HOUSE BILL NO. 817

INTRODUCED BY FAGG

BY REQUEST OF THE BOARD OF LANDSCAPE ARCHITECTS

IN THE HOUSE

Third reading, concurred in

as amended.

February 14, 1979	Introduced and referred to Committee on Business and Industry.
February 19, 1979	Committee recommend bill do pass. Report adopted.
February 22, 1979	Second reading, do pass as amended.
February 23, 1979	Correctly engrossed.
	Third reading, passed. Transmitted to second house.
IN THE SEN	JATE:
	:
February 23, 1979	Introduced and referred to Committee on Business and Industry.
February 23, 1979 March 6, 1979	Introduced and referred to Committee on Business and
	Introduced and referred to Committee on Business and Industry. Committee recommend bill be concurred in. Report
March 6, 1979	Introduced and referred to Committee on Business and Industry. Committee recommend bill be concurred in. Report adopted.

March 13, 1979

IN THE HOUSE

March 14, 1979	Returned from second house. Concurred in as amended.
March 16, 1979	Second reading, amendments adopted.
March 17, 1979	Third reading, amendments adopted. Sent to enrolling.
	Reported correctly enrolled.

INTRODUCED BILL

2-15-1641;

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1	201140 BILL NO. 817
2	INTRODUCED BY
3	BY REQUEST OF THE BOARD OF LANDSCAPE ARCHITECTS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6	LAWS RELATING TO LANDSCAPE ARCHITECTURE; TO REESTABLISH THE
7	BOARD OF LANDSCAPE ARCHITECTS; TO PROVIDE FOR A MAJORITY OF
3	PUBLIC MEMBERS ON THE BOARD AND REQUIRE THE CHAIRMAN TO BE A
9	PUBLIC MEMBER; TO REMOVE QUALIFICATIONS PREREQUISITE TO
10	ADMISSION TO THE EXAMINATION; AMENDING SECTIONS 2-8-103.
11	2-15-1652, 37-66-101, 37-66-103, 37-66-201, AND 37-66-304
12	THROUGH 37-66-307. MCA; AND PROVIDING AN EFFECTIVE DATE.
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	NEW SECTION. Section 1. Board reestablished. The
ló	board of landscape architects created by 2-15-1652 is
17	reestablished for a period of 6 years pursuant to 2-8-122.
18	Section 2. Section 2-8-103, MCA, is amended to read:
19	<pre>"2-8-103. Agencies to terminate. (1) The following</pre>
20	agencies shall terminate on July 1, 1979:
21	(a) board of abstracters, department of professional
22	and occupational licensing, created by 2-15-1643;
23	(b) board of public accountants, department of
24	professional and occupational licensing, created by

1	(c) board of architects, department of professiona
2	and occupational licensing, created by 2-15-1651;
3	(d) state banking board, department of busines
4	regulation, created by 2-15-1803;
5	(e) state electrical board, department of professiona
6	and occupational licensing, created by 2-15-1654;
7	(f) board of professional engineers and lan
8	surveyors, department of professional and occupationa
9	licensing, created by 2-15-1653;
0	(4) office of commissioner of insurance and th
1	insurance department, state auditor's office, created b
2	2-15-1902 and 2-15-1903;
3	(h) office of the investment commissioner, stat
4	auditor's office, created by 2-15-1901;
5	{i}boardoflandscapearchitectaydepartmentd
6	professionalandoccupationallicensingycreatedb
7	2-15-1652;
8	<pre>{j}(i) board of county printing. department of</pre>
9	community affairs, created by 2-15-1102;
0	<pre>tk†(j) board of plumbers, department of professional</pre>
ı	and occupational licensing, created by 2-15-1655;
2	<code>††}[k]</code> board of real estate∙ department o
3	professional and occupational licensing, created b
4	2-15-1642;
5	<pre>{m}(1) state board of warm air heating, ventilation</pre>

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1	and	air	conditioning,	department	of	professional	and
2	occup	ationa	licensing, cr	eated by 2-1	5-16	56;	

