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Details:

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Elections and Urban Affairs (SC-LEUA)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

Committee on Labor, Elections and Urban Affairs

Senate Bill 482

Relating to: requiring a license to engage in the practice of landscape architecture.

By Senator Risser; cosponsored by Representatives Lothian, Berceau, Cullen, Jeskewitz, A. Ott, Townsend, Shilling, Davis, Vruwink, Montgomery, Turner and Mason.

February 12, 2008 Referred to Committee on Labor, Elections and Urban Affairs.

March 13, 2008 Failed to pass pursuant to Senate Joint Resolution 1.

Adam Plotkin
Committee Clerk





Michael H. Blumenfeld

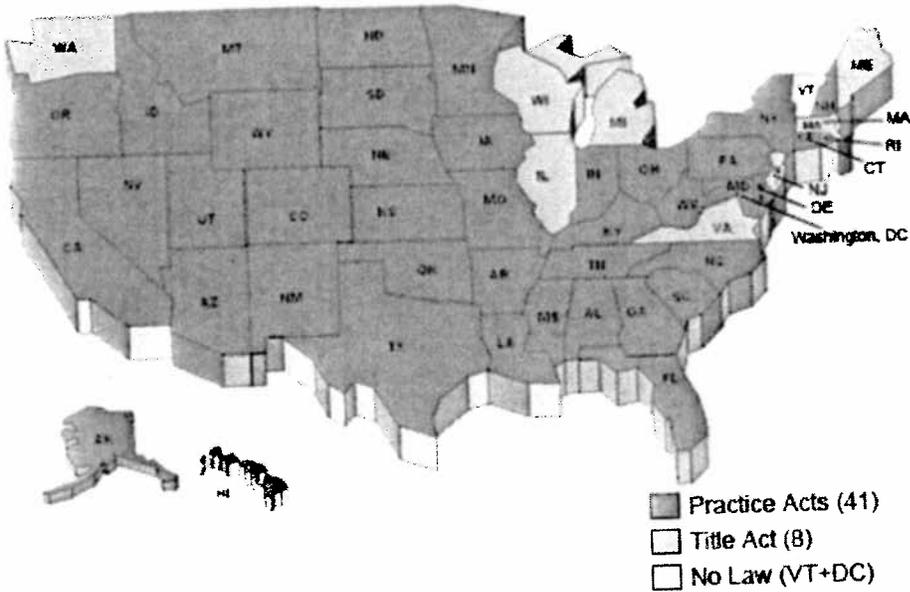
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SB 482
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Wisconsin Chapter American Society of Landscape Architects

SB 482
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AB 667: A Practice Act for Landscape Architects

Practice Acts Cover Specialized Skills

Landscape architecture work as defined by AB 667 requires specialized skills that affect the public health, safety, and welfare in Wisconsin. The proposed bill ensures that only individuals who have completed the required education, training, and examination are able to perform the specialized skills of a landscape architect that include grading, drainage, and site design.

Why Is AB 667 Necessary?

Under current law, any individual regardless of qualification can practice these duties as long as they do not use the title landscape architect. AB 667 is necessary to ensure only individuals who have demonstrated their qualifications to the State of Wisconsin are able to perform tasks that relate directly to the health, safety and welfare of the public.

How Do Practice Acts Affect the Landscape Industry?

The impact of AB 667 on the work of other professions such as residential landscaping, landscape construction and planting design are limited due to the scope of work generally performed by these individuals. Although some landscape architects may perform some of the functions of these allied professions, AB 667 clearly exempts planting plans and other work that does not impact the public health, safety and welfare. Of the 49 states that regulate landscape architecture, 41 have licensure laws similar to AB 667 governing the practice of landscape architecture (the others look similar to Wisconsin's current law). Over the last ten years, many states have upgraded their title acts to practice acts, as proposed by AB 667. The data convincingly shows that the landscape industry is not negatively impacted when a state enacts a landscape architecture practice act. In fact, the industry has experienced unprecedented growth in the years immediately following passage of a licensure upgrade bill.

Landscape Industry Thriving Nationwide

More than half the nation's landscape architecture title acts were upgraded to practice acts between 1997 and 2002.¹ According to the American Nursery and Landscape Association, spending on professional landscape, lawn and tree care services increased nationwide from \$14.6 billion to over \$28 billion over the same time period.² The landscape design industry alone more than tripled its revenue over that six-year span.

