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SENATE FILE 1179

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State Government 2-21

Senate File 1179  
State Government—  
Hansen, Chairman  
Shaw  
Hill

By CURTIS, POTTER, PRIEBE,  
MURRAY, HANSEN and JUNKINS  
(Dunlap, West, Fisher of Greene,  
Harper, Kreamer and Bittle)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

# A BILL FOR

1 An Act to establish a board of landscape architectural examiners.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:  
3 1. "Board" means the Iowa board of landscape architectural  
4 examiners established pursuant to this Act.  
5 2. "Landscape architect" means a person who engages in  
6 the practice of landscape architecture as defined in this  
7 Act.  
8 3. The "practice of landscape architecture" means the  
9 performance of professional services such as consultations,  
10 investigations, reconnaissance, research, planning, design,  
11 or responsible supervision in connection with projects  
12 involving the arranging of land and the elements thereon for  
13 public and private use and enjoyment, including the alignment  
14 of roadways and the location of buildings, service areas,  
15 parking areas, walkways, steps, ramps, pools, and other  
16 structures, and the grading of the land, surface and subsoil  
17 drainage, erosion control, planting, reforestation, and the  
18 preservation of the natural landscape and aesthetic values,  
19 in accordance with accepted professional standards of public  
20 health, welfare, and safety. This practice shall include  
21 the location and arrangement of such tangible objects and  
22 features as are incidental and necessary to the purposes  
23 outlined in this Act but shall not include the design of  
24 structures or facilities with separate and self-contained  
25 purposes for habitation or industry, or the design of public  
26 streets and highways, utilities, storm and sanitary sewers,  
27 and sewage treatment facilities, such as are ordinarily  
28 included in the practice of engineering or architecture; and  
29 shall not include the making of land surveys or final land  
30 plats for official approval or recording. Nothing contained  
31 in this Act shall preclude a licensed landscape architect  
32 from performing any of the services described in this section  
33 in connection with the settings, approaches or environment  
34 for buildings, structures or facilities. Nothing contained  
35 in this Act shall be construed as authorizing a landscape

1 architect to engage in the practice of architecture,  
2 engineering, or land surveying.

3       Sec. 2. NEW SECTION. REGISTRATION REQUIRED. A person  
4 shall not use the title of landscape architect or any title  
5 or device indicating or representing in any manner that such  
6 person is a landscape architect or is practicing landscape  
7 architecture unless such person is a registered landscape  
8 architect as provided in this Act. Every holder of a registra-  
9 tion certificate as a registered landscape architect shall  
10 display it in a conspicuous place in his principal office.

11       Sec. 3. NEW SECTION. ESTABLISHMENT OF BOARD. There is  
12 established a board of landscape architectural examiners which  
13 shall consist of five members who are registered landscape  
14 architects and two members who are not registered landscape  
15 architects and who shall represent the general public. Mem-  
16 bers shall be appointed by the governor, subject to the  
17 approval of two-thirds of the members of the senate. A  
18 registered member shall be actively engaged in the practice  
19 of landscape architecture or the teaching of landscape  
20 architecture in an accredited college or university, and shall  
21 have been so engaged for five years preceding his appointment,  
22 the last two of which shall have been in Iowa. Professional  
23 associations or societies composed of registered landscape  
24 architects may recommend the names of potential board members  
25 to the governor, but the governor shall not be bound by the  
26 recommendations. A board member shall not be required to  
27 be a member of any professional association or society composed  
28 of professional landscape architects.

29       Appointments shall be for three-year terms and shall com-  
30 mence on July first of the year in which the appointment is  
31 made. Vacancies shall be filled for the unexpired term by  
32 appointment of the governor and shall be subject to senate  
33 confirmation. Members shall serve no more than three terms  
34 or nine years, whichever is less.

35       The initial five members of the board appointed by the

1 governor as registered landscape architects shall meet the  
2 qualifications prescribed in section nine (9) of this Act  
3 and shall become registered as landscape architects immediately  
4 upon confirmation of their respective appointments without  
5 examination.

6       Sec. 4. NEW SECTION. ORGANIZATION OF THE BOARD--MEETINGS  
7 --QUORUM. The board shall elect annually from its members  
8 a chairman, vice chairman, and secretary. The duties of the  
9 officers shall be such as are usually performed by such  
10 officers. The board shall hold at least one meeting each  
11 year at the seat of government, and meetings shall be called  
12 at other times by the secretary at the request of the chairman  
13 or four members of the board. A majority of the members shall  
14 constitute a quorum. No action at any meeting can be taken  
15 without the affirmative votes of a majority of the members  
16 of the board.