- 3 fnf(m) board of institutions, department of institutions, created by 2-15-2303.
- 5 (2) The following agencies shall terminate on July l.
 6 1981:
- 7 (a) commission for human rights, department of labor
 8 and industry, created by 2-15-1706;
- 9 (b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;
- 11 (c) board of barbers, department of professional and 12 occupational licensing, created by 2-15-1625;
- (d) board of chiropractors, department of professional
 and occupational licensing, created by 2-15-1613;
- 15 (e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626:
- 18 (f) board of dentists, department of professional and 19 occupational licensing, created by 2-15-1606;
- 20 (g) board of hearing aid dispensers, department of 21 professional and occupational licensing, created by 22 2-15-1616:
- 23 (h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;

- 1 (i) Montana state board of medical examiners,
 2 department of professional and occupational licensing,
 3 created by 2-15-1605;
- 4 (j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;
- 6 (k) board of nursing, department of professional and occupational licensing, created by 2-15-1610;
- 8 {1} board of nursing home administrators, department
 9 of professional and occupational licensing, created by
 10 2-15-1611;
- 11 (m) board of optometrists, department of professional
 12 and occupational licensing, created by 2-15-1612;
- 13 (n) board of osteopathic physicians, department of 14 professional and occupational licensing, created by 15 2-15-1607;
- (o) board of pharmacists, department of professional and occupational licensing, created by 2-15-1609;
- 18 (p) board of podiatry examiners, department of
 19 professional and occupational licensing, created by
 20 2-15-1608;
- 21 (q) board of psychologists, department of professional 22 and occupational licensing, created by 2-15-1617;
- 23 (r) board of radiologic technologists, department of 24 professional and occupational licensing, created by 25 2-15-1614;

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1	(s)	board	; f	speech	patho	logists	and	audiologists.
5	department	t of	prof	essional	and	occupat	i ona l	licensing
3	created by	2-15-	-1615	;				

- 4 (t) board of veterinarians, department of professional
 5 and occupational licensing, created by 2-15-1618;
- (u) board of veterans affairs, department of social

 and rehabilitation services, created by 2-15-2292.
- 8 (3) The following units of state government shall 9 terminate on July 1, 1983:
- 10 (a) board of aeronautics, department of community
 11 affairs, created by 2-15-1103;
- 12 (b) state board of hail insurance, department of 13 agriculture, created by 2-15-3003;
- 14 (c) board of horse racing, department of professional
 15 and occupational licensing, created by 2-15-1662;
- 16 (d) board of livestock, department of livestock, 17 created by 2-15-3102;
- 18 (e) board of milk control, department of business

 19 regulation, created by 2-15-1802;
- 20 (f) board of oil and gas conservation, department of 21 natural resources and conservation, created by 2-15-3303;
- 22 (g) Montana outfitters council, department of fish and 23 game, created by 2-15-3403;
- 24 (h) public service commission, department of public 25 service regulation, created by 69-1-102;

1 (i) board of sanitarians, department of professional
2 and occupational licensing, created by 2-15-1631;

- 3 (j) board of water and wastewater operators.
 4 department of health and environmental sciences, created by
 5 2-15-2105:
- 6 (k) board of water well contractors, department of
 7 professional and occupational licensing, created by
 8 2-15-1632.
 - (4) The following agency terminates on July 1- 1985:

 the board of landscape architects created by 2-15-1652.**
- 11 Section 3. Section 2-15-1652, MCA, is amended to read:
 12 "2-15-1652. Board of landscape architects. (1) There
 13 is a board of landscape architects.
- (2) The board consists of five members-of-which-st 14 15 teast-three-must-be-landscape--architects. Members of the board shall be appointed by the governor and must be 16 17 residents of this state. At-least-three-shall-have-the qualifications--of Two members must be landscape architects 18 19 required-by licensed under Title 37, chapter 66y-ond--three, 20 Three members must be licensed--landscape--architects 21 representatives of the public who are not engaged in the 22 practice of landscape architecture.
- 23 (3) The board is allocated to the department of 24 professional and occupational licensing for administrative 25 purposes only as prescribed in 2-15-121.

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(4) Terms are for 4 years. Each member shall hold office until the appointment and qualification of his successor. Yacancies occurring prior to the expiration of the term shall be filled in the same manner as original appointments. No member may serve more than 8 consecutive years.

