

45:3A-16

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2008 **CHAPTER:** 77
NJSA: 45:3A-16 (Revises regulation of landscape architects)
BILL NO: A2146 (Substituted for S1849)

SPONSOR(S): Watson Coleman

DATE INTRODUCED: February 25, 2008

COMMITTEE: **ASSEMBLY:** Regulated Professions

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 23, 2008

SENATE: June 23, 2008

DATE OF APPROVAL: September 6, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Second reprint enacted)

A2146

[SPONSOR'S STATEMENT:](#) (Begins on page 12 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1849

[SPONSOR'S STATEMENT:](#) (Begins on page 12 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

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FOLLOWING WERE PRINTED:

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LAW/IS 1/2/09

§§16,17 -
C.45:3A-16 &
45:3A-17
§18 - Repealer
§19 - Note to
§§1-18

P.L. 2008, CHAPTER 77, *approved September 6, 2008*
Assembly, No. 2146 (*Second Reprint*)

1 AN ACT concerning landscape architects, amending the title and
2 body of, and supplementing, P.L.1983, c.337 and revising
3 various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The title of P.L.1983, c.337 is amended to read as follows:

9 AN ACT concerning the **[certification]** licensure of landscape
10 architects, amending parts of the statutory law and
11 supplementing chapter 3 of ²**[title]** Title² 45 of the Revised
12 Statutes.

13 (cf: P.L.1983, c.337, Title)

14
15 2. R.S.45:3-1 is amended to read as follows:

16 45:3-1. The New Jersey State Board of Architects, hereinafter in
17 this chapter designated as the "board," created and established by an
18 act entitled "An act to regulate the practice of architecture,"
19 approved March twenty-fourth, one thousand nine hundred and two
20 (P.L.1902, c.29, p.54), as amended and supplemented, is continued.
21 The board shall consist of **[11]** 13 members: **[six]** seven of whom
22 shall be architects residing in this State and shall have been engaged
23 in the practice of their profession for at least 10 years; **[one]** two
24 of whom shall be **[a certified]** licensed landscape **[architect]**
25 architects in good standing and engaged in the practice of landscape
26 architecture for at least **[five]** 10 years pursuant to **[sections 4**
27 **through 18 of]** P.L.1983, c.337 (C.45:3A-1 et seq.), except as to the
28 initial **[appointment]** appointments to the board, who shall become
29 **[certified]** licensed as soon as practicable after **[his appointment]**
30 their appointments; one of whom shall be a certified interior
31 designer who is not a licensed architect and is certified pursuant to
32 P.L.2002, c.86 (C.45:3-31 et al.), in good standing and engaged in
33 providing interior design services for at least 10 years, except as to
34 the initial appointment to the board, who shall become certified as

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted February 25, 2008.

²Senate SCM committee amendments adopted June 19, 2008.

1 soon as practicable after his appointment; two of whom shall be
2 public members and one of whom shall be a State executive
3 department member as prescribed pursuant to the provisions of
4 P.L.1971, c.60 (C.45:1-2.1 et seq.). On the effective date of **[this**
5 **act]** P.L.1950, c.323 the terms of office of the members of the
6 board shall cease and terminate, and they shall thereafter continue
7 in office as hold-over members until such time as the Governor
8 shall designate and appoint them to serve for new terms of office as
9 hereinafter provided. Within a period of 30 days after the effective
10 date of **[this act]** P.L.1950, c.323, or as soon thereafter as
11 circumstances shall permit, the Governor shall designate and
12 appoint said members to serve and hold office for the following
13 terms: one member for a term of one year from the date of such
14 designation and appointment; one member for a term of two years
15 from said date; one member for a term of three years from said date;
16 one member for a term of four years from said date; and one
17 member for a term of five years from said date. The initial
18 landscape architect appointment pursuant to P.L.1983, c.337
19 ²(C.45:3A-1 et seq.)² shall be for a term of two years beginning
20 July 1 next following the appointment. The initial appointment of a
21 certified interior designer and the sixth architect appointed pursuant
22 to **[this section]** P.L.2002, c.86 (C.45:3-31 et al.) shall be for a
23 term of three years beginning July 1 next following the
24 appointment. The initial appointment of the second landscape
25 architect pursuant to P.L. , c. (C.) (pending before the
26 Legislature as this bill) shall be for a term of five years beginning
27 July 1 next following the appointment. The initial appointment of
28 the seventh architect pursuant to P.L. , c. (C.) (pending
29 before the Legislature as this bill) shall be for a term of five years
30 beginning July 1 next following the appointment. Should any
31 vacancy exist on the board at the time of appointment and
32 designation of the members to the new terms herein provided for,
33 the Governor shall appoint a new member to fill such vacancy,
34 subject to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2),
35 such member to serve for any one of the several terms herein fixed
36 as the Governor in his discretion shall designate. Thereafter, upon
37 the expiration of the term of office of any member, his successor
38 shall be appointed by the Governor, subject to the provisions of
39 section 2 of P.L.1971, c.60 (C.45:1-2.2), for a term of five years.
40 Each member shall hold his office until his successor has qualified.
41 Any vacancy in the membership of the board shall be filled for the
42 unexpired term in the manner provided for an original appointment.
43 **[Except as hereinafter provided, the members of the board shall**
44 **serve without compensation.]**

45 (cf: P.L.2002, c.86, s.17)

46

47 3. R.S.45:3-2 is amended to read as follows:

1 45:3-2. The members of the board shall, before entering upon
2 the discharge of their duties, and within **[thirty]** 30 days after their
3 appointment, take and subscribe an oath, for the faithful
4 performance of their duties, before an officer authorized to
5 administer oaths in this State, and file the same with the Secretary
6 of State. They shall annually elect a president and vice-president
7 from their number, and subject to the provisions of **[Chapter 439 of**
8 **the Laws of 1948]** P.L.1948, c.439 (C.52:17B-1 et seq.), and a
9 secretary who need not be a member of the board and who shall
10 also be director, each of whom shall hold office for one year and
11 until his successor has qualified. The secretary shall receive
12 compensation for his services as provided by **[section 45:1-4 of this**
13 **Title]** R.S.45:1-4. Special meetings of the board shall be called by
14 the secretary upon the request of any two members by giving at
15 least five days' written notice of the meeting to each member.
16 **[Three members of the board shall constitute a quorum.]**

17 (cf: P.L.1950, c.323, s.2)

18

19 4. Section 4 of P.L.1983, c.337 (C.45:3A-1) is amended to read
20 as follows:

21 4. In order to safeguard life, health and property, and promote
22 the public welfare, a person using the title "landscape architect" and
23 engaging in the practice of landscape architecture in this State is
24 required to submit evidence that the person is qualified to be
25 **[certified]** licensed to practice landscape architecture as provided
26 in **[this amendatory and supplementary act]** P.L.1983, c.337
27 (C.45:3A-1 et seq.). It is unlawful for a person not licensed as a
28 landscape architect to use the title "landscape architect" or any other
29 title, sign, card or device in a manner which tends to convey the
30 impression that the person is a **[certified]** licensed landscape
31 architect. Every holder of a **[certificate]** license shall display it in a
32 conspicuous place in his principal office, place of business or
33 employment.

34 **[No corporation, firm, partnership or association shall be granted**
35 **a certificate under this amendatory and supplementary act. No**
36 **corporation, firm, partnership or association shall use or assume a**
37 **name involving the word "landscape architect," or a modification**
38 **or derivative of the term, unless an executive officer, if a**
39 **corporation, or a member, if a firm, partnership or association, is a**
40 **certified landscape architect of the State.]**

41 (cf: P.L.1983, c.337, s.4)

42

43 5. Section 5 of P.L.1983, c.337 (C.45:3A-2) is amended to read
44 as follows:

45 5. As used in this act:

46 a. **"[Certified]** Licensed landscape architect" means an
47 individual who, by reason of his knowledge of natural, physical

1 **[and]** , mathematical and social sciences, and the principles and
 2 methodology of landscape architecture and landscape architectural
 3 design acquired by professional education, practical experience, or
 4 both, is qualified to engage in the practice of landscape architecture
 5 and is **[certified]** licensed by the board as a landscape architect.

6 b. "The practice of landscape architecture" means any service
 7 in which the principles and methodology of landscape architecture
 8 are applied in consultation, evaluation **[and]** , planning, and design,
 9 including the preparation and filing of sketches, drawings, plans
 10 and specifications for review and approval by governmental
 11 agencies, and responsible administration of contracts **[relative to**
 12 projects principally directed at the functional and aesthetic use of
 13 land. Nothing contained in this section shall be construed to restrict
 14 or otherwise affect the right of any person or corporation to engage
 15 in the practice of landscape architecture, but no person or
 16 corporation shall hold himself out as, or use the title "certified
 17 landscape architect," unless he has been certified pursuant to this
 18 act] to the extent that the primary purpose of the contractual
 19 services is the preservation, enhancement or determination of
 20 proper land uses, natural land features, ground cover and planting,
 21 naturalistic and aesthetic values, the settings and approaches, or
 22 environment for structures or other improvements, the grading of
 23 land and water forms, natural drainage and determination of related
 24 impacts, assessments, and problems of land disturbance including
 25 erosion and sedimentation, blight, or other hazards. This practice
 26 includes the ' [approximate] proposed' location and arrangement of
 27 those tangible objects and features as are incidental and necessary
 28 for any government approval and as may be prescribed by State or
 29 local authorities, but does not include the design of structures or
 30 facilities ordinarily included in the practice of engineering or
 31 architecture and does not include the making of land surveys, or
 32 land plats for official approval or recording or other services as set
 33 forth in subsection (e) of section 2 of P.L.1938, c.342 (C.45:8-28).

34 The practice shall not prohibit any person from preparing
 35 landscaping plans for sites where government review or approvals
 36 are not required or where government review or approvals do not
 37 require the signature and seal of a landscape architect.

38 c. **["Committee"** means the Landscape Architect Examination
 39 and Evaluation Committee.] (Deleted by amendment, P.L. , c.)
 40 ²(pending before the Legislature as this bill)²
 41 (cf: P.L.1983, c.337, s.5)

42
 43 6. Section 6 of P.L.1983, c.337 (C.45:3A-3) is amended to read
 44 as follows:

45 6. a. Nothing in **[this amendatory and supplementary act]**
 46 P.L.1983, c.337 (C.45:3A-1 et seq.) shall be construed to prevent or
 47 limit the practice of architecture, engineering **[or]**, land surveying

1 or professional planning by a holder of a license to practice that
2 profession licensed by this State, but no architect, engineer,
3 surveyor or professional planner shall use the designation
4 "landscape architect" unless **[certified]** licensed as a landscape
5 architect in this State.

6 b. No municipal or county policy or action purporting to
7 define, or having the effect of defining, the scope of professional
8 activity of architects, engineers, land surveyors, planners, or
9 licensed landscape architects in the preparation of landscape design
10 plans shall reduce or expand the scope of professional practice
11 recognized by the respective boards that regulate these professions.

12 (cf: P.L.1983, c.337, s.6)

13

14 7. Section 9 of P.L.1983, c.337 (C.45:3A-6) is amended to read
15 as follows:

16 9. The **[committee]** board is authorized to review the content
17 and duration of courses of study offered by colleges and
18 universities for degrees in landscape architecture and to establish
19 and maintain a register of colleges and universities whose curricula
20 in landscape architecture are approved by the **[committee]** board;
21 to establish and maintain a list of recognized subjects and courses
22 of study, and to establish minimum requirements therefor which
23 shall be acceptable to the board **[and the committee]**.