17       Sec. 5. NEW SECTION. DUTIES. The board shall enforce  
18 the provisions of this Act and may employ such technical and  
19 clerical assistants and incur such expense as may be neces-  
20 sary to properly carry out the provisions of this Act within  
21 the limits of funds appropriated to the board. The board  
22 shall make rules for the examination of applicants for the  
23 certificate of registration provided by this Act, and shall,  
24 after public notice, conduct examinations of applicants for  
25 registration. The board shall keep a record of its  
26 proceedings. The board shall adopt and have an official seal  
27 which shall be affixed to all certificates of registration  
28 granted and the board may make such other rules, not  
29 inconsistent with law, necessary for the proper performance  
30 of its duty. The board shall maintain a roster showing the  
31 name, place of business and residence, and the date and number  
32 of the certificate of registration of every registered  
33 landscape architect in this state.

34       Sec. 6. NEW SECTION. ANNUAL REPORT. Before the first  
35 day of July of each year the board shall submit to the gover-

1 nor a report of its transactions for the preceding year,  
2 together with a complete statement of the receipts and  
3 expenditures of the board. This report shall include the  
4 roster of registered landscape architects. A copy of this  
5 report shall be filed with the secretary of state.

6 Sec. 7. NEW SECTION. COMPENSATION AND EXPENSES. Mem-  
7 bers of the board shall set their own per diem compensation  
8 at a rate not exceeding forty dollars per day for the time  
9 actually spent in traveling to and from, and in attending  
10 meetings of the board and its committees, and shall receive  
11 all necessary traveling and incidental expenses incurred in  
12 the discharge of their duties within the limits of funds  
13 appropriated to the board. Warrants for payments of expenses  
14 of the board shall be issued by the state comptroller and  
15 paid by the treasurer of state upon presentation of vouchers  
16 signed by the chairman or vice chairman and secretary and  
17 authorized by the board.

18 Sec. 8. NEW SECTION. EXAMINATION. The board shall conduct  
19 examinations of applicants for certificates of registration  
20 as landscape architects at least once each year, or, if there  
21 are sufficient applications, at such additional times as the  
22 board may deem necessary. The examination shall determine  
23 the ability of the applicant to use and understand the theory  
24 and practice of landscape architecture and may be divided  
25 into such subjects as the board deems necessary. The board  
26 shall determine the annual cost of administering the  
27 examinations and shall set the fees accordingly. The public  
28 members of the board shall not participate in administering  
29 or grading any portion of the examination.

30 Sec. 9. NEW SECTION. APPLICATIONS. Any person may apply  
31 for a certificate of registration or may apply to take an  
32 examination for such certification under this Act.  
33 Applications for registration shall be on forms prescribed  
34 and furnished by the board, shall contain statements made  
35 under oath, showing the applicant's education and detail

1 summary of his pertinent practical landscape architectural  
2 work and experience. The board may require that a recent  
3 photograph of the applicant be attached to the application  
4 form. An applicant shall not be ineligible for registration  
5 because of age, citizenship, sex, race, religion, marital  
6 status, or national origin although the application may require  
7 citizenship information. The board may consider the past  
8 felony record of an applicant only if the felony conviction  
9 relates directly to the practice of landscape architecture.  
10 Character references may be required but shall not be obtained  
11 from landscape architects. An application for examination  
12 shall be accompanied by an application fee in the amount  
13 determined by the board. Each applicant for registration  
14 as a landscape architect shall meet one of the following  
15 requirements:

16 1. Graduation from a course in landscape architecture  
17 in a school, college, or university offering an accredited  
18 minimum four-year curriculum in landscape architecture, and  
19 a minimum of three years of practical experience in landscape  
20 architectural work which in the opinion of the board is of  
21 satisfactory character, at least one year of which must be  
22 under the supervision of a registered landscape architect  
23 or a person who becomes a registered landscape architect  
24 within one year after the effective date of this Act.

25 2. Graduation from a nonaccredited course of landscape  
26 architecture of a minimum of four years in a school, college  
27 or university and a minimum of four years of practical  
28 experience in landscape architectural work which in the opinion  
29 of the board is of satisfactory character, at least one year  
30 of which must be under the supervision of a registered  
31 landscape architect or a person who becomes a registered  
32 landscape architect within one year after the effective date  
33 of this Act.