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7 Section 4. Section 37-66-101, MCA, is amended to read:
8 **37-66-101. Short title. This chapter shall be known
9 and cited as the "Landscape Architect Architecture
10 Registration and Licensing Act".**

Section 5. Section 37-66-103, MCA, is amended to read:
"37-66-103. Definitions. As used in this chapter, the
following definitions apply:

- (1) "Board" means the board of landscape architects.
- (2) "Department" means the department of professional and occupational licensing.

(3)---Education--means-time-spent-as-a-student-enrolled
in--a-college-or-school-curriculum-of-landscape-architecture
accredited-by-the-American-society-of--landscape--architects
and--other--college--or--university--training--the-board-may
approves

ti)---Experience---means--full-time---amployment---as---a
landscape--architect--or--doing-landscape-architectural-work
under-the-supervision-of-a-registered-landscape-architect-or
a-landscape-architect-qualified-for-registration-in-Montanes

All-experience-is-subject-to-approval-by-the-boards

(5)(3) "Landscape architect" means a person who holds
a certificate to practice landscape architecture in the
state of Montana under the provisions of this chapter.

16)(1) *Proctice--of--the--profession---of---tendscope Landscape architecture* means performing services in connection-with-the-enalysis-or-development--of--land--ores where--and--to--the-extent-thet-the-dominant-purpose-of-such services-is-the-preservationy-enhancementy-or--determination of-oroner-land-uses--natural-land-features--ground-cover-and planting,--naturalistic--and-acethetic-values,-the-settings, approachesy--or--environment---for---structures---or---other improvements---notural--drainage---and-the-consideration-and determination-of-inherent-problems-of-the-land--relating--to erosiony--wear---and--teary--blighty--or-other-hazardsy-fhis practice-shall-include-the-location-and-arrangement-of--such tongible---objects---ond--features--as--are--incidental--and necessary--to--the--purposes--outlined--herein---but---sht.t conjunction with all aspects of the planning and design of the exterior environment for human use and environmental protection. It includes regional planning of natural resources, urban and rural planning and design, institutional design, park and recreation planning and design, and the preparation of project master plans. It is the design discipline specifically oriented to addressing

the problems involved in adapting man's uses of land to the
characteristics of the exterior anyironment both
functionally and aesthetically. It includes the preparation
of contract documents. construction specifications.
construction cost estimates, and project contracts. It
includes contract negotiations, project management, and
construction management. The term does not include the
design of structures or facilities with separate and
self-contained purposes that are ordinarily included in the
practice of engineering or architecture and shell does not
include the making of land surveys or final land plats for
official approval or recording.
(7)"Fraining"meansaperiodof-experience-and/or

Section 6. Section 37-66-201, MCA, is amended to read:
#37-66-201. Organization -- compensation. (1) At its
first meeting of every calendar year, the board shall elect
from among its public representative members a president
Chairman. Who may appoint a secretary. The secretary may or
may not be a member of the board.

education-of-at-least-6-vears-as-defined-herein+*

(2) In carrying out the provisions of this chapter, the only reimbursement members of the board may receive is for travel expenses, as allowed in 2-18-501 through 2-18-503, as amended, incurred in the performance of board duties."

Section 7. Section 37-66-304, MCA, is amended to read:

"37-66-304. Qualifications of-applicants not required.

tip-Prior-to-being-licensed-as-a-landscape--architecty--each
applicant--shall--submit--ovidence--to--the--board--that-his
training-includes-at-least--6--years--of--experience--and/or
aducation-as-defined-hereins

t2}--5ix--years--of--experience--of-grade-and-character
satisfactory-to-the-board-sholl-be-acceptable*

t3)--One-scademic-year-of-education-may-be--substituted for-1-year-of-actual-practical-experience-up-to-a-maximum-of 5--academic--years--in--landscape--architecture---Experience during-a-year-of-education-may-not--be--applied--toward--the total-training-period-of-6-years-

thin-Each applicant shall—have—completed-st-least—i

year*s—experience sust be admitted to the examination
without presquisite qualifications.**

Section 8. Section 37-66-305, MCA, is amended to read:
#37-66-305. Examinations. (1) Examinations for
licensure shall be given by the board at least once each
year.

(2) Each applicant for licensure as a landscape architecty-except-the-original-board-end-those-registered under-the-grandfather-relausey is required to establish by written-end/or-oral examination his competency to practice the profession of landscape architecture.

