

LICENSE LANDSCAPE ARCHITECTS

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House Bill 5025 (Substitute H-2)

House Bill 5026 (Substitute H-2)

Sponsor: Rep. Marie Donigan

Committee: Commerce

Complete to 10-28-08

A SUMMARY OF HOUSE BILLS 5025 AND 5026 AS PASSED BY THE HOUSE

The bills, taken together, would create a licensure requirement for landscape architects. Currently, landscape architects are regulated under a registration system. House Bill 5025 would amend Article 22 of the Occupational Code (MCL 339.105 et al.) House Bill 5026 would amend the State License Fee Act to revise the fees for landscape architects (MCL 338.2215).

Currently, an individual must be registered as a landscape architect to be able to use or advertise the title of "landscape architect," but the person is otherwise not precluded from engaging in any particular practices or providing any services. (Typically, registration systems protect professional titles rather than restricting activities.)

Under House Bill 5025, similarly, a person would have to be licensed as a landscape architect to be able to use or advertise the title of "landscape architect," but in this instance, the licensure requirement would not prohibit an unlicensed individual from "performing or offering services as a landscape designer, landscape gardener, landscape contractor, or landscape nursery operator" as long as he or she did not use the term "landscape architect."

The requirements for licensure would be the same as the current requirements for registration, except that a demonstration of continuing professional competence would be required for renewal of a license. How competence is to be demonstrated would be determined by the Department of Labor and Economic Growth and regulation and provided for by rule of the director of the DLEG.

The DLEG director would be required to appoint one or more ad hoc committees to assist in adopting rules to set standards for continuing education and continuing competency courses and programs, providing for exceptions from licensing standards in extraordinary cases, and establishing license sanction recommendations for violations. The committees would consist of as many members as the director considers necessary, but would have to include at least a majority of licensed landscape architects. The committees could serve during the processing of the rules and could make recommendations and suggested revisions about the content of rules.

House Bill 5026 would amend the State License to revise landscape architect fees. The annual license fee would be set at \$60 (the current registration fee is \$40). The application processing fee would be increased to \$200 from \$35.

FISCAL IMPACT:

The bill would increase landscape architect fee revenue by less than \$2,000 in FY 2008-09 and by about \$30,000 in FY 2009-10. This revenue is combined with other license and regulation fee revenue to support the licensing and regulatory functions of the Department of Labor and Economic Growth, Bureau of Commercial Services. Any additional revenue generated from increased fees would be sufficient to cover increases in administrative costs incurred by the department in administering the bills, which include the promulgation of administrative rules and verification of continuing professional competence for license renewals. The department indicates that because the qualifications for licensure under the bill do not differ from the qualifications for a registration under current law, current registrants (648 as of August 1, 2008) would be considered "licensed" when the bills take effect. They would not need to pay the \$200 application processing fee or pay the increased yearly license fee. The current biennial registration cycle for landscape architects runs from August 1, 2008 through July 31, 2010. The increased fees would be applied to persons seeking a landscape architect license for the first time after the bills' effective date (i.e. those not previously registered) and to those whose landscape architect registration lapsed for more 60 days,. Current registrants would pay the increased license fees when the current registration is "renewed" (as a license) in July 2010.

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