34 3. A minimum of ten years of practical experience in land-  
35 scape architectural work which in the opinion of the board

1 is of satisfactory character to properly prepare the applicant  
2 for the examination.

3 A satisfactorily completed year of study in an accredited  
4 court of landscape architecture in an accredited school, col-  
5 lege, or university may be accepted in lieu of one year of  
6 practical experience.

7 A master's degree from an accredited school, college, or  
8 university may be accepted in lieu of one year of practical  
9 experience.

10 Any four-year college or university degree may be accepted  
11 in lieu of two years of practical experience.

12 Sec. 10. NEW SECTION. FOREIGN REGISTRANTS. Any appli-  
13 cant who holds a license or certificate to practice landscape  
14 architecture issued to him upon examination by a board of  
15 examiners in any other state, territory, or possession of  
16 the United States, the District of Columbia, or of any foreign  
17 country, if the requirements for such license or certificate  
18 were, at the time it was issued, in the opinion of the board,  
19 equal to or higher than the requirements of this Act, may  
20 be registered without further examination.

21 Sec. 11. NEW SECTION. REGISTRATION. When an applicant  
22 has complied with the requirements of section nine (9) of  
23 this Act and has passed the examination to the satisfaction  
24 of a majority of the registered members of the board, or has  
25 qualified for registration under section ten (10) of this  
26 Act, and has paid the required registration fee, the secretary  
27 shall enroll the applicant's name and address in the roster  
28 of registered landscape architects and issue to him a certifi-  
29 cate of registration, signed by the officers of the board.

30 Sec. 12. NEW SECTION. SEAL. Every registered landscape  
31 architect shall have a seal, approved by the board, which  
32 shall contain the name of the landscape architect and the  
33 words "Registered Landscape Architect, State of Iowa", and  
34 such other words or figures as the board may deem necessary.  
35 All landscape architectural plans and specifications, prepared

1 by such landscape architect or under the supervision of such  
2 landscape architect, shall be dated and bear the legible seal  
3 of such registered landscape architect. Nothing contained  
4 in this section shall be construed to permit the seal of a  
5 landscape architect to serve as a substitute for the seal  
6 of a licensed architect, a licensed professional engineer  
7 or land surveyor whenever the seal of an architect, engineer  
8 or land surveyor is required under the laws of this state.

9 Sec. 13. NEW SECTION. RENEWALS. Certificates of regis-  
10 tration shall expire annually as determined by the board.  
11 Registered landscape architects shall renew their certificates  
12 of registration and pay a renewal fee in the manner and amount  
13 prescribed by the board. Failure to renew the certificate  
14 of registration within a reasonable time after the expiration  
15 shall not invalidate the certificate, but a reasonable penalty  
16 may be assessed by the board.

17 Sec. 14. NEW SECTION. FEES. The board shall set the  
18 fees for a certificate of registration as a registered land-  
19 scape architect, and for renewal of a certificate. The fee  
20 for a certificate of registration and for renewal of a certifi-  
21 cate shall be based upon the administrative costs of sus-  
22 taining the board which shall include, but shall not be limited  
23 to, the costs for:

- 24 1. Per diem, expenses, and travel for board members.
- 25 2. Office facilities, supplies, and equipment.
- 26 3. Clerical assistance.

27 All fees shall be collected by the secretary, paid to the  
28 treasurer of state and deposited in the general fund of the  
29 state.

30 Sec. 15. NEW SECTION. SUSPENSION OR REVOCATION OF CERTI-  
31 FICATE. The board may by a five-sevenths vote of the entire  
32 board suspend for a period not exceeding two years, or revoke  
33 the certificate of registration of, or reprimand any regis-  
34 trant who is found guilty of:

- 35 1. Any fraud or deceit in obtaining a registration;

- 1        2. Any fraud or deceit in his practice;
- 2        3. Any gross negligence, incompetence, or misconduct in
- 3 his practice; or
- 4        4. Who is found to have been convicted of any felony that
- 5 would affect his ability to practice landscape architecture.