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(3) The type-of-exemination-that-will-be examination given shall must be determined the uniform national examination prescribed by the board council of landscape architectural boards.**

 read:

Section 9. Section 37-66-306, MCA, is amended to read:

"37-66-306. Reciprocity. The board may certify for licensure without examination an applicant who is legally registered as a landscape architect in any other state or country whose-requirements-for-licensure-ere-substantially equivalent to the-requirements-of-this-state-and-which extends—the-same-privilego-of-reciprocity—to-landscape orchitects—from this-state and who is certified by the council of landscape architectural registration boards."

Section 10. Section 37-66-307, MCA, is amended to

- **37-66-307. Annual renewal -- withdrawal -- deposit of fees. (1) Certification of licensure or renewal of registration expire on the last day of June following their issuance or renewal. Renewal may be effected during the month of June by payment to the department of the required fee. The board shall issue current renewal registration to each landscape architect promptly upon payment of the annual renewal registration fee.
- (2) Any registrant in good standing, upon ceasing to practice landscape architecture, may suspend his license by

- giving written notice to the board. Thereafter, he may resume practice upon payment of the then-current fee and appn approval by the board. Any-registranty-other-than-d properly-withdrown-licenseev-who-fails-to--renew--his registration-within-s--period-of-60-days-may-be-reinstated aniv-on-reexamination.
 - (3) All fees received under the provisions of this chapter shall be deposited in an earmarked revenue fund by the department. The moneys collected shall be used by the department to carry out the purpose, duties, and responsibilities of the chapter, subject to 37-1-101(6).
 - Section 11. Transition. Section 3 does not affect the term of office of a person who is a member of the board of landscape architects on July 1. 1979, and he shall serve the remainder of his unexpired term. All appointments made and vacancies filled after July 1, 1979, must be in accordance with section 3.
- 18 Section 12. Effective date. Sections 1 and 2 a.e.

 19 effective on passage and approval.

-End-

1	HOUSE BILL NO. 817
2	INTRODUCED BY FAGG
3	BY REQUEST OF THE BOARD OF LANDSCAPE ARCHITECTS
4	
5	A BILL FOR AN ACT ENTITLED: "AM ACT TO GENERALLY REVISE THE
6	LAWS RELATING TO LANDSCAPE ARCHITECTURE; TO REESTABLISH THE
7	BOARD OF LANDSCAPE ARCHITECTS; TO PROVIDE FOR A-MAJBRITY-OF
8	INO PUBLIC MEMBERS ON THE BOARD AND REQUIRE THE CHAIRMAN TO
9	BE A PUBLIC MEMBER; TO REMOVE QUALIFICATIONS PREREQUISITE TO
0	ADMISSION TO THE EXAMINATION; AMENDING SECTIONS 2-8-103.
1	2-15-1652, 37-66-101, 37-66-103, 37-66-201, AND 37-66-304
2	THROUGH 37-66-307, MCA; AND PROVIDING AN EFFECTIVE DATE."
.3	
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
5	NEW SECTION: Section 1. Board reestablished. The
6	board of landscape architects created by 2-15-1652 is
.7	reestablished for a period of 6 years pursuant to 2-8-122.
18	Section 2. Section 2-8-103, MCA, is amended to read:
9	*2-8-103. Agencies to terminate. (1) The following
20	agencies shall terminate on July 1, 1979:
21	(a) board of abstracters, department of professional
22	and occupational licensing, created by 2-15-1643;
23	(b) board of public accountants, department of
24	professional and occupational licensing, created by
25	2-15-1641;

1	(c) board of architects, department of profession
2	and occupational licensing, created by 2-15-1651;
3	(d) state banking board, department of busine
4	regulation, created by 2-15-1803;
5	(e) state electrical board, department of profession
6	and occupation 1 licensing, created by 2-15-1654;
7	(f) board of professional engineers and law
8	surveyors, department of professional and occupation
9	licensing, created by 2-15-1653;
10	(g) office of commissioner of insurance and to
11	insurance department, state auditor's office, created
12	2-15-1902 and 2-15-1903;
13	(h) office of the investment commissioner, state
14	auditor's office, created by 2-15-1901;
15	ti)boardaflandscapearchitectsvdepartment
16	professionalandoccupationallicensingcreated
17	2-15-16529
18	titil board of county printing. department
19	community affairs, created by 2-15-1102;
20	<pre>fkt(j) board of plumbers, department of professions</pre>
21	and occupational licensing, created by 2-15-1655;
22	<pre>†††(k) board of real estate, department of</pre>
23	professional and occupational licensing, created b
24	2-15-1642;

tmf(1) state board of warm air heating. ventilation.