24 In addition to those records of proceedings and applicants
25 established by the board, the **[committee]** board shall keep a record
26 of its proceedings and a record of all applicants for **[certification]**
27 licensure, showing for each the date of application, name, age,
28 education, and other qualifications, place of practice and **[place of**
29 **residence]** address of record, whether or not an examination was
30 required, and whether the applicant was rejected or a **[certificate]**
31 license granted, and the date of that action.

32 (cf: P.L.1983, c.337, s.9)

33

34 8. Section 10 of P.L.1983, c.337 (C.45:3A-7) is amended to
35 read as follows:

36 10. Each person applying for **[certification]** licensure as a
37 landscape architect shall make application therefor to the board on
38 the form and in the manner the **[committee]** board prescribes **[and**
39 **the board shall immediately refer each application to the committee**
40 **for appropriate action]**. Each applicant shall furnish evidence
41 satisfactory to the **[committee]** board that he:

42 a. Is of good moral character;

43 b. Meets the educational and experience qualifications
44 prescribed by **[this amendatory and supplementary act]** P.L.1983,
45 c.337 (C.45:3A-1 et seq.) for **[certification]** licensure as a
46 landscape architect; and

1 c. Unless exempt from examination pursuant to **[this**
2 **amendatory and supplementary act]** P.L.1983, c.337 (C.45:3A-1 et
3 seq.), has passed an examination satisfactory to the **[committee]**
4 board.

5 (cf: P.L.1983, c.337, s.10)

6

7 9. Section 11 of P.L.1983, c.337 (C.45:3A-8) is amended to
8 read as follows:

9 11. a. An applicant for examination or **[certification]** licensure
10 as a landscape architect shall provide the **[committee]** board with
11 evidence satisfactory to it that he:

12 (1) Is the holder of a bachelor's or higher degree in landscape
13 architecture from a college or university having a landscape
14 architecture curriculum approved by the **[committee]** board; and

15 (2) Has engaged in landscape architectural work satisfactory to
16 the **[committee]** board to an extent that his combined college study
17 and practical experience total at least **[six]** eight years.

18 b. **[In lieu of the degree and practical experience requirements**
19 **specified in paragraph a. of this section, evidence of 10 or more**
20 **years of practical experience in landscape architecture of a grade**
21 **and character satisfactory to the committee may be accepted. Each**
22 **complete year of study satisfactory to the committee may be**
23 **accepted in lieu of one year's practical experience toward the**
24 **required total of 10 years. Six years of practical experience**
25 **satisfactory to the committee may be accepted by the committee for**
26 **admission to that portion of the examination related to landscape**
27 **architecture.]** (Deleted by amendment, P.L. , c.) ²(pending
28 before the Legislature as this bill)²

29 c. **[Six years after the effective date of this act, an applicant**
30 **shall be eligible for certification as a landscape architect only if he**
31 **meets the requirements of subsection a. of this section.]** (Deleted by
32 amendment, P.L. , c.) ²(pending before the Legislature as this
33 bill)²

34 d. (1) A New Jersey licensed architect, licensed professional
35 engineer, licensed land surveyor, or licensed planner may be
36 licensed by the board as a landscape architect if:

37 (a) The architect, engineer, land surveyor, or planner meets the
38 educational standards for licensure as established by the board in
39 accordance with paragraph (2) of this subsection; and

40 (b) The architect, engineer, land surveyor, or planner has
41 engaged in landscape architectural work of a grade and character
42 satisfactory to the board for a period of not less than ²**[five]** four²
43 years; and

44 (c) The architect, engineer, land surveyor, or planner has
45 passed, as determined by the board, the landscape architect

1 examination administered by the board to individuals applying for
2 licensure as landscape architects.

3 (2) The board is authorized to review the content and duration
4 of courses of study offered by colleges and universities for degrees
5 in architecture and engineering and to establish and maintain a
6 register of colleges and universities whose curricula in architecture
7 and engineering are approved by the board as containing sufficient
8 recognized subjects and courses of study in landscape architecture
9 to meet such minimum requirements therefor, which shall be
10 deemed acceptable to the board.

11 (cf: P.L.1983, c.337, s.11)

12

13 10. Section 12 of P.L.1983, c.337 (C.45:3A-9) is amended to
14 read as follows:

15 12. The following fees shall be assessed and collected by the
16 board:

17 a. An application fee for **[certification]** licensure as a
18 landscape architect which shall not be subject to refund;

19 b. An examination fee and initial two-year **[certification]**
20 licensure fee for landscape architects which shall be subject to
21 refund if the applicant is determined to be ineligible for
22 examination, or withdraws his application for examination[, or fails
23 to appear for examination];

24 c. A two-year renewal fee for landscape architects; and

25 d. A reinstatement fee for **[certified]** licensed landscape
26 architects.

27 (cf: P.L.1983, c.337, s.12)

28

29 11. Section 13 of P.L.1983, c.337 (C.45:3A-10) is amended to
30 read as follows:

31 13. a. The **[committee]** board shall administer an examination
32 to be given to all persons, not exempt from examination pursuant to
33 **[this amendatory and supplementary act]** P.L.1983, c.337
34 (C.45:3A-1 et seq.), who have applied for **[certification]** licensure
35 as landscape architects.

36 b. The **[committee]** board may exempt from examination an
37 applicant who holds a license or certificate to practice landscape
38 architecture issued to him upon examination by a legally constituted
39 board of examiners in any state, district or territory in the United
40 States, provided the applicant's qualifications meet the requirements
41 enforced in this State at the time the license or certificate was
42 issued.

43 Unless a majority of the **[full committee]** board shall determine
44 otherwise, the examination to be administered to all nonexempt
45 applicants shall consist of **[the Unified National Examination as]**
46 an examination prepared by the Council of Landscape Architectural
47 Registration Boards.

1 c. A landscape architect holding a valid certificate issued by
2 the board pursuant to P.L.1983, c.337 (C.45:3A-1 et seq.) on the
3 effective date of P.L. , c. (C.) (pending before the Legislature
4 as this bill) shall be exempt from any examination requirements
5 provided by P.L. , c. (C.) (pending before the Legislature as
6 this bill) and shall be considered a licensed landscape architect
7 immediately upon that effective date and provided with a license as
8 a landscape architect at the next renewal pursuant to section 15 of
9 P.L.1983, c.337 (C.45:3A-12 et seq.).
10 (cf: P.L.1983, c.337, s.13)

11
12 12. Section 14 of P.L.1983, c.337 (C.45:3A-11) is amended to
13 read as follows:

14 14. The **【committee】** board shall review the qualifications of
15 each person who applies for **【certification】** licensure as a landscape
16 architect. Notwithstanding any other provision of **【this amendatory**
17 **and supplementary act】** P.L.1983, c.337 (C.45:3A-1 et seq.) to the
18 contrary, no applicant shall be **【certified】** licensed by the board
19 unless **【a majority of】** the **【full committee】** board first determines
20 that he is qualified by education, experience and satisfactory
21 performance on the examination to be **【certified】** licensed as a
22 landscape architect and all applicants who are determined to be so
23 qualified **【and are recommended for certification by the committee】**
24 shall be **【certified】** licensed by the board.

25 **【The board is authorized to review the actions taken by the**
26 **committee with respect to the committee's evaluation and**
27 **examination of applicants for certification as landscape architects**
28 **but the board may reverse, modify or fail to implement any of the**
29 **above described actions of the committee only by the affirmative**
30 **vote of at least six members of the board.】**

31 (cf: P.L.1983, c.337, s.14)

32
33 13. Section 15 of P.L.1983, c.337 (C.45:3A-12) is amended to
34 read as follows:

35 15. **【Certificates for landscape architects shall expire on May 30**
36 **in the second year following the year of issuance, renewal or**
37 **reinstatement, and shall become invalid on that day unless renewed.**
38 **Certified landscape architects shall apply for renewal before May**
39 **30 in the year of expiration of a certificate. On or before May 1 in**
40 **the year of expiration of a certificate the secretary of the board shall**
41 **notify all persons certified under this amendatory and**
42 **supplementary act of the date of the expiration of their certificates**
43 **and the amount of the renewal fee. Notice shall be mailed to each**
44 **holder of a certificate at his last post office address known to the**
45 **board.**

46 Failure on the part of the holder of a certificate to renew his
47 certificate every two years in the month of May shall not deprive

1 that person of the right of renewal during the ensuing two years, but
2 a reinstatement fee shall be added to the certificate fee; and if the
3 certificate is not renewed within the two years following its
4 expiration, the holder of the certificate shall pay a reinstatement fee
5 for each two years or portion thereof in which the holder is in
6 arrears. Continuing to use the title "landscape architect" after the
7 expiration of the certificate shall be a violation of this amendatory
8 and supplementary act.】

9 A duplicate 【certificate】 license to replace one lost, destroyed or
10 mutilated may be issued subject to the rules and regulations of the
11 board, and a reasonable fee, to be established by the board may be
12 charged for each duplicate 【certificate】 license. An unsuspended,
13 unrevoked and unexpired 【certificate】 license as a landscape
14 architect under 【this act】 P.L.1983, c.337 (C.45:3A-1 et seq.) shall
15 be prima facie evidence in all courts and places that the person
16 named therein is 【certified】 licensed. Each 【certificate】 license
17 shall be recorded by the board in the office of the Secretary of
18 State, in a book kept for that purpose, and any recording fee as may
19 be provided by law shall be paid by the applicant before the
20 【certificate】 license is delivered.

21 (cf: P.L.1983, c.337, s.15)

22

23 14. Section 16 of P.L.1983, c.337 (C.45:3A-13) is amended to
24 read as follows:

25 16. Every person 【using the title "landscape architect"】
26 licensed to practice landscape architecture shall have a seal of a
27 type approved by the board, which shall contain the name of the
28 landscape architect, his 【certificate】 license number, the legend
29 "【certified】 licensed landscape architect" and other words or
30 figures as the board may deem necessary. All working drawings
31 and specifications prepared by the landscape architect or under the
32 supervision of the landscape architect shall be stamped with the seal
33 and shall be signed on the original, with the personal signature of
34 the 【certified】 licensed landscape architect, when filed with public
35 officials. The board 【, upon recommendation and approval of the
36 committee,】 may by regulation, change or modify the requirements
37 as to the signing and sealing of documents.

38 (cf: P.L.1983, c.337, s.16)

39

40 15. Section 18 of P.L.1983, c.337 (C.45:3A-15) is amended to
41 read as follows:

42 18. 【Four】 a. Except as provided in subsections b. and c of
43 this section, two years from the effective date of 【this amendatory
44 and supplementary act】 P.L. , c. (C.) (pending before the
45 Legislature as this bill) and every 【four】 two years thereafter, each
46 person 【certified】 licensed to practice landscape architecture in this

1 State shall certify to the board, upon a form issued and distributed
2 by the board, that the person has attended, or participated in not less
3 than ~~20~~ 24 hours of continuing education in landscape
4 architecture as follows: college postgraduate courses, lectures,
5 seminars, or workshops, as approved by the ~~committee~~ board or
6 any other evidence of continuing education which the board may
7 approve.