6        Sec. 16. NEW SECTION. PROCEDURE. Any person may file  
7 charges with the board against a landscape architect or the  
8 board may initiate charges. Such charges shall be in writing,  
9 sworn to if by a complainant other than the board, and filed  
10 with the board. Unless the charges are dismissed by the board  
11 as unfounded or trivial, the board shall hold a hearing within  
12 six months after the date on which they are filed. The board  
13 shall fix the time and place for such hearing and shall cause  
14 a copy of the charges, together with a notice of the time  
15 and place fixed for the hearing, to be served on the accused  
16 at least thirty days before the date fixed for the hearing.  
17 Where personal service cannot be effected, service may be  
18 effected by publication. At such hearing, the accused shall  
19 have the right to appear personally or by counsel, to cross-  
20 examine witnesses against him, and to produce evidence and  
21 witnesses in his defense. The board may restore the  
22 certificate of registration to any person whose certificate  
23 of registration has been revoked. Application for the  
24 restoration of a certificate of registration shall be made  
25 in such manner, form and content as the board may prescribe.

26        Sec. 17. NEW SECTION. ATTORNEY GENERAL TO ASSIST AND  
27 WITNESSES. The board is entitled to the counsel and services  
28 of the attorney general or such assistants as he may so desig-  
29 nate. The board may compel the attendance of witnesses, pay  
30 witness fees and mileage, and take testimony and affidavits  
31 and administer oaths concerning any matter within its juris-  
32 diction.

33        Sec. 18. NEW SECTION. UNLAWFUL PRACTICE. Any person  
34 who uses the word landscape architect or any word or any  
35 letters or figures indicating or tending to imply that the

1 person using the same is a landscape architect, without having  
2 a valid certificate of registration as a landscape architect  
3 issued pursuant to this Act, is guilty of a misdemeanor and  
4 upon conviction may be sentenced to pay a fine of not more  
5 than five hundred dollars or be imprisoned for not more than  
6 three months, or be subject to both such fine and imprisonment.

7 Sec. 19. NEW SECTION. INJUNCTION. In addition to any  
8 other remedies, and on the petition of the board or any per-  
9 son, any person violating this Act may be restrained and  
10 permanently enjoined from committing or continuing to violate  
11 the provisions of this Act.

12 Sec. 20. NEW SECTION. SCOPE OF ACT. Nothing contained  
13 in this Act shall be construed:

14 1. To affect or prevent the practice of engineering by  
15 a professional engineer duly registered under the laws of  
16 this state.

17 2. To affect or prevent the practice of architecture by  
18 an architect registered under the laws of this state.

19 3. To prevent a registered architect or professional  
20 engineer from doing landscape planning and designing in  
21 connection with a building or a construction project of his  
22 design.

23 4. To affect or prevent the practice of land surveying  
24 by a land surveyor registered under the laws of this state.

25 5. To apply to the business conducted in this state by  
26 any planner, agriculturist, soil conservationist,  
27 horticulturist, tree expert, arborist, forester, nurseryman  
28 or landscape nurseryman, gardener, landscape gardener,  
29 landscape contractor, garden or lawn caretaker, tiling  
30 contractor, grader or cultivator of land, golf course designer  
31 or contractor, or similar business. However, such person  
32 shall not use the designation landscape architect or any title  
33 or device indicating or representing that such person is a  
34 landscape architect or is practicing landscape architecture  
35 unless such person is registered under the provisions of this

1 Act.

2 Sec. 21. NEW SECTION. EXAMINATION NOT REQUIRED. Any  
3 person who within one year after the effective date of this  
4 Act meets the requirements of section nine (9) of this Act  
5 shall upon application receive a certificate of registration  
6 without examination upon payment of the registration fee,  
7 provided that the practical experience in landscape  
8 architectural work need not have been under the supervision  
9 of a registered landscape architect but shall be of such a  
10 nature as in the opinion of the board to satisfactorily qualify  
11 the applicant.

12 Sec. 22. Section four hundred ninety-six C point two  
13 (496C.2), subsection one (1), Code 1973, is amended to read  
14 as follows:

15 1. "Profession" means the profession of certified public  
16 accountancy, architecture, chiropractic, dentistry, profes-  
17 sional engineering, land surveying, landscape architecture,  
18 law, medicine and surgery, optometry, osteopathy, osteopathic  
19 medicine and surgery, podiatry, or veterinary medicine.

20 EXPLANATION

21 This bill establishes a board of landscape architectural  
22 examiners and provides a procedure for registration of land-  
23 scape architects who meet education and practical experience  
24 requirements and who pass an examination administered by the  
25 board. the bill incorporates the recommendations of the  
26 Professional and Occupational Licensing Study Committee.

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