice,
20 architecture, landscape architecture, or professional engineering in this state, ~~or is~~
21 ~~using the title "landscape architect" in this state,~~ the examining board or the
22 attorney general or the district attorney of the proper county may investigate and
23 may, in addition to any other remedies, bring action in the name and on behalf of this
24 state against any such person to enjoin the person from practicing or offering to

practice architecture, landscape architecture, or professional engineering ~~or from using the title "landscape architect"~~.

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1927/1dn
CTS:...:...
bjk

Date

Representative Shilling:

This draft is identical to LRB-0547/2.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1927/1dn
CTS:bjk:rs

February 4, 2009

Representative Shilling:

This draft is identical to LRB-0547/2.

Christopher T. Sundberg
Legislative Attorney
Phone: (608) 266-9739
E-mail:
christopher.sundberg@legis.wisconsin.gov

Basford, Sarah

From: Rep.Shilling
Sent: Monday, February 23, 2009 8:10 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-1927/1 Topic: Landscape architects practice protection

Please Jacket LRB 09-1927/1 for the ASSEMBLY.