8 b. Two years from the effective date of P.L. , c. (C.)
9 (pending before the Legislature as this bill) and every two years
10 thereafter, each architect who is licensed to practice landscape
11 architecture pursuant to subsection d. of section 11 of P.L.1983,
12 c.337 (C.45:3A-8), shall certify to the board, upon a form issued
13 and distributed by the board, that the person has attended or
14 participated in not less than 12 hours of continuing education in
15 landscape architecture as follows: college postgraduate courses,
16 lectures, seminars, or workshops, as approved by the board or any
17 other evidence of continuing education which the board may
18 approve.

19 c. Two years from the effective date of P.L. , c. (C.)
20 (pending before the Legislature as this bill) and every two years
21 thereafter, each professional engineer who is licensed to practice
22 landscape architecture pursuant to subsection d. of section 11 of
23 P.L.1983, c.337 (C.45:3A-8), shall certify to the board, upon a form
24 issued and distributed by the board, that the person has attended or
25 participated in not less than 24 hours of continuing education in
26 landscape architecture as follows: college postgraduate courses,
27 lectures, seminars, or workshops, as approved by the board or any
28 other evidence of continuing education which the board may
29 approve.

30 (cf: P.L.1983, c.337, s.18)

31

32 16. (New section) The board shall issue a certificate of
33 authorization to certain corporations and those corporations shall be
34 authorized to offer landscape architecture services, as follows:

35 a. No corporation shall offer to provide landscape architecture
36 services in this State unless issued a certificate of authorization
37 pursuant to this section. This subsection shall not apply to a
38 professional service corporation established pursuant to "The
39 Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-
40 1 et seq.).

41 b. The certificate of authorization shall designate a New Jersey
42 licensee or licensees who are in responsible charge of the landscape
43 architecture activities and decisions of the corporation. All final
44 drawings, papers or documents involving the practice of landscape
45 architecture, when issued by the corporation or filed for public
46 record, shall be signed and sealed by the New Jersey licensee who
47 is in responsible charge of the work.

1 17. (New section) All jurisdiction, powers, duties and
2 responsibilities vested in the Landscape Architect Examination and
3 Evaluation Committee with respect to the practice of landscape
4 architecture shall be immediately transferred to and vested in the
5 New Jersey State Board of Architects, which board shall hereafter
6 govern the practice of landscape architecture in this State in
7 accordance with all applicable laws.

8

9 18. The following sections are repealed:
10 Section 7 of P.L.1983, c.337 (C.45:3A-4);
11 Section 8 of P.L.1983, c.337 (C.45:3A-5); and
12 Section 17 of P.L.1983, c.337 (C.45:3A-14).

13

14 19. This act shall take effect on the 180th day following
15 enactment.

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Revises regulation of landscape architects.

ASSEMBLY, No. 2146

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblywoman BONNIE WATSON COLEMAN

District 15 (Mercer)

SYNOPSIS

Revises regulation of landscape architects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning landscape architects, amending the title and
2 body of, and supplementing, P.L.1983, c.337 and revising
3 various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The title of P.L.1983, c.337 is amended to read as follows:

9 AN ACT concerning the **[certification]** licensure of landscape
10 architects, amending parts of the statutory law and
11 supplementing chapter 3 of title 45 of the Revised Statutes.
12 (cf: P.L.1983, c.337, Title)

13
14 2. R.S.45:3-1 is amended to read as follows:

15 45:3-1. The New Jersey State Board of Architects, hereinafter in
16 this chapter designated as the "board," created and established by an
17 act entitled "An act to regulate the practice of architecture,"
18 approved March twenty-fourth, one thousand nine hundred and two
19 (P.L.1902, c.29, p.54), as amended and supplemented, is continued.
20 The board shall consist of **[11]** 13 members: **[six]** seven of whom
21 shall be architects residing in this State and shall have been engaged
22 in the practice of their profession for at least 10 years; **[one]** two of
23 whom shall be **[a certified]** licensed landscape **[architect]**
24 architects in good standing and engaged in the practice of landscape
25 architecture for at least **[five]** 10 years pursuant to **[sections 4**
26 **through 18 of]** P.L.1983, c.337 (C.45:3A-1 et seq.), except as to the
27 initial **[appointment]** appointments to the board, who shall become
28 **[certified]** licensed as soon as practicable after **[his appointment]**
29 their appointments; one of whom shall be a certified interior
30 designer who is not a licensed architect and is certified pursuant to
31 P.L.2002, c.86 (C.45:3-31 et al.), in good standing and engaged in
32 providing interior design services for at least 10 years, except as to
33 the initial appointment to the board, who shall become certified as
34 soon as practicable after his appointment; two of whom shall be
35 public members and one of whom shall be a State executive
36 department member as prescribed pursuant to the provisions of
37 P.L.1971, c.60 (C.45:1-2.1 et seq.). On the effective date of **[this**
38 **act]** P.L.1950, c.323 the terms of office of the members of the
39 board shall cease and terminate, and they shall thereafter continue
40 in office as hold-over members until such time as the Governor
41 shall designate and appoint them to serve for new terms of office as
42 hereinafter provided. Within a period of 30 days after the effective
43 date of **[this act]** P.L.1950, c.323, or as soon thereafter as
44 circumstances shall permit, the Governor shall designate and

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 appoint said members to serve and hold office for the following
2 terms: one member for a term of one year from the date of such
3 designation and appointment; one member for a term of two years
4 from said date; one member for a term of three years from said date;
5 one member for a term of four years from said date; and one
6 member for a term of five years from said date. The initial
7 landscape architect appointment pursuant to P.L.1983, c.337 shall
8 be for a term of two years beginning July 1 next following the
9 appointment. The initial appointment of a certified interior designer
10 and the sixth architect appointed pursuant to **[this section]**
11 P.L.2002, c.86 (C.45:3-31 et al.) shall be for a term of three years
12 beginning July 1 next following the appointment. The initial
13 appointment of the second landscape architect pursuant to
14 P.L. , c. (C.) (pending before the Legislature as this bill) shall
15 be for a term of five years beginning July 1 next following the
16 appointment. The initial appointment of the seventh architect
17 pursuant to P.L. , c. (C.) (pending before the Legislature as
18 this bill) shall be for a term of five years beginning July 1 next
19 following the appointment. Should any vacancy exist on the board
20 at the time of appointment and designation of the members to the
21 new terms herein provided for, the Governor shall appoint a new
22 member to fill such vacancy, subject to the provisions of section 2
23 of P.L.1971, c.60 (C.45:1-2.2), such member to serve for any one of
24 the several terms herein fixed as the Governor in his discretion shall
25 designate. Thereafter, upon the expiration of the term of office of
26 any member, his successor shall be appointed by the Governor,
27 subject to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2),
28 for a term of five years. Each member shall hold his office until his
29 successor has qualified. Any vacancy in the membership of the
30 board shall be filled for the unexpired term in the manner provided
31 for an original appointment. **[Except as hereinafter provided, the**
32 **members of the board shall serve without compensation.]**
33 (cf: P.L.2002, c.86, s.17)

34
35 3. R.S.45:3-2 is amended to read as follows:
36 45:3-2. The members of the board shall, before entering upon
37 the discharge of their duties, and within **[thirty]** 30 days after their
38 appointment, take and subscribe an oath, for the faithful
39 performance of their duties, before an officer authorized to
40 administer oaths in this State, and file the same with the Secretary
41 of State. They shall annually elect a president and vice-president
42 from their number, and subject to the provisions of **[Chapter 439 of**
43 **the Laws of 1948]** P.L.1948, c.439 (C.52:17B-1 et seq.), and a
44 secretary who need not be a member of the board and who shall
45 also be director, each of whom shall hold office for one year and
46 until his successor has qualified. The secretary shall receive
47 compensation for his services as provided by **[section 45:1-4 of this**

1 Title] R.S.45:1-4. Special meetings of the board shall be called by
2 the secretary upon the request of any two members by giving at
3 least five days' written notice of the meeting to each member.

4 **[Three members of the board shall constitute a quorum.]**

5 (cf: P.L.1950, c.323, s.2)

6

7 4. Section 4 of P.L.1983, c.337 (C.45:3A-1) is amended to read
8 as follows:

9 4. In order to safeguard life, health and property, and promote
10 the public welfare, a person using the title "landscape architect" and
11 engaging in the practice of landscape architecture in this State is
12 required to submit evidence that the person is qualified to be
13 **[certified]** licensed to practice landscape architecture as provided
14 in **[this amendatory and supplementary act]** P.L.1983, c.337
15 (C.45:3A-1 et seq.). It is unlawful for a person not licensed as a
16 landscape architect to use the title "landscape architect" or any other
17 title, sign, card or device in a manner which tends to convey the
18 impression that the person is a **[certified]** licensed landscape
19 architect. Every holder of a **[certificate]** license shall display it in a
20 conspicuous place in his principal office, place of business or
21 employment.

22 **[No corporation, firm, partnership or association shall be granted**
23 **a certificate under this amendatory and supplementary act. No**
24 **corporation, firm, partnership or association shall use or assume a**
25 **name involving the word "landscape architect," or a modification**
26 **or derivative of the term, unless an executive officer, if a**
27 **corporation, or a member, if a firm, partnership or association, is a**
28 **certified landscape architect of the State.]**

29 (cf: P.L.1983, c.337, s.4)

30

31 5. Section 5 of P.L.1983, c.337 (C.45:3A-2) is amended to read
32 as follows:

33 5. As used in this act:

34 a. "**[Certified]** Licensed landscape architect" means an
35 individual who, by reason of his knowledge of natural, physical
36 **[and]** , mathematical and social sciences, and the principles and
37 methodology of landscape architecture and landscape architectural
38 design acquired by professional education, practical experience, or
39 both, is qualified to engage in the practice of landscape architecture
40 and is **[certified]** licensed by the board as a landscape architect.

41 b. "The practice of landscape architecture" means any service in
42 which the principles and methodology of landscape architecture are
43 applied in consultation, evaluation **[and]** , planning, and design,
44 including the preparation and filing of sketches, drawings, plans
45 and specifications for review and approval by governmental
46 agencies, and responsible administration of contracts **[relative to**
47 **projects principally directed at the functional and aesthetic use of**

1 land. Nothing contained in this section shall be construed to restrict
2 or otherwise affect the right of any person or corporation to engage
3 in the practice of landscape architecture, but no person or
4 corporation shall hold himself out as, or use the title "certified
5 landscape architect," unless he has been certified pursuant to this
6 act] to the extent that the primary purpose of the contractual
7 services is the preservation, enhancement or determination of
8 proper land uses, natural land features, ground cover and planting,
9 naturalistic and aesthetic values, the settings and approaches, or
10 environment for structures or other improvements, the grading of
11 land and water forms, natural drainage and determination of related
12 impacts, assessments, and problems of land disturbance including
13 erosion and sedimentation, blight, or other hazards. This practice
14 includes the approximate location and arrangement of those tangible
15 objects and features as are incidental and necessary for any
16 government approval and as may be prescribed by State or local
17 authorities, but does not include the design of structures or facilities
18 ordinarily included in the practice of engineering or architecture
19 and does not include the making of land surveys, or land plats for
20 official approval or recording or other services as set forth in
21 subsection (e) of section 2 of P.L.1938, c.342 (C.45:8-28).

22 The practice shall not prohibit any person from preparing
23 landscaping plans for sites where government review or approvals
24 are not required or where government review or approvals do not
25 require the signature and seal of a landscape architect.

