



2005 ASSEMBLY BILL 946

January 30, 2006 – Introduced by Representatives LOTHIAN, OWENS and SHILLING.
Referred to Committee on Labor.

1 **AN ACT to repeal** 443.01 (3r) and 443.02 (5); **to amend** 66.1027 (2) (a), 443.02
2 (2), 443.02 (3), 443.10 (1) (d), 443.10 (2) (c), 443.11 (1) (intro.), 443.16, 443.18 (1)
3 (a) and 443.18 (2) (a); and **to create** 443.01 (5m) of the statutes; **relating to:**
4 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 bill defines the practice of landscape architecture as any professional service requiring the application of conceptual land planning and conceptual design for integrated land development based on the analysis of environmental characteristics, operational requirements,

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land use or commensurate land values. The registration requirements remain the same under the bill.

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 repealed.

9 **SECTION 3.** 443.01 (5m) of the statutes is created to read:

10 443.01 (5m) “Practice of landscape architecture” includes any professional
11 service requiring the application of conceptual land planning and conceptual design
12 for integrated land development based on the analysis of environmental
13 characteristics, operational requirements, land use or commensurate land values.
14 When related to land development, the practice of landscape architecture may
15 include:

16 (a) Consultation, research, analysis and assessment, selection, and allocation
17 of land and water resources.

18 (b) Formulation and graphic and written criteria to govern the planning and
19 design of land construction and development plans pertinent to the practice of
20 landscape architecture, including:

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1 1. The preparation, review, and analysis of master and site plans, and the
2 review and analysis of subdivision and land development plans at regional and
3 urban scales.

4 2. Reconnaissance, planning, design, and preparation of drawings,
5 construction documents, and specifications.

6 3. The preparation and submittal of storm water management plans and
7 permit applications, environmental plans and permit applications, erosion control
8 planning and design, resource conservation planning and design, and
9 environmental mitigation plans consistent with applicable laws, rules, and
10 regulations.

11 (c) Consultation, coordination, and review of technical submissions, plans, and
12 construction documents prepared by persons working under the authority or
13 supervision of a registered landscape architect.

14 (d) Land and cultural landscape preservation, restoration, conservation,
15 reclamation, rehabilitation, management, or development.

16 (e) Feasibility studies, site selection, cost estimates, and reports associated
17 with the development and land and incidental water areas.

18 (f) Integration, site analysis, and determination of the location of buildings,
19 structures, pedestrian systems, transportation systems, and environmental
20 systems.

21 (g) Analysis and design of grading and drainage, storm water management,
22 irrigation, systems for erosion and sediment control, streaming and shoreline
23 restoration planning and design, and pedestrian and vehicular circulation systems.

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1 (h) Determination and placement of site improvements including the design of
2 site amenities, accessibility components, plantings, and other tangible objects and
3 features associated with the practice of landscape architecture.

4 (i) Analysis, design, construction, and management of wetlands, and river
5 restoration planning.

6 (j) Wetland delineation and preservation planning and collaboration with other
7 professionals in the design of roads, bridges, and structures regarding the functional,
8 environmental, and aesthetic requirements of the areas in which these items are
9 placed.

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

11 443.02 (2) No person may practice architecture, landscape architecture, or
12 professional engineering in this state unless the person has been duly registered, is
13 exempt under s. 443.14 or has in effect a permit under s. 443.10 (1) (d).

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

15 443.02 (3) No person may offer to practice architecture, landscape architecture,
16 or professional engineering or use in connection with the person's name or otherwise
17 assume, use or advertise any title or description tending to convey the impression
18 that he or she is an architect or professional engineer or advertise to furnish
19 architectural, landscape architectural, or professional engineering services unless
20 the person has been duly registered or has in effect a permit under s. 443.10 (1) (d).