Ohio: A Case Study

The Ohio legislature upgraded its landscape architecture title act to a practice act in 2002. According to the Ohio Nursery and Landscape Association data, landscape services including landscape construction/installation, landscape maintenance and landscape design grew by more than 55% in the three subsequent years. Landscape design alone generated more than \$95 million in sales in Ohio in 2005.³

Conclusion

A practice act such as AB 667 outlines a core group of services that licensed landscape architects are qualified to provide by virtue of their education, experience, and examination. The nature of the duties regulated under AB 667 will not adversely affect the landscape design, landscape construction or related industries. Passage of AB 667 will ensure that work directly impacting the public health, safety, and welfare is performed only by individuals who have demonstrated their qualifications to the state of Wisconsin.

¹ *The American Society of Landscape Architects*. Landscape Architecture Laws Regulatory Board Type. 15 June 2007
<http://www.asla.org/Members/govtaffairs/licensure/pdf/BoardType.pdf>.

² *American Nursery & Landscape Association*. Professional Landscape, Lawn/Tree Care Spending, 1997-2002.
http://www.anla.org/pdffiles/LAWNlandscape1997_2002.prn.pdf.

³ *Ohio Nursery and Landscape Association*. Coming Up Roses! Ohio Nursery & Landscape Economic Impact Study. 2006
<http://www.onla.org/ComingUpRoses.pdf>.

Licensure



Fact Sheet

What is Landscape Architecture?

The landscape architecture profession is broad and diverse in scale and scope. It encompasses the analysis, planning, design, management, and stewardship of natural and built environments through science and design.

Landscape architects are trained to work on site planning, roadway design, pedestrian and vehicular circulation, wetland construction and mitigation, park and trail systems, erosion control, historic preservation, and stormwater management—just to name a few aspects of the profession.

Any and all of these functions can have an impact on public health, safety, and welfare. If an uneducated, untrained, untested individual were to perform these functions, the results could be disastrous. Licensure protects the public by ensuring that licensed landscape architects are competent to do their work and providing a clear message to a consumer that any licensed landscape architect is qualified—by education, experience, and testing—to do the job.

Licensure ensures that only competent professionals are performing landscape architecture that impacts public health, safety, and welfare.

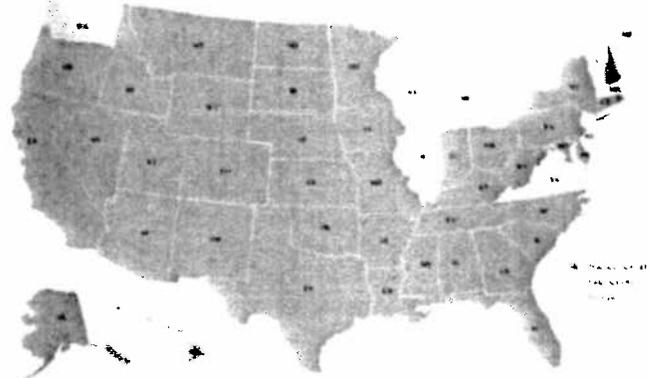
Protections and Benefits for the Public

Of the 49 states that have recognized the high level of regulation necessary for the landscape architecture profession, 41 have practice acts that regulate the practice of landscape architecture and restrict the use of the title "landscape architect" to licensees. The remaining eight "title act" states have weaker protection for consumers, allowing anyone to practice landscape architecture as long as they do not call themselves landscape architects.

A practice act is necessary because of the real danger to the public in an unregulated environment. Below are some of the aspects of landscape architecture that can cause serious physical injuries, property damage, and various financial harms.

Grading, Drainage, and Stormwater Management

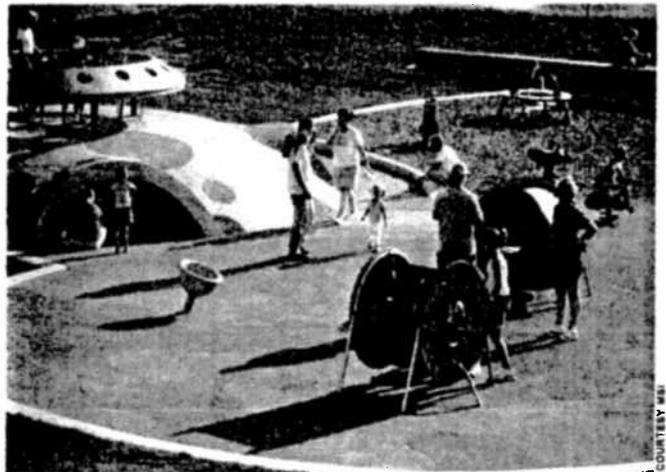
Landscape architects provide grading, drainage, and stormwater plans that specify how soil on a site should be moved, the precise slopes necessary to provide for proper drainage, and the size of stormwater systems needed to handle a specified amount of rainfall and runoff. These