26 c. **["Committee" means the Landscape Architect Examination**
27 **and Evaluation Committee.]** (Deleted by amendment, P.L. , c.)
28 (cf: P.L.1983, c.337, s.5)

29
30 6. Section 6 of P.L.1983, c.337 (C.45:3A-3) is amended to read
31 as follows:

32 6. a. Nothing in **[this amendatory and supplementary act]**
33 P.L.1983, c.337 (C.45:3A-1 et seq.) shall be construed to prevent or
34 limit the practice of architecture, engineering **[or]**, land surveying
35 or professional planning by a holder of a license to practice that
36 profession licensed by this State, but no architect, engineer,
37 surveyor or professional planner shall use the designation
38 "landscape architect" unless **[certified]** licensed as a landscape
39 architect in this State.

40 b. No municipal or county policy or action purporting to define,
41 or having the effect of defining, the scope of professional activity of
42 architects, engineers, land surveyors, planners, or licensed
43 landscape architects in the preparation of landscape design plans
44 shall reduce or expand the scope of professional practice recognized
45 by the respective boards that regulate these professions.

46 (cf: P.L.1983, c.337, s.6)

1 7. Section 9 of P.L.1983, c.337 (C.45:3A-6) is amended to read
2 as follows:

3 9. The **【committee】** board is authorized to review the content
4 and duration of courses of study offered by colleges and
5 universities for degrees in landscape architecture and to establish
6 and maintain a register of colleges and universities whose curricula
7 in landscape architecture are approved by the **【committee】** board;
8 to establish and maintain a list of recognized subjects and courses
9 of study, and to establish minimum requirements therefor which
10 shall be acceptable to the board **【and the committee】**.

11 In addition to those records of proceedings and applicants
12 established by the board, the **【committee】** board shall keep a record
13 of its proceedings and a record of all applicants for **【certification】**
14 licensure, showing for each the date of application, name, age,
15 education, and other qualifications, place of practice and **【place of**
16 residence】 address of record, whether or not an examination was
17 required, and whether the applicant was rejected or a **【certificate】**
18 license granted, and the date of that action.

19 (cf: P.L.1983, c.337, s.9)

20

21 8. Section 10 of P.L.1983, c.337 (C.45:3A-7) is amended to read
22 as follows:

23 10. Each person applying for **【certification】** licensure as a
24 landscape architect shall make application therefor to the board on
25 the form and in the manner the **【committee】** board prescribes **【and**
26 the board shall immediately refer each application to the committee
27 for appropriate action**】**. Each applicant shall furnish evidence
28 satisfactory to the **【committee】** board that he:

29 a. Is of good moral character;

30 b. Meets the educational and experience qualifications prescribed
31 by **【this amendatory and supplementary act】** P.L.1983, c.337
32 (C.45:3A-1 et seq.) for **【certification】** licensure as a landscape
33 architect; and

34 c. Unless exempt from examination pursuant to **【this**
35 amendatory and supplementary act】 P.L.1983, c.337 (C.45:3A-1 et
36 seq.), has passed an examination satisfactory to the **【committee】**
37 board.

38 (cf: P.L.1983, c.337, s.10)

39

40 9. Section 11 of P.L.1983, c.337 (C.45:3A-8) is amended to
41 read as follows:

42 11. a. An applicant for examination or **【certification】** licensure
43 as a landscape architect shall provide the **【committee】** board with
44 evidence satisfactory to it that he:

1 (1) Is the holder of a bachelor's or higher degree in landscape
2 architecture from a college or university having a landscape
3 architecture curriculum approved by the **committee** board; and

4 (2) Has engaged in landscape architectural work satisfactory to
5 the **committee** board to an extent that his combined college study
6 and practical experience total at least **six** eight years.

7 b. **In lieu of the degree and practical experience requirements**
8 **specified in paragraph a. of this section, evidence of 10 or more**
9 **years of practical experience in landscape architecture of a grade**
10 **and character satisfactory to the committee may be accepted. Each**
11 **complete year of study satisfactory to the committee may be**
12 **accepted in lieu of one year's practical experience toward the**
13 **required total of 10 years. Six years of practical experience**
14 **satisfactory to the committee may be accepted by the committee for**
15 **admission to that portion of the examination related to landscape**
16 **architecture.] (Deleted by amendment, P.L. , c.)**

17 c. **Six years after the effective date of this act, an applicant**
18 **shall be eligible for certification as a landscape architect only if he**
19 **meets the requirements of subsection a. of this section.] (Deleted by**
20 **amendment, P.L. , c.)**

21 d. (1) A New Jersey licensed architect, licensed professional
22 engineer, licensed land surveyor, or licensed planner may be
23 licensed by the board as a landscape architect if:

24 (a) The architect, engineer, land surveyor, or planner meets the
25 educational standards for licensure as established by the board in
26 accordance with paragraph (2) of this subsection; and

27 (b) The architect, engineer, land surveyor, or planner has
28 engaged in landscape architectural work of a grade and character
29 satisfactory to the board for a period of not less than five years; or

30 (c) The architect, engineer, land surveyor, or planner has
31 passed, as determined by the board, the landscape architect
32 examination administered by the board to individuals applying for
33 licensure as landscape architects.

34 (2) The board is authorized to review the content and duration
35 of courses of study offered by colleges and universities for degrees
36 in architecture and engineering and to establish and maintain a
37 register of colleges and universities whose curricula in architecture
38 and engineering are approved by the board as containing sufficient
39 recognized subjects and courses of study in landscape architecture
40 to meet such minimum requirements therefor, which shall be
41 deemed acceptable to the board.

42 (cf: P.L.1983, c.337, s.11)

43

44 10. Section 12 of P.L.1983, c.337 (C.45:3A-9) is amended to
45 read as follows:

46 12. The following fees shall be assessed and collected by the
47 board:

- 1 a. An application fee for **【certification】** licensure as a
2 landscape architect which shall not be subject to refund;
- 3 b. An examination fee and initial two-year **【certification】**
4 licensure fee for landscape architects which shall be subject to
5 refund if the applicant is determined to be ineligible for
6 examination, or withdraws his application for examination**【, or fails**
7 **to appear for examination】**;
- 8 c. A two-year renewal fee for landscape architects; and
- 9 d. A reinstatement fee for **【certified】** licensed landscape
10 architects.

11 (cf: P.L.1983, c.337, s.12)

12
13 11. Section 13 of P.L.1983, c.337 (C.45:3A-10) is amended to
14 read as follows:

15 13. a. The **【committee】** board shall administer an examination
16 to be given to all persons, not exempt from examination pursuant to
17 **【this amendatory and supplementary act】** P.L.1983, c.337
18 (C.45:3A-1 et seq.), who have applied for **【certification】** licensure
19 as landscape architects.

20 b. The **【committee】** board may exempt from examination an
21 applicant who holds a license or certificate to practice landscape
22 architecture issued to him upon examination by a legally constituted
23 board of examiners in any state, district or territory in the United
24 States, provided the applicant's qualifications meet the requirements
25 enforced in this State at the time the license or certificate was
26 issued.

27 Unless a majority of the **【full committee】** board shall determine
28 otherwise, the examination to be administered to all nonexempt
29 applicants shall consist of **【the Unified National Examination as】**
30 an examination prepared by the Council of Landscape Architectural
31 Registration Boards.

32 c. A landscape architect holding a valid certificate issued by
33 the board pursuant to P.L.1983, c.337 (C.45:3A-1 et seq.) on the
34 effective date of P.L. , c. (C.) (pending before the Legislature
35 as this bill) shall be exempt from any examination requirements
36 provided by P.L. , c. (C.) (pending before the Legislature as
37 this bill) and shall be considered a licensed landscape architect
38 immediately upon that effective date and provided with a license as
39 a landscape architect at the next renewal pursuant to section 15 of
40 P.L.1983, c.337 (C.45:3A-12 et seq.).

41 (cf: P.L.1983, c.337, s.13)

42
43 12. Section 14 of P.L.1983, c.337 (C.45:3A-11) is amended to
44 read as follows:

45 14. The **【committee】** board shall review the qualifications of
46 each person who applies for **【certification】** licensure as a landscape
47 architect. Notwithstanding any other provision of **【this amendatory**

1 and supplementary act] P.L.1983, c.337 (C.45:3A-1 et seq.) to the
2 contrary, no applicant shall be [certified] licensed by the board
3 unless [a majority of] the [full committee] board first determines
4 that he is qualified by education, experience and satisfactory
5 performance on the examination to be [certified] licensed as a
6 landscape architect and all applicants who are determined to be so
7 qualified [and are recommended for certification by the committee]
8 shall be [certified] licensed by the board.

9 [The board is authorized to review the actions taken by the
10 committee with respect to the committee's evaluation and
11 examination of applicants for certification as landscape architects
12 but the board may reverse, modify or fail to implement any of the
13 above described actions of the committee only by the affirmative
14 vote of at least six members of the board.]

15 (cf: P.L.1983, c.337, s.14)

16

17 13. Section 15 of P.L.1983, c.337 (C.45:3A-12) is amended to
18 read as follows:

19 15. [Certificates for landscape architects shall expire on May 30
20 in the second year following the year of issuance, renewal or
21 reinstatement, and shall become invalid on that day unless renewed.
22 Certified landscape architects shall apply for renewal before May
23 30 in the year of expiration of a certificate. On or before May 1 in
24 the year of expiration of a certificate the secretary of the board shall
25 notify all persons certified under this amendatory and
26 supplementary act of the date of the expiration of their certificates
27 and the amount of the renewal fee. Notice shall be mailed to each
28 holder of a certificate at his last post office address known to the
29 board.

30 Failure on the part of the holder of a certificate to renew his
31 certificate every two years in the month of May shall not deprive
32 that person of the right of renewal during the ensuing two years, but
33 a reinstatement fee shall be added to the certificate fee; and if the
34 certificate is not renewed within the two years following its
35 expiration, the holder of the certificate shall pay a reinstatement fee
36 for each two years or portion thereof in which the holder is in
37 arrears. Continuing to use the title "landscape architect" after the
38 expiration of the certificate shall be a violation of this amendatory
39 and supplementary act.]

40 A duplicate [certificate] license to replace one lost, destroyed or
41 mutilated may be issued subject to the rules and regulations of the
42 board, and a reasonable fee, to be established by the board may be
43 charged for each duplicate [certificate] license. An unsuspending,
44 unrevoked and unexpired [certificate] license as a landscape
45 architect under [this act] P.L.1983, c.337 (C.45:3A-1 et seq.) shall
46 be prima facie evidence in all courts and places that the person

1 named therein is **[certified]** licensed. Each **[certificate]** license
2 shall be recorded by the board in the office of the Secretary of
3 State, in a book kept for that purpose, and any recording fee as may
4 be provided by law shall be paid by the applicant before the
5 **[certificate]** license is delivered.

6 (cf: P.L.1983, c.337, s. 15)

7

8 14. Section 16 of P.L.1983, c.337 (C.45:3A-13) is amended to
9 read as follows:

10 16. Every person **[using the title "landscape architect"]**
11 licensed to practice landscape architecture shall have a seal of a
12 type approved by the board, which shall contain the name of the
13 landscape architect, his **[certificate]** license number, the legend
14 "**[certified]** licensed landscape architect" and other words or
15 figures as the board may deem necessary. All working drawings
16 and specifications prepared by the landscape architect or under the
17 supervision of the landscape architect shall be stamped with the seal
18 and shall be signed on the original, with the personal signature of
19 the **[certified]** licensed landscape architect, when filed with public
20 officials. The board **[, upon recommendation and approval of the**
21 **committee,]** may by regulation, change or modify the requirements
22 as to the signing and sealing of documents.