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

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

23 443.10 (1) (d) The examining board may, upon application and payment of the
24 required fee, grant a permit to practice or to offer to practice architecture, landscape
25 architecture, or professional engineering ~~or to use the title "landscape architect" to~~

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1 a person who is not a resident of and has no established place of business in this state,
2 or who has recently become a resident of this state, if the person holds an unexpired
3 certificate of similar registration issued to the person by the proper authority in any
4 state or territory or possession of the United States or in any country in which the
5 requirements for the registration of architects, landscape architects or professional
6 engineers are of a standard not lower than specified in this chapter.

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

8 443.10 (2) (c) The examining board shall grant a certificate of registration upon
9 payment of the registration fee to any applicant who, in the opinion of the examining
10 board, has satisfactorily met all the applicable requirements of this chapter. The
11 certificate shall authorize the practice of architecture, landscape architecture, or
12 professional engineering ~~or the use of the title "landscape architect"~~, as appropriate.

13 **SECTION 9.** 443.11 (1) (intro.) of the statutes is amended to read:

14 443.11 (1) (intro.) The examining board may reprimand an architect,
15 registered landscape architect, or professional engineer or limit, suspend, or revoke
16 the certificate of registration of any registrant, and the certificate of record of any
17 engineer-in-training, who is found guilty of:

18 **SECTION 10.** 443.16 of the statutes is amended to read:

19 **443.16 Change of name.** No person may practice architecture, landscape
20 architecture, or professional engineering in this state, ~~and no person who is~~
21 ~~registered as a landscape architect under this chapter may practice landscape~~
22 ~~architecture in this state~~, under any other given name or any other surname than
23 that under which the person was originally licensed or registered to practice in this
24 or any other state, in any instance in which the examining board, after a hearing,
25 finds that practicing under the changed name operates to unfairly compete with

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1 another practitioner or to mislead the public as to identity or to otherwise result in
2 detriment to the profession or the public. This section does not apply to a change of
3 name resulting from marriage or divorce.

4 **SECTION 11.** 443.18 (1) (a) of the statutes is amended to read:

5 443.18 (1) UNAUTHORIZED PRACTICE; PENALTY. (a) Any person who practices or
6 offers to practice architecture, landscape architecture, or professional engineering
7 in this state, or who uses the term “architect,” “landscape architect,” or “professional
8 engineer” as part of the person’s business name or title, except as provided in s.
9 443.08 (6), or in any way represents himself or herself as an architect, landscape
10 architect, or a professional engineer unless the person is registered or exempted in
11 accordance with this chapter, or unless the person is the holder of an unexpired
12 permit issued under s. 443.10 (1) (d), ~~or any individual who uses the title “landscape~~
13 ~~architect” in this state unless the person is registered or exempted in accordance with~~
14 ~~this chapter~~, or any person presenting or attempting to use as his or her own the
15 certificate of registration of another, or any person who gives any false or forged
16 evidence of any kind to the examining board or to any member of the examining board
17 in obtaining a certificate of registration, or any person who falsely impersonates any
18 other registrant of like or different name, or any person who attempts to use an
19 expired or revoked certificate of registration, or violates any of the provisions of this
20 section, may be fined not less than \$100 nor more than \$500 or imprisoned for not
21 more than 3 months or both.

22 **SECTION 12.** 443.18 (2) (a) of the statutes is amended to read:

23 443.18 (2) INJUNCTION. (a) If it appears upon complaint to the examining board
24 by any person, or is known to the examining board that any person who is neither
25 registered nor exempt under this chapter nor the holder of an unexpired permit

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1 under s. 443.10 (1) (d) is practicing or offering to practice, or is about to practice or
2 to offer to practice, architecture, landscape architecture, or professional engineering
3 in this state, ~~or is using the title "landscape architect" in this state~~, the examining
4 board or the attorney general or the district attorney of the proper county may
5 investigate and may, in addition to any other remedies, bring action in the name and
6 on behalf of this state against any such person to enjoin the person from practicing
7 or offering to practice architecture, landscape architecture, or professional
8 engineering ~~or from using the title "landscape architect"~~.

9 (END)