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1	and	air	conditioning:	department	of	professional	and
2	occus	ationa	l licensing, cr	eated by 2-1	5-16	56;	

- 3 this board of institutions, department of institutions, created by 2-15-2303.
- 5 (2) The following agencies shall terminate on July 1.
 6 1981:
- 7 (a) commission for human rights, department of labor 8 and industry, created by 2-15-1706;
- 9 (b) board of athletics, department of professional and 10 occupational licensing, created by 2-15-1661;
- (c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;

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- (d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613:
- 15 (e) board of cosmetologists, department of
 16 professional and occupational licensing, created by
 17 2-15-1626:
- 18 (f) board of dentists department of professional and 19 occupational licensing created by 2-15-1606;
- 20 (g) board of hearing aid dispensers, department of 21 professional and occupational licensing, created by 22 2-15-1616;
- 23 (h) board of massage therapists, department of 24 professional and occupational licensing, created by 25 2-15-1627;

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- 1 (i) Montana state board of medical examiners.
 2 department of professional and occupational licensing.
 3 created by 2-15-1605;
- 4 (j) board of morticians, department of professional
 5 and occupational licensing, created by 2-15-1619;
- 6 (k) board of nursing, department of professional and
 7 occupational licensing, created by 2-15-1610;
- 8 (1) board of nursing home administrators, department
 9 of professional and occupational licensing, created by
 10 2-15-1611;
- 11 (m) board of optometrists, department of professional
 12 and occupational licensing, created by 2-15-1612;
- (n) board of osteopathic physicians, department of professional and occupational licensing, created by 2-15-1607;
- 16 (o) board of pharmacists, department of professional
 17 and occupational licensing, created by 2-15-1609;
- 18 (p) board of podiatry examiners, department of professional and occupational licensing, created by 2-15-1608:
- 21 (q) board of psychologists, department of professional 22 and occupational licensing, created by 2-15-1617;
- 23 {r} board of radiologic technologists, department of 24 professional and occupational licensing, created by 25 2-15-1614;

2	debaltment of biolessional and occupacional ficanatings
3	created by 2-15-1615;
4	(t) board of veterinarians, department of professional
5	and occupational licensing, created by 2-15-1618;
6	(u) board of veterans affairs department of social
7	and rehabilitation services, created by 2-15-2202.
8	(3) The following units of state government shall
9	terminate on July 1, 1983:
10	(a) board of aeronautics, department of community
11	affairs, created by 2-15-1103;
12	(b) state board of hail insurance, department of
13	agriculture, created by 2-15-3003;
14	(c) board of horse racing, department of professional
15	and occupational licensing, created by 2-15-1662;
16	(d) board of livestock, department of livestock,
17	created by 2-15-3102;
18	(e) board of milk control, department of business
19	regulation: created by 2-15-1802;
20	(f) board of oil and gas conservation, department of
21	natural resources and conservation, created by 2-15-3303;
22	(g) Montana outfitters council, department of fish and

(s) board of speech pathologists and audiologists.

ı	(i) board of sanitarians, department of professiona
2	and occupational licensing, created by 2-15-1631;
3	(j) board of water and wastewater operators
4	department of health and environmental sciences, created b
5	2-15-2105;
6	(k) board of water well contractors, department o
7	professional and occupational licensing, created b
8	2-15-1632.
7	(4) The following agency terminates on July 1: 1985
D	the board of landscape architects created by 2-15-1652.**
L	Section 3. Section 2-15-1652, MCA, is amended to read
2	"2-15-1652. Board of landscape architects. (1) Ther
3	is a board of landscape architects.
•	(2) The board consists of five members-of-which-a
5	least-three-must-be-landscapearchitects. Members of th
6	board shall be appointed by the governor and must b
7	residents of this state. Atleastthreeshallhaveth
В	qualiffeationsof <u>Eus IMREE</u> members must be landscap
9	architects required-by <u>licensed under</u> Title 37, chapter 66
D	endthree. <u>Three IWO</u> members must be licensed-landscap
1	erchitects representatives of the public who are not engage
2	in the practice of landscape architecture.
3	(3) The board is allocated to the department of
4	professional and occupational licensing for administrativ
5	purposes only as prescribed in 2-15-121.

