SUBJECT: Requiring registration for the practice of landscape architecture

COMMITTEE: Licensing and Administrative Procedures — committee substitute recommended

VOTE: 7 ayes — Wilson, Yarbrough, Goolsby, D. Jones, J. Moreno, A. Reyna, Wise

0 nays

2 absent — Flores, Haggerty

WITNESSES: For — David Retzsch, Texas Chapter of the American Society of Landscape Architects; Diane Steinbrueck, Texas Association of Landscape Architects; *Registered but did not testify:* J. Robert Anderson, American Society of Landscape Architects; Brent A. Baker; Aan Garrett Coleman; James Craig Powell; Thomas M. Woodfin; Anne K. Young

Against — Gerhardt Schulle, Jr., Texas Society of Professional Engineers; Steve Stagner, Consulting Engineers Council of Texas

On — Cathy L. Hendricks, Texas Board of Architectural Examiners; Mark S. Mathews

BACKGROUND: The Texas State Board of Landscape Architects regulated landscape architects until 1979, when the board was abolished and its functions were transferred to the Texas Board of Architectural Examiners.

V.T.C.S. Art. 249c authorizes a certificate of registration for landscape architects. No person may represent themselves as a landscape architect unless they hold a certificate.

DIGEST: (The author plans to offer a floor substitute. This analysis reflects that substitute.)

HB 2337 as substituted would prohibit persons from practicing landscape architecture unless they held a certification of registration or if they were a

building designer, landscape contractor, or designer, held a Department of Agriculture license to sell nursery stock, or were engaged in certain other related activities.

A person could not use the terms “landscape architect,” “landscape architectural,” “landscape architecture,” or any similar term to describe themselves or the services they provided unless they held a certificate of registration. Landscape architects could not accept an assignment unless they were qualified for the assignment or would work with persons who were sufficiently qualified.

HB 2337 would define landscape architecture as the art and science of landscape analysis, including planning and design, and would include the performance of professional services, such as consultation, investigation, research, the preparation of general development and detailed site design plans, the preparation of studies and specifications, and responsible supervision related to development of land areas for certain purposes.

Landscape architecture would not include:

- traffic, roadway, or pavement engineering;
- the design of utilities;
- the engineering or study of hydrologic management of stormwater systems or floodplains;
- the making of final plats; or
- any services or functions within the definition of the practice of engineering, public surveying, or architecture.

A building designer, landscape contractor or designer, or nurseryman could prepare a landscape plan or drawing, but could not make a plant or revegetation plan or design that was for property larger than one acre, included a public walkway or vehicle roadway, or adversely affected the public’s health, safety, and welfare.

The bill would take effect September 1, 2001.

SUPPORTERS SAY:

HB 2337 as substituted would create a practice act for the profession of landscape architecture in order to protect the public health, safety, and

welfare. Landscape architects are degreed professionals who have been trained to work on such projects as community master plans, site planning, highway design, pedestrian walkways, and wetland construction and mitigation.

A practice act would protect the public from unqualified or incompetent persons practicing landscape architecture. Possible adverse effects of such individuals practicing landscape architecture include: contamination of community water supply due to improperly specified relationships between water supply and drainage; fire and shock hazards due to inadequate design of outdoor lighting systems; or injury due to unsafe or improperly located playground equipment.

Like other design professionals, landscape architects undergo rigorous training and education. Tighter regulation would allow landscape architects to compete on a more level playing field with other design professions. Increased competition would lead to reduced project prices and greater choice for the consumer.

OPPONENTS SAY:

HB 2337 as substituted would unnecessarily regulate the practice of landscape architecture. Current law prevents an unqualified person from representing themselves as a landscape architect. There is no need to prohibit a person from practicing landscape architecture if they have not misrepresented themselves. In addition, the bill could place burdensome restrictions on those working in related fields who inadvertently engaged in an activity that fell under the bill's definition of landscape architecture.

NOTES:

The floor substitute differs from the bill reported from committee by narrowing the criteria for the definition of landscape architecture. The substitute also specifies certain activities related to the practice of engineering, public surveying, or architecture that would not be included in the definition of landscape architecture.

The floor substitute would allow a building designer, landscape contractor or designer, or a person holding a Department of Agriculture license to sell nursery stock, or a person engaged in certain other related activities to practice landscape architecture, whereas the committee version would have exempted them from the bill's purview.