23 (cf: P.L.1983, c.337, s.16)

24

25 15. Section 18 of P.L.1983, c.337 (C.45:3A-15) is amended to
26 read as follows:

27 18. **[Four]** a. Except as provided in subsections b. and c of this
28 section, two years from the effective date of **[this amendatory and**
29 **supplementary act]** P.L. _____, c. _____ (C. _____) (pending before the
30 Legislature as this bill) and every **[four]** two years thereafter, each
31 person **[certified]** licensed to practice landscape architecture in this
32 State shall certify to the board, upon a form issued and distributed
33 by the board, that the person has attended, or participated in not less
34 than **[20]** 24 hours of continuing education in landscape
35 architecture as follows: college postgraduate courses, lectures,
36 seminars, or workshops, as approved by the **[committee]** board or
37 any other evidence of continuing education which the board may
38 approve.

39 b. Two years from the effective date of P.L. _____, c. _____ (C. _____)
40 (pending before the Legislature as this bill) and every two years
41 thereafter, each architect who is licensed to practice landscape
42 architecture pursuant to subsection d. of section 11 of P.L.1983,
43 c.337 (C.45:3A-8), shall certify to the board, upon a form issued
44 and distributed by the board, that the person has attended or
45 participated in not less than 12 hours of continuing education in
46 landscape architecture as follows: college postgraduate courses,

1 lectures, seminars, or workshops, as approved by the board or any
2 other evidence of continuing education which the board may
3 approve.

4 c. Two years from the effective date of P.L. , c. (C.)
5 (pending before the Legislature as this bill) and every two years
6 thereafter, each professional engineer who is licensed to practice
7 landscape architecture pursuant to subsection d. of section 11 of
8 P.L.1983, c.337 (C.45:3A-8), shall certify to the board, upon a form
9 issued and distributed by the board, that the person has attended or
10 participated in not less than 24 hours of continuing education in
11 landscape architecture as follows: college postgraduate courses,
12 lectures, seminars, or workshops, as approved by the board or any
13 other evidence of continuing education which the board may
14 approve.

15 (cf: P.L.1983, c.337, s.18)

16

17 16. (New section) The board shall issue a certificate of
18 authorization to certain corporations and those corporations shall be
19 authorized to offer landscape architecture services, as follows:

20 a. No corporation shall offer to provide landscape architecture
21 services in this State unless issued a certificate of authorization
22 pursuant to this section. This subsection shall not apply to a
23 professional service corporation established pursuant to “The
24 Professional Service Corporation Act,” P.L.1969, c.232 (C.14A:17-
25 1 et seq.).

26 b. The certificate of authorization shall designate a New Jersey
27 licensee or licensees who are in responsible charge of the landscape
28 architecture activities and decisions of the corporation. All final
29 drawings, papers or documents involving the practice of landscape
30 architecture, when issued by the corporation or filed for public
31 record, shall be signed and sealed by the New Jersey licensee who
32 is in responsible charge of the work.

33

34 17. (New section) All jurisdiction, powers, duties and
35 responsibilities vested in the Landscape Architect Examination and
36 Evaluation Committee with respect to the practice of landscape
37 architecture shall be immediately transferred to and vested in the
38 New Jersey State Board of Architects, which board shall hereafter
39 govern the practice of landscape architecture in this State in
40 accordance with all applicable laws.

41

42 18. The following sections are repealed:
43 Section 7 of P.L.1983, c.337 (C.45:3A-4);
44 Section 8 of P.L.1983, c.337 (C.45:3A-5); and
45 Section 17 of P.L.1983, c.337 (C.45:3A-14).

46

47 19. This act shall take effect on the 180th day following
48 enactment.

STATEMENT

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This bill abolishes the Landscape Architect Examination and Evaluation Committee and transfers the powers, duties and responsibilities of the committee to the New Jersey State Board of Architects.

The bill revises the law concerning the regulation of landscape architects to provide for the licensure of landscape architects, as opposed to the current law which provides for the certification of landscape architects. The bill also “grandfathers” existing certified landscape architects so that they may be considered licensed landscape architects upon the effective date of the bill.

The bill also amends the definition of “the practice of landscape architecture” to mean any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning, and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches, or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance including erosion and sedimentation, blight, or other hazards. This practice includes the approximate location and arrangement of those tangible objects and features as are incidental and necessary to the purposes outlined in the law and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services relating to a definition of what constitutes the practice of land surveying.

To the extent that the practice of landscape architecture includes grading and natural drainage, it includes the arranging of land and the elements thereon for public and private use and enjoyment and controlling and directing surface runoff not requiring design of subsurface stormwater collection and conveyance systems, piping, stormwater detention systems, or hydrologic and hydraulic calculations or design.

The bill, however, does not prohibit any person from preparing landscaping plans for sites where government review or approvals are not required or where government review or approvals do not require the signature and seal of a landscape architect.

The bill also increases the required amount of combined education and practical experience for licensure as a landscape architect from at least six years to at least eight years, as provided in N.J.S.A.45:3A-8.

1 Additionally, the bill increases the minimum continuing
2 education requirements for licensed landscape architects, as
3 provided by N.J.S.A.45:3A-15. As provided in the bill, a licensed
4 landscape architect must participate in at least 24 hours of
5 continuing education classes, rather than the current statutory
6 requirement of at least 20 hours, and provides that a licensed
7 landscape architect must complete these requirements every two
8 years.

9 Also, the bill increases the membership of the New Jersey State
10 Board of Architects from 11 to 13 by adding one additional licensed
11 landscape architect and one additional licensed architect to the
12 board. As provided in the bill, the licensed landscape architects
13 serving on the board shall have been engaged in the practice of
14 landscape architecture for at least 10 years. Under current law, the
15 landscape architect serving on the board is required to have been
16 engaged in the practice of landscape architecture for at least five
17 years.

18 The bill further provides that following enactment of the bill, a
19 licensed architect, licensed professional engineer, licensed land
20 surveyor, or licensed planner may be licensed as a landscape
21 architect, provided that the architect, engineer, land surveyor, or
22 planner meets certain educational standards enumerated in the bill;
23 has engaged in landscape architectural work of a grade and
24 character satisfactory to the board for a period of not less than five
25 years; or has passed the landscape architect examination
26 administered by the board to individuals applying for licensure as
27 landscape architects. The bill further stipulates that such licensed
28 architects who are licensed as landscape architects shall biennially
29 complete not less than 12 hours of continuing education in
30 landscape architecture and that such licensed professional engineers
31 shall biennially complete not less than 24 hours of continuing
32 education in landscape architecture.

33 In addition, the bill states that the New Jersey State Board of
34 Architects shall issue a certificate of authorization to certain
35 corporations as delineated in the bill, and those corporations shall
36 be authorized to offer landscape architecture services. The
37 certificate of authorization shall designate a New Jersey licensee or
38 licensees who are in responsible charge of the landscape
39 architecture activities and decisions of the corporation. All final
40 drawings, papers or documents involving the practice of landscape
41 architecture, when issued by the corporation or filed for public
42 record, shall be signed and sealed by the New Jersey licensee who
43 is in responsible charge of the work.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2146

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 2008

The Assembly Regulated Professions Committee reports favorably and with committee amendments, Assembly Bill No. 2146.

As amended, this bill abolishes the Landscape Architect Examination and Evaluation Committee and transfers the powers, duties and responsibilities of the committee to the New Jersey State Board of Architects.

The bill revises the law concerning the regulation of landscape architects to provide for the licensure of landscape architects, as opposed to the current law which provides for the certification of landscape architects. The bill also “grandfathers” existing certified landscape architects so that they may be considered licensed landscape architects upon the effective date of the bill.

The bill also amends the definition of “the practice of landscape architecture” to mean any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning, and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches, or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance, including erosion and sedimentation, blight, or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary to the purposes outlined in the law and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services relating to a definition of what constitutes the practice of land surveying.

To the extent that the practice of landscape architecture includes grading and natural drainage, it includes the arranging of land and the elements thereon for public and private use and enjoyment and controlling and directing surface runoff. It does not, however, include the design of subsurface stormwater collection and conveyance systems, piping, stormwater detention systems, or hydrologic and hydraulic calculations or design.

The bill, however, does not prohibit any person from preparing landscaping plans for sites where government review or approvals are not required or where government review or approvals do not require the signature and seal of a landscape architect.

The bill also increases the required amount of combined education and practical experience for licensure as a landscape architect from at least six years to at least eight years, as provided in N.J.S.A.45:3A-8.

Additionally, the bill increases the minimum continuing education requirements for licensed landscape architects, as provided by N.J.S.A.45:3A-15. As provided in the bill, a licensed landscape architect must participate in at least 24 hours of continuing education classes, rather than the current statutory requirement of at least 20 hours, and provides that a licensed landscape architect must complete these requirements every two years.

Also, the bill increases the membership of the New Jersey State Board of Architects from 11 to 13 by adding one additional licensed landscape architect and one additional licensed architect to the board. As provided in the bill, the licensed landscape architects serving on the board shall have been engaged in the practice of landscape architecture for at least 10 years. Under current law, the landscape architect serving on the board is required to have been engaged in the practice of landscape architecture for at least five years.

The bill further provides that following enactment of the bill, a licensed architect, licensed professional engineer, licensed land surveyor, or licensed planner may be licensed as a landscape architect, provided that the architect, engineer, land surveyor, or planner meets certain educational standards enumerated in the bill; has engaged in landscape architectural work of a grade and character satisfactory to the board for a period of not less than five years; and has passed the landscape architect examination administered by the board to individuals applying for licensure as landscape architects. The bill further stipulates that such licensed architects who are licensed as landscape architects shall biennially complete not less than 12 hours of continuing education in landscape architecture and that such licensed professional engineers shall biennially complete not less than 24 hours of continuing education in landscape architecture.

In addition, the bill states that the New Jersey State Board of Architects shall issue a certificate of authorization to certain corporations as delineated in the bill, and those corporations shall be authorized to offer landscape architecture services. The certificate of

authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the landscape architecture activities and decisions of the corporation. All final drawings, papers or documents involving the practice of landscape architecture, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that the definition of “the practice of landscape architecture” includes the proposed location and arrangement of certain tangible objects and features that are incidental and necessary for government approval. The bill, as introduced, provided for the approximate location of those objects, as opposed to the proposed location.

The committee also amended the bill to provide that a New Jersey licensed architect, licensed professional engineer, licensed land surveyor, or licensed planner may be licensed by the board as a landscape architect if:

- the architect, engineer, land surveyor, or planner meets the educational standards for licensure as established by the board; and
- the architect, engineer, land surveyor, or planner has engaged in landscape architectural work of a grade and character satisfactory to the board for a period of not less than five years; ***and***
- the architect, engineer, land surveyor, or planner has passed, as determined by the board, the landscape architect examination administered by the board to individuals applying for licensure as landscape architects.

Under the bill, as introduced, the licensed architect, licensed professional engineer, licensed land surveyor, or licensed planner may be licensed by the board as a landscape architect if:

- the architect, engineer, land surveyor, or planner meets the educational standards for licensure as established by the board; and
- the architect, engineer, land surveyor, or planner has engaged in landscape architectural work of a grade and character satisfactory to the board for a period of not less than five years; ***or***
- the architect, engineer, land surveyor, or planner has passed, as determined by the board, the landscape architect examination administered by the board to individuals applying for licensure as landscape architects.

SENATE COMMERCE COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2146

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2008

The Senate Commerce Committee reports favorably and with committee amendments Assembly Bill No. 2146 (1R).