service regulation, created by 69-1-102;

(h) public service commission: department of public

game, created by 2-15-3403;

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(4) Terms are for 4 years. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled in the same manner as original appointments. No member may serve more than 8 consecutive years.

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Section 4. Section 37-66-101, MCA, is amended to read:
#37-66-101. Short title. This chapter shall be known
and cited as the "Landscape Architecture
Registration and Licensing Act"."

Section 5. Section 37-66-103. MCA: is amended to read:
#37-66-103. Definitions. As used in this chapter: the
following definitions apply:

- (1) "Board" means the board of landscape architects.
- (2) "Department" means the department of professional and occupational licensing.
- (3)--*Education*-means-time-spent-as-a-student-annolled in--a-college-or-school-curriculum-of-landscape-architecture accredited-by-the-American-society-of--landscape--architects and--other--college--or--university--training--the-board-may approves

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All-experience-is-subject-to-approval-by-the-board-

2 t5+(3) "Landscape architect" means a person who holds
3 a certificate to practice landscape architecture in the
4 state of Montana under the provisions of this chapter.

t6+141 "Proctice--of--the--profession---of---tendscape Landscape architecture" means performing services in 7 connection-with-the-anglysis-or-development--of--land-sareas where--end--to--the-extent-thet-the-dominant-purpose-of-such 9 services-is-the-preservationy-enhancementy-or--determination 10 of-proper-land-usesy-neturel-land-featuresy-ground-cover-and 11 plantingy--naturalistic--and-aesthetic-valuesy-the-settingsy 12 approachesy--or--anvironment---for---structures---or---other 13 improvementsy--natural--drainagey--and-the-consideration-and 14 determination-of-inherent-problems-of-the-land--relating--to 15 erosiony--wear---and--teary--blighty--or-other-hazardss-This 16 practice-shall-include-the-location-and-arrangement-of--such 17 tengible---objects---and--features--as--are--incidental--and 18 necessory--to--the--purposes--outlined--herein---but---shall 19 conjunction with all aspects of the planning and design of 20 the exterior environment for human use and environmental 21 protections It includes regional planning of natural 22 resources, urban and rural planning and designs 23 institutional designs park and recreation planning and 24 design, and the preparation of project master plans. It is the design discipline specifically oriented to addressing

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the problems involved in adapting man's uses of land to the
characteristics of the exterior environment both
functionally and aesthetically. It includes the preparation
ofcontractdocuments:constructionspecifications:
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includes contract negotiations, project management, and
construction management. The term does not include the
design of structures or facilities with separate and
self-contained purposes that are ordinarily included in the
practice of engineering or architecture and shall dons not
include the making of land surveys or final land plats for
official approval or recording.

{7}--*Training*--means--o--period--of-experience-end/or
education-of-at-least-6-years-as-defined-hereins*

Section 6. Section 37-66-201. MCA, is amended to read:

"37-66-201. Organization -- compensation. (1) At its
first meeting of every calendar year, the board shall elect
from among its <u>public_representative</u> members a <u>president</u>
<u>Chairman</u>, who may appoint a secretary. The secretary may or
may not be a member of the board.

(2) In carrying out the provisions of this chapter, the only reimbursement members of the board may receive is for travel expenses, as allowed in 2-18-501 through 2-18-503, as amended, incurred in the performance of board duties.**

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1	Section 7. Section 37-66-304, MCA, is amended to read:
2	#37-66-304。 Qualifications of-applicants not_required
3	tip-Prior-to-being-licensed-as-a-landscapearchitectyeach
4	app?+cantsha??submitevidencetotheboardthat-h+s
5	training-includes-at-least6yearsofexperienceend/or
6	education-as-defined-hereins

f2}--5ix--years--of--experience--of-grade-and-character
satisfactory-to-the-board-shall-bc-acceptables

t3)--One-academic-year-of-education-may-be--substituted for-1-year-of-actual-practical-experience-up-to-a-maximum-of 5--academic--years--in--tandscape--architecture---Experience during-a-year-of-education-may-not--be--applied--toward--the total-training-period-of-6-years

thin-Each applicant shell-have-completed-at-least-i year*s--experience <u>must be admitted to the examination</u> without prerequisite qualifications."

