

House Study Bill 94 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
COMMERCE/BANKING DIVISION
BILL)

A BILL FOR

1 An Act modifying provisions relating to the licensure of
2 professional landscape architects.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 544B.3, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. A landscape architectural examining board is created
4 within the professional licensing and regulation bureau of
5 the banking division of the department of commerce. The
6 board consists of five members who are professional landscape
7 architects and two members who are not professional landscape
8 architects and who shall represent the general public. Members
9 shall be appointed by the governor, subject to confirmation
10 by the senate. A Four of the five professional member
11 members shall be actively engaged in the practice of landscape
12 architecture or the teaching of landscape architecture in
13 an accredited college or university, and shall have been so
14 engaged for five years preceding appointment, the last two of
15 which shall have been in Iowa. One of the five professional
16 members shall be actively engaged in the practice of landscape
17 architecture or the teaching of landscape architecture in an
18 accredited college or university, and may have been so engaged
19 for fewer than five years preceding appointment but at least
20 one year preceding appointment. Associations or societies
21 composed of professional landscape architects may recommend the
22 names of potential board members to the governor. However,
23 the governor is not bound by the recommendations. A board
24 member shall not be required to be a member of any professional
25 association or society composed of professional landscape
26 architects.

27 Sec. 2. Section 544B.5, Code 2019, is amended to read as
28 follows:

29 **544B.5 Duties.**

30 The board shall enforce ~~this chapter~~, and shall make rules
31 for the examination of applicants for licensure, ~~and, after~~
32 ~~public notice, shall conduct examinations of applicants for~~
33 ~~licensure.~~ The board shall keep a record of its proceedings.
34 The board shall adopt an official seal which shall be affixed
35 to all certificates of licensure granted. The board may

1 make other rules, not inconsistent with law, as necessary
2 for the proper performance of its duties. The board shall
3 maintain a roster showing the name, place of business, and
4 residence, and the date and number of the certificate of
5 licensure of every professional landscape architect in this
6 state. The administrator of the professional licensing and
7 regulation bureau of the banking division of the department of
8 commerce shall hire and provide staff to assist the board in
9 implementing [this chapter](#).

10 Sec. 3. Section 544B.8, subsection 1, Code 2019, is amended
11 to read as follows:

12 ~~1. The board shall conduct examinations of applicants~~
13 ~~for certificates of licensure as professional landscape~~
14 ~~architects at least once each year, or, if there are sufficient~~
15 ~~applications, at such additional times as the board may deem~~
16 ~~necessary. The examination shall determine the ability of~~
17 ~~the applicant to use and understand the theory and practice~~
18 ~~of landscape architecture and may be divided into such~~
19 ~~subjects as the board deems necessary. The board shall~~
20 ~~determine the annual cost of administering the examinations~~
21 ~~and shall set the fees accordingly. A person applying for a~~
22 certificate of licensure as a professional landscape architect
23 shall satisfactorily pass an examination in technical and
24 professional subjects prescribed by the board. The board
25 may adopt the uniform standardized examination and grading
26 procedures of a national certification body recognized by the
27 board. The examination may be conducted by representatives of
28 the board. The identity of a person taking the examination
29 shall be concealed until after the examination is graded.
30 The fee for examination shall be based on the annual cost
31 of administering the examinations. The public members of
32 the board shall be allowed to participate in administrative,
33 clerical, or ministerial functions incident to giving the
34 examination, but shall not determine the content of the
35 examination or determine the correctness of the answers.

1 Sec. 4. Section 544B.9, subsection 1, unnumbered paragraph
2 1, Code 2019, is amended to read as follows:

3 Any person may apply for a certificate of licensure or
4 may apply to take an examination for such certification.
5 Applications for licensure shall be on forms prescribed and
6 furnished by the board, shall contain statements made under
7 oath, showing the applicant's education and detail summary of
8 the applicant's pertinent practical landscape architectural
9 work and experience. The board shall not require that a recent
10 photograph of the applicant be attached to the application
11 form. An applicant shall not be ineligible for licensure
12 ~~because of age, citizenship, sex, race, religion, marital~~
13 ~~status, or national origin~~ on the basis of membership in any
14 protected class under chapter 216. The board may consider
15 the past felony record of an applicant only if the felony
16 conviction relates directly to the practice of landscape
17 architecture. Character references may be required but
18 shall not be obtained from professional landscape architects.
19 ~~An application for examination shall be accompanied by an~~
20 ~~examination fee in the amount determined by the board.~~ Each
21 applicant for licensure as a professional landscape architect
22 shall meet one of the following requirements:

23 Sec. 5. Section 544B.10, Code 2019, is amended to read as
24 follows:

25 **544B.10 Foreign licensees.**

26 Any applicant who holds a license or certificate to practice
27 landscape architecture issued to the applicant upon examination
28 by a national certification body recognized by the board
29 as prescribed by rule, or by a board of examiners in any
30 other state, territory, or possession of the United States,
31 the District of Columbia, or of any foreign country, if the
32 requirements for such license or certificate were, at the time
33 it was issued, in the opinion of the board, equal to or higher
34 than the requirements of this state, may be licensed without
35 further examination.