This bill, as amended, abolishes the Landscape Architect Examination and Evaluation Committee and transfers the powers, duties and responsibilities of the committee to the New Jersey State Board of Architects.

The bill revises the law concerning the regulation of landscape architects to provide for the licensure of landscape architects, as opposed to the current law which provides for the certification of landscape architects. The bill also “grandfathers” existing certified landscape architects so that they may be considered licensed landscape architects upon the effective date of the bill.

The bill also changes the definition of “the practice of landscape architecture” to mean any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning, and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches, or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance, including erosion and sedimentation, blight, or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary to the purposes outlined in the law and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other

services relating to a definition of what constitutes the practice of land surveying.

The bill, however, does not prohibit any person from preparing landscaping plans for sites where government review or approvals are not required or where government review or approvals do not require the signature and seal of a landscape architect. Additionally, nothing in the bill restricts a landscape designer from performing services for consumers that are in compliance with State law.

The bill also increases the required amount of combined education and practical experience for licensure as a landscape architect from at least six years, as currently provided in section 11 of P.L.1983, c.337 (C.45:3A-8), to at least eight years.

Additionally, the bill increases the minimum continuing education requirements for licensed landscape architects, as provided by section 18 of P.L.1983, c.337 (C.45:3A-15). As provided in the bill, a licensed landscape architect must participate in at least 24 hours of continuing education classes, rather than the current statutory requirement of at least 20 hours, and provides that a licensed landscape architect must complete these requirements every two years.

Also, the bill increases the membership of the New Jersey State Board of Architects from 11 to 13 by adding one additional licensed landscape architect and one additional licensed architect to the board. As provided in the bill, the licensed landscape architects serving on the board shall have been engaged in the practice of landscape architecture for at least 10 years. Under current law, the landscape architect serving on the board is required to have been engaged in the practice of landscape architecture for at least five years.

The bill further provides that following enactment of the bill, a licensed architect, licensed professional engineer, licensed land surveyor, or licensed planner may be licensed as a landscape architect, provided that the architect, engineer, land surveyor, or planner meets certain educational standards enumerated in the bill; has engaged in landscape architectural work of a grade and character satisfactory to the board for a period of not less than five years; and has passed the landscape architect examination administered by the board to individuals applying for licensure as landscape architects. The bill further stipulates that such licensed architects who are licensed as landscape architects shall biennially complete not less than 12 hours of continuing education in landscape architecture and that such licensed professional engineers shall biennially complete not less than 24 hours of continuing education in landscape architecture.

In addition, the bill states that the New Jersey State Board of Architects shall issue a certificate of authorization to certain corporations as delineated in the bill, and those corporations shall be authorized to offer landscape architecture services. The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the landscape architecture activities and

decisions of the corporation. All final drawings, papers or documents involving the practice of landscape architecture, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

The committee amendments to the bill:

- decrease, from five years to four years, the minimum amount of time required of an architect, engineer, land surveyor, or planner to engage in landscape architectural work in order to qualify for licensure as a landscape architect; and

- make technical corrections to statutory cross-references appearing in the bill, both for past legislative enactments and pending enactments.

This bill, as amended, is identical to S-1849, as amended and reported by the committee today.

SENATE, No. 1849

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 19, 2008

Sponsored by:
Senator ROBERT M. GORDON
District 38 (Bergen)

SYNOPSIS

Revises regulation of landscape architects.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning landscape architects, amending the title and
2 body of, and supplementing, P.L.1983, c.337 and revising
3 various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The title of P.L.1983, c.337 is amended to read as follows:

9 AN ACT concerning the **[certification]** licensure of landscape
10 architects, amending parts of the statutory law and
11 supplementing chapter 3 of title 45 of the Revised Statutes.
12 (cf: P.L.1983, c.337, Title)

13
14 2. R.S.45:3-1 is amended to read as follows:

15 45:3-1. The New Jersey State Board of Architects, hereinafter in
16 this chapter designated as the "board," created and established by an
17 act entitled "An act to regulate the practice of architecture,"
18 approved March twenty-fourth, one thousand nine hundred and two
19 (P.L.1902, c.29, p.54), as amended and supplemented, is continued.
20 The board shall consist of **[11]** 13 members: **[six]** seven of whom
21 shall be architects residing in this State and shall have been engaged
22 in the practice of their profession for at least 10 years; **[one]** two of
23 whom shall be **[a certified]** licensed landscape **[architect]**
24 architects in good standing and engaged in the practice of landscape
25 architecture for at least **[five]** 10 years pursuant to **[sections 4**
26 **through 18 of]** P.L.1983, c.337 (C.45:3A-1 et seq.), except as to the
27 initial **[appointment]** appointments to the board, who shall become
28 **[certified]** licensed as soon as practicable after **[his appointment]**
29 their appointments; one of whom shall be a certified interior
30 designer who is not a licensed architect and is certified pursuant to
31 P.L.2002, c.86 (C.45:3-31 et al.), in good standing and engaged in
32 providing interior design services for at least 10 years, except as to
33 the initial appointment to the board, who shall become certified as
34 soon as practicable after his appointment; two of whom shall be
35 public members and one of whom shall be a State executive
36 department member as prescribed pursuant to the provisions of
37 P.L.1971, c.60 (C.45:1-2.1 et seq.). On the effective date of **[this**
38 **act]** P.L.1950, c.323 the terms of office of the members of the
39 board shall cease and terminate, and they shall thereafter continue
40 in office as hold-over members until such time as the Governor
41 shall designate and appoint them to serve for new terms of office as
42 hereinafter provided. Within a period of 30 days after the effective
43 date of **[this act]** P.L.1950, c.323, or as soon thereafter as

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 circumstances shall permit, the Governor shall designate and
2 appoint said members to serve and hold office for the following
3 terms: one member for a term of one year from the date of such
4 designation and appointment; one member for a term of two years
5 from said date; one member for a term of three years from said date;
6 one member for a term of four years from said date; and one
7 member for a term of five years from said date. The initial
8 landscape architect appointment pursuant to P.L.1983, c.337 shall
9 be for a term of two years beginning July 1 next following the
10 appointment. The initial appointment of a certified interior designer
11 and the sixth architect appointed pursuant to **[this section]**
12 P.L.2002, c.86 (C.45:3-31 et al.) shall be for a term of three years
13 beginning July 1 next following the appointment. The initial
14 appointment of the second landscape architect pursuant to
15 P.L. , c. (C.) (pending before the Legislature as this bill)
16 shall be for a term of five years beginning July 1 next following the
17 appointment. The initial appointment of the seventh architect
18 pursuant to P.L. , c. (C.) (pending before the Legislature as
19 this bill) shall be for a term of five years beginning July 1 next
20 following the appointment. Should any vacancy exist on the board
21 at the time of appointment and designation of the members to the
22 new terms herein provided for, the Governor shall appoint a new
23 member to fill such vacancy, subject to the provisions of section 2
24 of P.L.1971, c.60 (C.45:1-2.2), such member to serve for any one of
25 the several terms herein fixed as the Governor in his discretion shall
26 designate. Thereafter, upon the expiration of the term of office of
27 any member, his successor shall be appointed by the Governor,
28 subject to the provisions of section 2 of P.L.1971, c.60 (C.45:1-2.2),
29 for a term of five years. Each member shall hold his office until his
30 successor has qualified. Any vacancy in the membership of the
31 board shall be filled for the unexpired term in the manner provided
32 for an original appointment. **[Except as hereinafter provided, the**
33 **members of the board shall serve without compensation.]**

34 (cf: P.L.2002, c.86, s.17)

35

36 3. R.S.45:3-2 is amended to read as follows:

37 45:3-2. The members of the board shall, before entering upon
38 the discharge of their duties, and within **[thirty]** 30 days after their
39 appointment, take and subscribe an oath, for the faithful
40 performance of their duties, before an officer authorized to
41 administer oaths in this State, and file the same with the Secretary
42 of State. They shall annually elect a president and vice-president
43 from their number, and subject to the provisions of **[Chapter 439 of**
44 **the Laws of 1948]** P.L.1948, c.439 (C.52:17B-1 et seq.), and a
45 secretary who need not be a member of the board and who shall
46 also be director, each of whom shall hold office for one year and
47 until his successor has qualified. The secretary shall receive

1 compensation for his services as provided by [section 45:1-4 of this
2 Title] R.S.45:1-4. Special meetings of the board shall be called by
3 the secretary upon the request of any two members by giving at
4 least five days' written notice of the meeting to each member.
5 **[Three members of the board shall constitute a quorum.]**
6 (cf: P.L.1950, c.323, s.2)

7
8 4. Section 4 of P.L.1983, c.337 (C.45:3A-1) is amended to read
9 as follows:

10 4. In order to safeguard life, health and property, and promote
11 the public welfare, a person using the title "landscape architect" and
12 engaging in the practice of landscape architecture in this State is
13 required to submit evidence that the person is qualified to be
14 **[certified] licensed to practice landscape architecture** as provided
15 in **[this amendatory and supplementary act] P.L.1983, c.337**
16 **(C.45:3A-1 et seq.)**. It is unlawful for a person not licensed as a
17 landscape architect to use the title "landscape architect" or any other
18 title, sign, card or device in a manner which tends to convey the
19 impression that the person is a **[certified] licensed** landscape
20 architect. Every holder of a **[certificate] license** shall display it in a
21 conspicuous place in his principal office, place of business or
22 employment.

23 **[No corporation, firm, partnership or association shall be granted**
24 **a certificate under this amendatory and supplementary act. No**
25 **corporation, firm, partnership or association shall use or assume a**
26 **name involving the word "landscape architect," or a modification**
27 **or derivative of the term, unless an executive officer, if a**
28 **corporation, or a member, if a firm, partnership or association, is a**
29 **certified landscape architect of the State.]**
30 (cf: P.L.1983, c.337, s.4)

31
32 5. Section 5 of P.L.1983, c.337 (C.45:3A-2) is amended to read
33 as follows:

34 5. As used in this act:

35 a. **"[Certified] Licensed** landscape architect" means an
36 individual who, by reason of his knowledge of natural, physical
37 **[and] , mathematical and social** sciences, and the principles and
38 methodology of landscape architecture and landscape architectural
39 design acquired by professional education, practical experience, or
40 both, is qualified to engage in the practice of landscape architecture
41 and is **[certified] licensed** by the board as a landscape architect.

42 b. "The practice of landscape architecture" means any service
43 in which the principles and methodology of landscape architecture
44 are applied in consultation, evaluation **[and] , planning, and design,**
45 including the preparation and filing of sketches, drawings, plans
46 and specifications for review and approval by governmental
47 agencies, and responsible administration of contracts **[relative to**

1 projects principally directed at the functional and aesthetic use of
2 land. Nothing contained in this section shall be construed to restrict
3 or otherwise affect the right of any person or corporation to engage
4 in the practice of landscape architecture, but no person or
5 corporation shall hold himself out as, or use the title "certified
6 landscape architect," unless he has been certified pursuant to this
7 act] to the extent that the primary purpose of the contractual
8 services is the preservation, enhancement or determination of
9 proper land uses, natural land features, ground cover and planting,
10 naturalistic and aesthetic values, the settings and approaches, or
11 environment for structures or other improvements, the grading of
12 land and water forms, natural drainage and determination of related
13 impacts, assessments, and problems of land disturbance including
14 erosion and sedimentation, blight, or other hazards. This practice
15 includes the proposed location and arrangement of those tangible
16 objects and features as are incidental and necessary for any
17 government approval and as may be prescribed by State or local
18 authorities, but does not include the design of structures or facilities
19 ordinarily included in the practice of engineering or architecture
20 and does not include the making of land surveys, or land plats for
21 official approval or recording or other services as set forth in
22 subsection (e) of section 2 of P.L.1938, c.342 (C.45:8-28).