(2) Each applicant for licensure as a landscape architecty-except-the-original-board--and--those--registered under--the--grandfather--clausey is required to establish by written-and/or-oral examination his competency to practice the profession of landscape architecture.

(3) The	type	-of-	exemi	notto	ns-the	t-will-be	examination
given	sheil	must	Þe	dete	raine	ed the	unifor	national
examin	ation_	DESSE	ibed	by	the	boord	council	of landscape
archit	ectural	board	5."					

Section 9. Section 37-66-306, MCA, is amended to read:

"37-66-306. Reciprocity. The board may certify for
licensure without examination an applicant who is legally
registered as a landscape architect in any other state or
country whose--requirements-for-licensure-are-substantially
equivalent-to-the--requirements--of--this--state--ond--which
extends--the--seme--privilege--of--reciprocity--to-landscape
architects-from-this-state and who is certified by the
council of landscape architectural registration boards."

Section 10. Section 37-66-307, MCA, is amended to read:

#37-66-307. Annual renewal -- withdrawal -- deposit of fees. (1) Certification of licensure or renewal of registration expire on the last day of June following their issuance or renewal. Renewal may be effected during the month of June by payment to the department of the required fee. The board shall issue current renewal registration to each landscape architect promptly upon payment of the annual renewal registration fee.

(2) Any registrant in good standing, upon ceasing to practice landscape architecture, may suspend his license by

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giving written notice to the board. Thereafter, he may
resume practice upon payment of the then-current fee and
upon approval by the board. Any-registranty-other-than-a
properly-withdrawn-licenseev-who-fails-to--renew--his
registration-within-a--period-of-60-days-may-be-reinstated
only-on-reexaminations

(3) All fees received under the provisions of this chapter shall be deposited in an earmarked revenue fund by the department. The moneys collected shall be used by the department to carry out the purpose, duties, and responsibilities of the chapter, subject to 37-1-101(6)."

Section 11. Transition. Section 3 does not affect the term of office of a person who is a member of the board of landscape architects on July 1, 1979, and he shall serve the remainder of his unexpired term. All appointments made and vacancies filled after July 1, 1979, must be in accordance with section 3.

18 Section 12. Effective date. Sections 1 and 2 are
19 effective on passage and approval.

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ı	HOUSE BILL NO. 817
2	INTRODUCED BY FAGG
3	BY REQUEST OF THE BOARD OF LANDSCAPE ARCHITECTS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6	LANS RELATING TO LANDSCAPE ARCHITECTURE; TO REESTABLISH THE
7	BOARD OF LANDSCAPE ARCHITECTS; TO PROVIDE FOR A-MAJORITY-OF
в	INO PUBLIC MEMBERS ON THE BOARD AND REQUIRE THE CHAIRMAN TO
9	BE A PUBLIC MEMBER: TO REMOVE QUALIFICATIONS PREREQUISITE TO
10	ADMISSION TO THE EXAMINATION; AMENDING SECTIONS 2-8-103.
11	2-15-1652, 37-66-101, 37-66-103, 37-66-201, AND 37-66-304
12	THROUGH 37-66-307. MCA; AND PROVIDING AN EFFECTIVE DATE."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	NEW SECTION. Section 1. Board reestablished. The
16	board of landscape architects created by 2-15-1652 is
17	reestablished for a period of 6 years pursuant to 2-8-122.
18	Section 2. Section 2-8-103, HCA, is amended to read:
19	#2-8-103. Agencies to terminate. (1) The following
20	agencies shall terminate on July 1, 1979:
21	(a) board of abstracters, department of professional
22	and occupational licensing, created by 2-15-1643;
23	(b) board of public accountants, department of
24	professional and occupational licensing, created by
25	2-15-1641;

