

SUBSTITUTE FOR
HOUSE BILL NO. 5025

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 2201, 2202, 2203, 2204, 2205, 2208, 2209,
2210, and 2211 (MCL 339.2201, 339.2202, 339.2203, 339.2204,
339.2205, 339.2208, 339.2209, 339.2210, and 339.2211), section 2204
as amended by 1981 PA 83 and sections 2205 and 2209 as amended by
1988 PA 463.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2201. As used in this article:

2 (a) "Landscape architect" means a person qualified to **ENGAGE**
3 **IN THE** practice **OF** landscape architecture as provided in this
4 article.

5 (b) "Practice of landscape architecture" means **ALL OF THE**
6 **FOLLOWING:**

1 (i) The performance of professional services such as
2 consultation, investigation, research, planning, design, or
3 responsible field observation in connection with the development of
4 land areas where, and to the extent that the dominant purpose of
5 the services is the preservation, enhancement, or determination of
6 proper land uses, natural land resources, ground cover and
7 planting, naturalistic and aesthetic values, the settings and
8 approaches to structures or other improvements, natural drainage,
9 and the consideration and determination of inherent problems of the
10 land relating to erosion, use and stress, blight, or other hazards.

11 (ii) The location and arrangement of tangible objects and
12 features incidental and necessary to the purposes outlined in this
13 article.

14 Sec. 2202. (1) This article ~~shall~~**DOES** not ~~preclude~~**PROHIBIT** a
15 ~~registered~~**LICENSED** landscape architect from performing any of the
16 services described in section 2201(b) (i) in connection with the
17 settings, approaches, or environment for buildings, structures, or
18 facilities.

19 (2) This article ~~shall not be construed as authorizing~~**DOES**
20 **NOT AUTHORIZE** a landscape architect to engage in the practice of
21 architecture, engineering, or land surveying as defined in article
22 20.

23 **(3) THE LICENSURE REQUIREMENT OF THIS ARTICLE DOES NOT**
24 **PROHIBIT A PERSON FROM PERFORMING OR OFFERING SERVICES AS A**
25 **LANDSCAPE DESIGNER, LANDSCAPE GARDENER, LANDSCAPE CONTRACTOR, OR**
26 **LANDSCAPE NURSERY OPERATOR AS LONG AS THAT PERSON DOES NOT USE THE**
27 **TERM "LANDSCAPE ARCHITECT".**

1 Sec. 2203. (1) ~~The board of landscape architects is created.~~
2 **THE DIRECTOR SHALL APPOINT 1 OR MORE AD HOC COMMITTEES TO ASSIST**
3 **THE DIRECTOR AND THE DEPARTMENT IN ADOPTING RULES REGARDING THE**
4 **SETTING OF STANDARDS FOR CONTINUING EDUCATION AND CONTINUING**
5 **COMPETENCY COURSES AND PROGRAMS, PROVIDING FOR EXCEPTIONS TO THE**
6 **LICENSURE STANDARDS IN EXTRAORDINARY CASES, AND ESTABLISHING**
7 **SPECIFIC LICENSE SANCTION RECOMMENDATIONS FOR CERTAIN VIOLATIONS.**

8 (2) **THE COMMITTEES SHALL CONSIST OF AS MANY MEMBERS AS THE**
9 **DIRECTOR CONSIDERS NECESSARY BUT SHALL INCLUDE AT LEAST A MAJORITY**
10 **OF MEMBERS THAT ARE LICENSED UNDER THIS ARTICLE.**

11 (3) **THE COMMITTEES APPOINTED UNDER THIS SECTION SHALL SERVE**
12 **DURING THE PROCESSING OF THE RULES AND MAY MAKE RECOMMENDATIONS AND**
13 **SUGGESTED REVISIONS REGARDING THE CONTENT OF THE RULES.**

14 Sec. 2204. An applicant for ~~registration~~**LICENSURE** as a
15 landscape architect shall be of good moral character and shall pass
16 a written examination developed by the department. ~~and the board.~~
17 In addition, each applicant shall have had not less than 7 years of
18 training and experience in the actual **IMPLEMENTATION AND** practice
19 of landscape architecture. Satisfactory completion of each year up
20 to 5 years of an accredited course in landscape architecture in an
21 accredited school shall be considered as equivalent to a year of
22 experience.

23 Sec. 2205. (1) All requirements for ~~registration~~**LICENSURE**
24 shall be completed within 10 years after receipt of the application
25 by the department. If the requirements are not completed within the
26 10-year period, the application shall be void.

27 (2) **A DEMONSTRATION OF CONTINUING PROFESSIONAL COMPETENCE**

1 **SHALL BE REQUIRED FOR RENEWAL OF A LICENSE AS DETERMINED BY THE**
2 **DEPARTMENT AND PROVIDED FOR BY RULE OF THE DIRECTOR.**

3 Sec. 2208. ~~Registration-LICENSURE~~ under this article shall be
4 on an individual basis. The department shall not ~~register-LICENSE~~ a
5 partnership, association, corporation, or a public agency under
6 this article.

7 Sec. 2209. The department may issue a ~~registration-LICENSE~~
8 without examination to an applicant who is legally registered, ~~or~~
9 licensed, **OR REGULATED** as a landscape architect in any other state
10 or country whose requirements for registration, ~~or-licensure, OR~~
11 **OTHER REGULATION** are at least substantially equivalent to the
12 requirements of this state.

13 Sec. 2210. (1) Each landscape architect shall have a seal,
14 approved by the department and the board, which shall contain the
15 name of the landscape architect, the ~~serial-number~~ of his or her
16 ~~certificate of registration-LICENSE~~ and the legend "landscape
17 architect, state of Michigan" and other words or figures as the
18 department considers necessary. Plans, specifications, and reports
19 prepared by the landscape architect or under his or her supervision
20 shall be stamped with his or her seal when filed with a public
21 authority.

22 (2) A landscape architect who indorses a document with his or
23 her seal while his or her ~~certificate of registration-LICENSE~~ is
24 not in full force and effect, or who indorses a document which the
25 landscape architect did not actually prepare or supervise the
26 preparation, is subject to the penalties prescribed in article 6.

27 Sec. 2211. A person shall not use or advertise **THE TITLE**

1 **"LANDSCAPE ARCHITECT" OR** any title or description tending to convey
2 the impression that he or she is a landscape architect unless he or
3 she is ~~registered as provided in~~ **LICENSED UNDER** this article. This
4 article does not restrict the use of the titles "landscape
5 gardener", "landscape contractor", "landscape designer", or
6 "landscape ~~nursery man~~ **OPERATOR**".

7 Enacting section 1. This amendatory act takes effect 120 days
8 after the date it is enacted into law.

9 Enacting section 2. This amendatory act does not take effect
10 unless House Bill No. 5026 of the 94th Legislature is enacted into
11 law.