23 The practice shall not prohibit any person from preparing
24 landscaping plans for sites where government review or approvals
25 are not required or where government review or approvals do not
26 require the signature and seal of a landscape architect.

27 c. **["Committee" means the Landscape Architect Examination**
28 **and Evaluation Committee.]** (Deleted by amendment, P.L. , c.)
29 (cf: P.L.1983, c.337, s.5)

30
31 6. Section 6 of P.L.1983, c.337 (C.45:3A-3) is amended to read
32 as follows:

33 6. a. Nothing in **[this amendatory and supplementary act]**
34 P.L.1983, c.337 (C.45:3A-1 et seq.) shall be construed to prevent or
35 limit the practice of architecture, engineering **[or]**, land surveying
36 or professional planning by a holder of a license to practice that
37 profession licensed by this State, but no architect, engineer,
38 surveyor or professional planner shall use the designation
39 "landscape architect" unless **[certified]** licensed as a landscape
40 architect in this State.

41 b. No municipal or county policy or action purporting to
42 define, or having the effect of defining, the scope of professional
43 activity of architects, engineers, land surveyors, planners, or
44 licensed landscape architects in the preparation of landscape design
45 plans shall reduce or expand the scope of professional practice
46 recognized by the respective boards that regulate these professions.
47 (cf: P.L.1983, c.337, s.6)

1 7. Section 9 of P.L.1983, c.337 (C.45:3A-6) is amended to read
2 as follows:

3 9. The **【committee】** board is authorized to review the content
4 and duration of courses of study offered by colleges and
5 universities for degrees in landscape architecture and to establish
6 and maintain a register of colleges and universities whose curricula
7 in landscape architecture are approved by the **【committee】** board;
8 to establish and maintain a list of recognized subjects and courses
9 of study, and to establish minimum requirements therefor which
10 shall be acceptable to the board **【and the committee】**.

11 In addition to those records of proceedings and applicants
12 established by the board, the **【committee】** board shall keep a record
13 of its proceedings and a record of all applicants for **【certification】**
14 licensure, showing for each the date of application, name, age,
15 education, and other qualifications, place of practice and **【place of**
16 residence】 address of record, whether or not an examination was
17 required, and whether the applicant was rejected or a **【certificate】**
18 license granted, and the date of that action.

19 (cf: P.L.1983, c.337, s.9)

20

21 8. Section 10 of P.L.1983, c.337 (C.45:3A-7) is amended to
22 read as follows:

23 10. Each person applying for **【certification】** licensure as a
24 landscape architect shall make application therefor to the board on
25 the form and in the manner the **【committee】** board prescribes **【and**
26 the board shall immediately refer each application to the committee
27 for appropriate action**】**. Each applicant shall furnish evidence
28 satisfactory to the **【committee】** board that he:

29 a. Is of good moral character;

30 b. Meets the educational and experience qualifications
31 prescribed by **【this amendatory and supplementary act】** P.L.1983,
32 c.337 (C.45:3A-1 et seq.) for **【certification】** licensure as a
33 landscape architect; and

34 c. Unless exempt from examination pursuant to **【this**
35 amendatory and supplementary act】 P.L.1983, c.337 (C.45:3A-1 et
36 seq.), has passed an examination satisfactory to the **【committee】**
37 board.

38 (cf: P.L.1983, c.337, s.10)

39

40 9. Section 11 of P.L.1983, c.337 (C.45:3A-8) is amended to
41 read as follows:

42 11. a. An applicant for examination or **【certification】** licensure
43 as a landscape architect shall provide the **【committee】** board with
44 evidence satisfactory to it that he:

1 (1) Is the holder of a bachelor's or higher degree in landscape
2 architecture from a college or university having a landscape
3 architecture curriculum approved by the **[committee] board**; and

4 (2) Has engaged in landscape architectural work satisfactory to
5 the **[committee] board** to an extent that his combined college study
6 and practical experience total at least **[six] eight** years.

7 b. **[In lieu of the degree and practical experience requirements**
8 **specified in paragraph a. of this section, evidence of 10 or more**
9 **years of practical experience in landscape architecture of a grade**
10 **and character satisfactory to the committee may be accepted. Each**
11 **complete year of study satisfactory to the committee may be**
12 **accepted in lieu of one year's practical experience toward the**
13 **required total of 10 years. Six years of practical experience**
14 **satisfactory to the committee may be accepted by the committee for**
15 **admission to that portion of the examination related to landscape**
16 **architecture.] (Deleted by amendment, P.L. , c.)**

17 c. **[Six years after the effective date of this act, an applicant**
18 **shall be eligible for certification as a landscape architect only if he**
19 **meets the requirements of subsection a. of this section.] (Deleted by**
20 **amendment, P.L. , c.)**

21 d. (1) A New Jersey licensed architect, licensed professional
22 engineer, licensed land surveyor, or licensed planner may be
23 licensed by the board as a landscape architect if:

24 (a) The architect, engineer, land surveyor, or planner meets the
25 educational standards for licensure as established by the board in
26 accordance with paragraph (2) of this subsection; and

27 (b) The architect, engineer, land surveyor, or planner has
28 engaged in landscape architectural work of a grade and character
29 satisfactory to the board for a period of not less than five years; and

30 (c) The architect, engineer, land surveyor, or planner has
31 passed, as determined by the board, the landscape architect
32 examination administered by the board to individuals applying for
33 licensure as landscape architects.

34 (2) The board is authorized to review the content and duration
35 of courses of study offered by colleges and universities for degrees
36 in architecture and engineering and to establish and maintain a
37 register of colleges and universities whose curricula in architecture
38 and engineering are approved by the board as containing sufficient
39 recognized subjects and courses of study in landscape architecture
40 to meet such minimum requirements therefor, which shall be
41 deemed acceptable to the board.

42 (cf: P.L.1983, c.337, s.11)

43

44 10. Section 12 of P.L.1983, c.337 (C.45:3A-9) is amended to
45 read as follows:

46 12. The following fees shall be assessed and collected by the
47 board:

- 1 a. An application fee for **【certification】** licensure as a
2 landscape architect which shall not be subject to refund;
- 3 b. An examination fee and initial two-year **【certification】**
4 licensure fee for landscape architects which shall be subject to
5 refund if the applicant is determined to be ineligible for
6 examination, or withdraws his application for examination**【, or fails**
7 **to appear for examination】**;
- 8 c. A two-year renewal fee for landscape architects; and
- 9 d. A reinstatement fee for **【certified】** licensed landscape
10 architects.

11 (cf: P.L.1983, c.337, s.12)

12
13 11. Section 13 of P.L.1983, c.337 (C.45:3A-10) is amended to
14 read as follows:

15 13. a. The **【committee】** board shall administer an examination
16 to be given to all persons, not exempt from examination pursuant to
17 **【this amendatory and supplementary act】** P.L.1983, c.337
18 (C.45:3A-1 et seq.), who have applied for **【certification】** licensure
19 as landscape architects.

20 b. The **【committee】** board may exempt from examination an
21 applicant who holds a license or certificate to practice landscape
22 architecture issued to him upon examination by a legally constituted
23 board of examiners in any state, district or territory in the United
24 States, provided the applicant's qualifications meet the requirements
25 enforced in this State at the time the license or certificate was
26 issued.

27 Unless a majority of the **【full committee】** board shall determine
28 otherwise, the examination to be administered to all nonexempt
29 applicants shall consist of **【the Unified National Examination as】**
30 an examination prepared by the Council of Landscape Architectural
31 Registration Boards.

32 c. A landscape architect holding a valid certificate issued by
33 the board pursuant to P.L.1983, c.337 (C.45:3A-1 et seq.) on the
34 effective date of P.L. , c. (C.) (pending before the Legislature
35 as this bill) shall be exempt from any examination requirements
36 provided by P.L. , c. (C.) (pending before the Legislature as
37 this bill) and shall be considered a licensed landscape architect
38 immediately upon that effective date and provided with a license as
39 a landscape architect at the next renewal pursuant to section 15 of
40 P.L.1983, c.337 (C.45:3A-12 et seq.).

41 (cf: P.L.1983, c.337, s.13)

42
43 12. Section 14 of P.L.1983, c.337 (C.45:3A-11) is amended to
44 read as follows:

45 14. The **【committee】** board shall review the qualifications of
46 each person who applies for **【certification】** licensure as a landscape
47 architect. Notwithstanding any other provision of **【this amendatory**

1 and supplementary act] P.L.1983, c.337 (C.45:3A-1 et seq.) to the
2 contrary, no applicant shall be [certified] licensed by the board
3 unless [a majority of] the [full committee] board first determines
4 that he is qualified by education, experience and satisfactory
5 performance on the examination to be [certified] licensed as a
6 landscape architect and all applicants who are determined to be so
7 qualified [and are recommended for certification by the committee]
8 shall be [certified] licensed by the board.

9 [The board is authorized to review the actions taken by the
10 committee with respect to the committee's evaluation and
11 examination of applicants for certification as landscape architects
12 but the board may reverse, modify or fail to implement any of the
13 above described actions of the committee only by the affirmative
14 vote of at least six members of the board.]

15 (cf: P.L.1983, c.337, s.14)

16

17 13. Section 15 of P.L.1983, c.337 (C.45:3A-12) is amended to
18 read as follows:

19 15. [Certificates for landscape architects shall expire on May 30
20 in the second year following the year of issuance, renewal or
21 reinstatement, and shall become invalid on that day unless renewed.
22 Certified landscape architects shall apply for renewal before May
23 30 in the year of expiration of a certificate. On or before May 1 in
24 the year of expiration of a certificate the secretary of the board shall
25 notify all persons certified under this amendatory and
26 supplementary act of the date of the expiration of their certificates
27 and the amount of the renewal fee. Notice shall be mailed to each
28 holder of a certificate at his last post office address known to the
29 board.

30 Failure on the part of the holder of a certificate to renew his
31 certificate every two years in the month of May shall not deprive
32 that person of the right of renewal during the ensuing two years, but
33 a reinstatement fee shall be added to the certificate fee; and if the
34 certificate is not renewed within the two years following its
35 expiration, the holder of the certificate shall pay a reinstatement fee
36 for each two years or portion thereof in which the holder is in
37 arrears. Continuing to use the title "landscape architect" after the
38 expiration of the certificate shall be a violation of this amendatory
39 and supplementary act.]

40 A duplicate [certificate] license to replace one lost, destroyed or
41 mutilated may be issued subject to the rules and regulations of the
42 board, and a reasonable fee, to be established by the board may be
43 charged for each duplicate [certificate] license. An unsuspended,
44 unrevoked and unexpired [certificate] license as a landscape
45 architect under [this act] P.L.1983, c.337 (C.45:3A-1 et seq.) shall
46 be prima facie evidence in all courts and places that the person

1 named therein is **[certified]** licensed. Each **[certificate]** license
2 shall be recorded by the board in the office of the Secretary of
3 State, in a book kept for that purpose, and any recording fee as may
4 be provided by law shall be paid by the applicant before the
5 **[certificate]** license is delivered.