modifications can affect public health and safety with potential injury where: slopes do not meet stability criteria, trip hazards occur, proper drainage is not maintained, and drain inlets and sewers are negligently designed. In one example, insufficient storm drainage for a shopping center parking lot caused massive overflow into the street, causing a traffic accident that rendered a driver quadriplegic.

Site Design

Landscape architects develop comprehensive designs for public and private sites of all scales. This design activity also includes designing site features, which can include paved areas, walkways, stairs, ramps, parking areas, pedestrian circulation systems, and small structures. Depending on the level of detail, site plans may include plantings, site furnishings, fences, walls, and a variety of



Landscape architects design recreation areas that keep children and families safe, active, and healthy.



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other built features that landscape architects are called upon to incorporate into outdoor settings. Negligent layout of site features creates risks to public health and safety when access is not appropriately restricted, when incompatible activities are located in direct contact, and when opportunities for crime are enhanced by design that interferes with visibility and surveillance. In one case, a local government was held liable for a defective design after a pedestrian died when a path was obstructed.

Roadway Design

Landscape architects develop roadways, parking lots, medians, and other transportation elements that ensure driver and pedestrian safety while also maintaining environmental quality. Numerous cases have shown that even the vegetation can be a major factor for public safety when it obstructs views, causing harm to motorists. The skills involved in grading and drainage, as described above, also apply to roadway design. Licensed landscape architects are educated, trained, and tested to avoid other potential hazards associated with paved areas, including pooling of water and erosion damage.

Ensuring Competence: Education, Experience, and Examination

To protect the public's health, safety, and welfare, 49 states require landscape architects to be licensed. Becoming licensed generally requires a college degree in landscape architecture, completion of a period of supervised practice, and passing the national licensing examination. Although there is some variety in the education/experience combinations, every state requires passage of the standard licensing examination.

Accreditation and Education

Accreditation is the safety net that ensures that every landscape architecture graduate has the basic knowledge necessary to practice landscape architecture. The Landscape Architectural Accreditation Board (LAAB) accredits 79 bachelor- and master-level programs in the United States.

Experience

Landscape architects, like other design professionals, understand that there is no substitute for diverse experience in the preparation for practice of the profession. This is why landscape architects are required to work under the

supervision of a licensed landscape architect before being eligible for licensure.

Examination

Every licensure law requires new applicants to pass the Landscape Architect Registration Examination (LARE). It tests the knowledge, skills, and abilities necessary for a licensed professional to protect public health, safety, and welfare. Candidates are graded on how their solutions affect the public health and safety issues, not on the aesthetics of the design.

The LARE is a five-section examination, including two graphic design sections. The skills tested include: project development, contracts, construction administration, site suitability, principles of design, stormwater management, erosion control, hydrology, and irrigation.

The graphic design sections cover planning, site design, grading, drainage, and stormwater management. This ensures necessary skills are tested, including site planning for buildings; layout of playground equipment; vehicular and pedestrian circulation; roadway alignment design; site lighting layouts; manipulation of contours and spot elevations; calculation of slopes, grades, and volumes of material; removal of stormwater; changing the elevations of the existing landscape to accommodate structures, parking, and circulation; and the design of surface and subsurface storm drainage systems, including hydraulic characteristics and storm drain connections, to effectively and safely remove stormwater from a site.

While education and experience standards ensure that each licensure applicant has been prepared to practice the profession, the LARE provides a definitive measure of competence that is designed with the sole intent of protecting public health, safety, and welfare. Only those that pass through this three-step process can assure a client that they are competent to practice.

Support for Licensure

We urge your support of legislation that provides effective regulation of the practice of landscape architecture. Licensure ensures that only capable, trained professionals are performing landscape architecture work that impacts public health, safety, and welfare.



COURTESY MURRAY ASSOCIATES

Landscape architects provide innovative stormwater management solutions that cut pollution, reduce flooding, and maintain public safety.



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