1 Sec. 6. Section 544B.11, Code 2019, is amended to read as
2 follows:

3 **544B.11 Licensure.**

4 When an applicant has complied with the application
5 requirements of **this chapter** and has passed the examination
6 ~~to the satisfaction of a majority of the licensed members~~
7 ~~of prescribed by the board~~, or is a foreign registrant and
8 has qualified for licensure under **this chapter**, and has paid
9 the required licensure fee, the secretary shall enroll the
10 applicant's name and address in the roster of professional
11 landscape architects and issue to the applicant a certificate
12 of licensure, ~~signed by the officers of the board.~~

13 Sec. 7. Section 544B.12, Code 2019, is amended to read as
14 follows:

15 **544B.12 Seal.**

16 Every professional landscape architect shall have a seal,
17 ~~approved by the board~~, which shall contain the name of the
18 landscape architect and the words "Professional Landscape
19 Architect, State of Iowa", and such other words or figures as
20 the board may deem necessary. All landscape architectural
21 plans and specifications, prepared by such professional
22 landscape architect or under the supervision of such
23 professional landscape architect, shall be dated and bear the
24 legible seal of such professional landscape architect. Nothing
25 contained in **this section** shall be construed to permit the seal
26 of a professional landscape architect to serve as a substitute
27 for the seal of a licensed architect, a licensed professional
28 engineer, or a licensed professional land surveyor whenever the
29 seal of an architect, engineer, or land surveyor is required
30 under the laws of this state.

31 Sec. 8. Section 544B.16, Code 2019, is amended to read as
32 follows:

33 **544B.16 Procedure.**

34 A person may file ~~charges~~ a complaint with the board against
35 a professional landscape architect or the board may initiate

1 ~~charges a complaint. The charges shall be in writing, sworn~~
2 ~~to if by a complainant other than the board, and filed with~~
3 ~~the board. Unless the charges are complaint is dismissed~~
4 by the board as unfounded or trivial, the board may request
5 the department of inspections and appeals to conduct an
6 investigation into the ~~charges~~ complaint. The department of
7 inspections and appeals shall report its findings to the board,
8 and the board shall hold a hearing within sixty days after the
9 date on which the ~~charges are~~ complaint is filed. The board
10 shall fix the time and place for such hearing and shall cause
11 a copy of the ~~charges~~ complaint, together with a notice of
12 the time and place fixed for the hearing, to be served on the
13 accused at least thirty days before the date fixed for the
14 hearing. Where personal service cannot be effected, service
15 may be effected by publication. At such hearing, the accused
16 shall have the right to appear personally or by counsel, to
17 cross-examine witnesses against the accused, and to produce
18 evidence and witnesses in defense. After the hearing, the
19 board may suspend or revoke the certificate of licensure. The
20 board may restore the certificate of licensure to any person
21 whose certificate of licensure has been revoked. Application
22 for the restoration of a certificate of licensure shall be made
23 in such manner, form, and content as the board may prescribe.

24

EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill modifies provisions in Code chapter 544B, relating
28 to the licensure of professional landscape architects by the
29 landscape architectural examining board.

30 Current law requires all five professional members of the
31 board to be actively engaged in the practice or teaching of
32 landscape architecture for five years preceding appointment to
33 the board, the last two of which in Iowa. The bill provides
34 that one of the five professional members may be actively
35 engaged in the practice or teaching of landscape architecture

1 for fewer than five years preceding appointment to the board
2 but at least one year preceding appointment.

3 The bill removes language providing that the board shall
4 conduct examinations for licensure after providing public
5 notice. The bill also removes language providing that the
6 board shall conduct examinations for licensure at least once a
7 year. The bill provides that the board may adopt the uniform
8 standardized examination and grading procedures of a national
9 certification body recognized by the board. The bill provides
10 that the examination may be conducted by representatives of the
11 board. The bill provides that the identity of persons taking
12 the examination shall be concealed until after examinations are
13 graded.

14 Current law provides than an applicant for licensure shall
15 not be ineligible for licensure because of age, citizenship,
16 sex, race, religion, marital status, or national origin.
17 The bill broadens this prohibition by providing that an
18 applicant shall not be ineligible for licensure on the basis of
19 membership in any protected class under Code chapter 216, the
20 Iowa civil rights Act.

21 The bill allows an applicant for licensure holding a license
22 or certificate to practice landscape architecture issued upon
23 examination by a national certification body recognized by
24 the board as prescribed by rule, in addition to examination
25 by another state or foreign country, to be licensed in Iowa
26 without further examination under certain circumstances.

27 The bill removes language providing that a certificate
28 of licensure shall be signed by the officers of the board.
29 The bill also removes language providing that the seal of a
30 professional landscape architect shall be approved by the
31 board.

32 The bill replaces the term "charge" with "complaint" in Code
33 section 544B.16, which establishes a procedure for complaints
34 against professional landscape architects. The bill removes
35 language requiring a complaint against a professional landscape

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1 architect by a person other than the board to be sworn to and
2 in writing.