6 (cf: P.L.1983, c.337, s. 15)

7

8 14. Section 16 of P.L.1983, c.337 (C.45:3A-13) is amended to
9 read as follows:

10 16. Every person **[using the title "landscape architect"]**
11 licensed to practice landscape architecture shall have a seal of a
12 type approved by the board, which shall contain the name of the
13 landscape architect, his **[certificate]** license number, the legend
14 "**[certified]** licensed landscape architect" and other words or
15 figures as the board may deem necessary. All working drawings
16 and specifications prepared by the landscape architect or under the
17 supervision of the landscape architect shall be stamped with the seal
18 and shall be signed on the original, with the personal signature of
19 the **[certified]** licensed landscape architect, when filed with public
20 officials. The board **[, upon recommendation and approval of the**
21 **committee,]** may by regulation, change or modify the requirements
22 as to the signing and sealing of documents.

23 (cf: P.L.1983, c.337, s.16)

24

25 15. Section 18 of P.L.1983, c.337 (C.45:3A-15) is amended to
26 read as follows:

27 18. **[Four]** a. Except as provided in subsections b. and c of
28 this section, two years from the effective date of [this amendatory
29 and supplementary act] P.L. , c. (C.) (pending before the
30 Legislature as this bill) and every [four] two years thereafter, each
31 person [certified] licensed to practice landscape architecture in this
32 State shall certify to the board, upon a form issued and distributed
33 by the board, that the person has attended, or participated in not less
34 than [20] 24 hours of continuing education in landscape
35 architecture as follows: college postgraduate courses, lectures,
36 seminars, or workshops, as approved by the [committee] board or
37 any other evidence of continuing education which the board may
38 approve.

39 b. Two years from the effective date of P.L. , c. (C.)
40 (pending before the Legislature as this bill) and every two years
41 thereafter, each architect who is licensed to practice landscape
42 architecture pursuant to subsection d. of section 11 of P.L.1983,
43 c.337 (C.45:3A-8), shall certify to the board, upon a form issued
44 and distributed by the board, that the person has attended or
45 participated in not less than 12 hours of continuing education in
46 landscape architecture as follows: college postgraduate courses,

1 lectures, seminars, or workshops, as approved by the board or any
2 other evidence of continuing education which the board may
3 approve.

4 c. Two years from the effective date of P.L. , c. (C.)
5 (pending before the Legislature as this bill) and every two years
6 thereafter, each professional engineer who is licensed to practice
7 landscape architecture pursuant to subsection d. of section 11 of
8 P.L.1983, c.337 (C.45:3A-8), shall certify to the board, upon a form
9 issued and distributed by the board, that the person has attended or
10 participated in not less than 24 hours of continuing education in
11 landscape architecture as follows: college postgraduate courses,
12 lectures, seminars, or workshops, as approved by the board or any
13 other evidence of continuing education which the board may
14 approve.

15 (cf: P.L.1983, c.337, s.18)

16

17 16. (New section) The board shall issue a certificate of
18 authorization to certain corporations and those corporations shall be
19 authorized to offer landscape architecture services, as follows:

20 a. No corporation shall offer to provide landscape architecture
21 services in this State unless issued a certificate of authorization
22 pursuant to this section. This subsection shall not apply to a
23 professional service corporation established pursuant to “The
24 Professional Service Corporation Act,” P.L.1969, c.232 (C.14A:17-
25 1 et seq.).

26 b. The certificate of authorization shall designate a New Jersey
27 licensee or licensees who are in responsible charge of the landscape
28 architecture activities and decisions of the corporation. All final
29 drawings, papers or documents involving the practice of landscape
30 architecture, when issued by the corporation or filed for public
31 record, shall be signed and sealed by the New Jersey licensee who
32 is in responsible charge of the work.

33

34 17. (New section) All jurisdiction, powers, duties and
35 responsibilities vested in the Landscape Architect Examination and
36 Evaluation Committee with respect to the practice of landscape
37 architecture shall be immediately transferred to and vested in the
38 New Jersey State Board of Architects, which board shall hereafter
39 govern the practice of landscape architecture in this State in
40 accordance with all applicable laws.

41

42 18. The following sections are repealed:
43 Section 7 of P.L.1983, c.337 (C.45:3A-4);
44 Section 8 of P.L.1983, c.337 (C.45:3A-5); and
45 Section 17 of P.L.1983, c.337 (C.45:3A-14).

46

47 19. This act shall take effect on the 180th day following
48 enactment.

STATEMENT

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This bill abolishes the Landscape Architect Examination and Evaluation Committee and transfers the powers, duties and responsibilities of the committee to the New Jersey State Board of Architects.

The bill revises the law concerning the regulation of landscape architects to provide for the licensure of landscape architects, as opposed to the current law which provides for the certification of landscape architects. The bill also “grandfathers” existing certified landscape architects so that they may be considered licensed landscape architects upon the effective date of the bill.

The bill also changes the definition of “the practice of landscape architecture” to mean any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning, and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches, or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance, including erosion and sedimentation, blight, or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary to the purposes outlined in the law and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services relating to a definition of what constitutes the practice of land surveying.

To the extent that the practice of landscape architecture includes grading and natural drainage, it includes the arranging of land and the elements thereon for public and private use and enjoyment and controlling and directing surface runoff. It does not, however, include the design of subsurface stormwater collection and conveyance systems, piping, stormwater detention systems, or hydrologic and hydraulic calculations or design.

The bill, however, does not prohibit any person from preparing landscaping plans for sites where government review or approvals are not required or where government review or approvals do not require the signature and seal of a landscape architect.

The bill also increases the required amount of combined education and practical experience for licensure as a landscape architect from at least six years to at least eight years, as provided in N.J.S.A.45:3A-8.

1 Additionally, the bill increases the minimum continuing
2 education requirements for licensed landscape architects, as
3 provided by N.J.S.A.45:3A-15. As provided in the bill, a licensed
4 landscape architect must participate in at least 24 hours of
5 continuing education classes, rather than the current statutory
6 requirement of at least 20 hours, and provides that a licensed
7 landscape architect must complete these requirements every two
8 years.

9 Also, the bill increases the membership of the New Jersey State
10 Board of Architects from 11 to 13 by adding one additional licensed
11 landscape architect and one additional licensed architect to the
12 board. As provided in the bill, the licensed landscape architects
13 serving on the board shall have been engaged in the practice of
14 landscape architecture for at least 10 years. Under current law, the
15 landscape architect serving on the board is required to have been
16 engaged in the practice of landscape architecture for at least five
17 years.

18 The bill further provides that following enactment of the bill, a
19 licensed architect, licensed professional engineer, licensed land
20 surveyor, or licensed planner may be licensed as a landscape
21 architect, provided that the architect, engineer, land surveyor, or
22 planner meets certain educational standards enumerated in the bill;
23 has engaged in landscape architectural work of a grade and
24 character satisfactory to the board for a period of not less than five
25 years; and has passed the landscape architect examination
26 administered by the board to individuals applying for licensure as
27 landscape architects. The bill further stipulates that such licensed
28 architects who are licensed as landscape architects shall biennially
29 complete not less than 12 hours of continuing education in
30 landscape architecture and that such licensed professional engineers
31 shall biennially complete not less than 24 hours of continuing
32 education in landscape architecture.

33 In addition, the bill states that the New Jersey State Board of
34 Architects shall issue a certificate of authorization to certain
35 corporations as delineated in the bill, and those corporations shall
36 be authorized to offer landscape architecture services. The
37 certificate of authorization shall designate a New Jersey licensee or
38 licensees who are in responsible charge of the landscape
39 architecture activities and decisions of the corporation. All final
40 drawings, papers or documents involving the practice of landscape
41 architecture, when issued by the corporation or filed for public
42 record, shall be signed and sealed by the New Jersey licensee who
43 is in responsible charge of the work.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1849

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2008

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 1849.

This bill, as amended, abolishes the Landscape Architect Examination and Evaluation Committee and transfers the powers, duties and responsibilities of the committee to the New Jersey State Board of Architects.

The bill revises the law concerning the regulation of landscape architects to provide for the licensure of landscape architects, as opposed to the current law which provides for the certification of landscape architects. The bill also “grandfathers” existing certified landscape architects so that they may be considered licensed landscape architects upon the effective date of the bill.

The bill also changes the definition of “the practice of landscape architecture” to mean any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation, planning, and design, including the preparation and filing of sketches, drawings, plans and specifications for review and approval by governmental agencies, and responsible administration of contracts to the extent that the primary purpose of the contractual services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings and approaches, or environment for structures or other improvements, the grading of land and water forms, natural drainage and determination of related impacts, assessments, and problems of land disturbance, including erosion and sedimentation, blight, or other hazards. This practice includes the proposed location and arrangement of those tangible objects and features as are incidental and necessary to the purposes outlined in the law and as may be prescribed by State or local authorities, but does not include the design of structures or facilities ordinarily included in the practice of engineering or architecture and does not include the making of land surveys, or land plats for official approval or recording or other services relating to a definition of what constitutes the practice of land surveying.

The bill, however, does not prohibit any person from preparing landscaping plans for sites where government review or approvals are not required or where government review or approvals do not require the signature and seal of a landscape architect. Additionally, nothing in the bill restricts a landscape designer from performing services for consumers that are in compliance with State law.

The bill also increases the required amount of combined education and practical experience for licensure as a landscape architect from at least six years, as currently provided in section 11 of P.L.1983, c.337 (C.45:3A-8), to at least eight years.

Additionally, the bill increases the minimum continuing education requirements for licensed landscape architects, as provided by section 18 of P.L.1983, c.337 (C.45:3A-15). As provided in the bill, a licensed landscape architect must participate in at least 24 hours of continuing education classes, rather than the current statutory requirement of at least 20 hours, and provides that a licensed landscape architect must complete these requirements every two years.

Also, the bill increases the membership of the New Jersey State Board of Architects from 11 to 13 by adding one additional licensed landscape architect and one additional licensed architect to the board. As provided in the bill, the licensed landscape architects serving on the board shall have been engaged in the practice of landscape architecture for at least 10 years. Under current law, the landscape architect serving on the board is required to have been engaged in the practice of landscape architecture for at least five years.

The bill further provides that following enactment of the bill, a licensed architect, licensed professional engineer, licensed land surveyor, or licensed planner may be licensed as a landscape architect, provided that the architect, engineer, land surveyor, or planner meets certain educational standards enumerated in the bill; has engaged in landscape architectural work of a grade and character satisfactory to the board for a period of not less than five years; and has passed the landscape architect examination administered by the board to individuals applying for licensure as landscape architects. The bill further stipulates that such licensed architects who are licensed as landscape architects shall biennially complete not less than 12 hours of continuing education in landscape architecture and that such licensed professional engineers shall biennially complete not less than 24 hours of continuing education in landscape architecture.

In addition, the bill states that the New Jersey State Board of Architects shall issue a certificate of authorization to certain corporations as delineated in the bill, and those corporations shall be authorized to offer landscape architecture services. The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the landscape architecture activities and decisions of the corporation. All final drawings, papers or documents involving the practice of landscape architecture, when issued by the

corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

The committee amendments to the bill:

- decrease, from five years to four years, the minimum amount of time required of an architect, engineer, land surveyor, or planner to engage in landscape architectural work in order to qualify for licensure as a landscape architect; and

- make technical corrections to statutory cross-references appearing in the bill, both for past legislative enactments and pending enactments.

This bill, as amended, is identical to A-2146(1R), as amended and reported by the committee today.