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regulation, created by 2-15-1803; (e) state electrical board, department of professional and occupational licensing, created by 2-15-1654; 7 (f) board of professional engineers and land surveyors, department of professional and occupational licensing, created by 2-15-1653; 10 (g) office of commissioner of insurance and the 11 insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903: 12 (h) office of the investment commissioner, state 13 auditor's office, created by 2-15-1901; 14 15 fit--board--of--tandscape--architectsy--department---of 16 professional---and---occupational---licensingy---created--by 17 2-15-1652+ 18 titli board of county printing, department of 19 community affairs, created by 2-15-1102; 20 tkill board of plumbers, department of professional 21 and occupational licensing, created by 2-15-1655; 22 fffikl board of real estate. department professional and occupational licensing, created by 23 24 2-15-1642;

(c) board of architects, department of professional

(d) state banking board, department of business

and occupational licensing, created by 2-15-1651;

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tmf(l) state board of warm air heating. ventilation.

2-15-1614;

1	and air conditioning, department of professional and
2	occupational licensing, created by 2-15-1656;
3	fnf(m) board of institutions, department of
4	institutions, created by 2-15-2303.
5	(2) The following agencies shall terminate on July 1.
6	1981:
7	(a) commission for human rights, department of labor
8	and industry⊕ created by 2-15-1706;
9	(b) board of athletics, department of professional and
10	occupational licensing, created by 2-15-1661;
11	(c) board of barbers, department of professional and
12	occupational licensing, created by 2-15-1625;
13	(d) board of chiropractors, department of professional
14	and occupational licensing, created by 2-15-1613;
15	(e) board of cosmetologists, department of
16	professional and occupational licensing, created by
17	2-15-1626;
18	(f) board of dentists, department of professional and
19	occupational licensing, created by 2-15-1606;
20	(g) board of hearing ald dispensers, department of
21	professional and occupational licensing, created by
22	2-15-1616;
23	(h) board of massage therapists, department of
24	professional and occupational licensing, created by

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2-15-1627;

1	(i) Montana state board of medical examiners
2	department of professional and occupational licensing
3	created by 2-15-1605;
4	(j) board of morticians, department of professiona
5	and occupational licensing, created by 2-15-1619;
6	(k) board of nursing, department of professional an
7	occupational licensing, created by 2-15-1610;
8	(1) board of nursing home administrators, departmen
9	of professional and occupational licensing, created b
10	2-15-1611;
11	(m) board of optometrists, department of professiona
12	and occupational licensing, created by 2-15-1612;
13	(n) board of osteopathic physicians, department o
14	professsional and occupational licensing, created b
15	2-15-1607;
16	(o) board of pharmacists, department of professiona
17	and occupational licensing, created by 2-15-1609;
18	(p) board of podiatry examiners, department o
19	professional and occupational licensing, created b
20	2-15-1608;
21	(q) board of psychologists, department of professiona
22	and occupational licensing, created by 2-15-1617;
23	(r) board of radiologic technologists, department o
24	professional and occupational licensing, created b

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1	(s)	board	of spe	ech patho	logists	and	audiologists.
2	departmen	t of	professi	ional and	occupati	onal	l licensing.
3	created b	y 2-15	-1615;				

- 4 (t) board of veterinarians, department of professional
 5 and occupational licensing, created by 2-15-1618;
- 6 (u) board of veterans' affairs, department of social
 7 and rehabilitation services, created by 2-15-2202.
- 8 (3) The following units of state government shall terminate on July 1+ 1983:
- 10 (a) board of aeronautics, department of community
 11 affairs, created by 2-15-1103;
- 12 (b) state board of hail insurance, department of 13 agriculture, created by 2-15-3003;
- (c) board of horse racing, department of professional and occupational licensing, created by 2-15-1662;
- (d) board of livestock, department of livestock, created by 2-15-3102;
- (e) board of milk control, department of business
 regulation, created by 2-15-1802;
- 20 (f) board of oil and gas conservation, department of 21 natural resources and conservation, created by 2-15-3303;
- 22 (g) Montana outfitters council, department of fish and 23 yame, created by 2-15-3403;
- 24 (h) public service commission, department of public 25 service regulation, created by 69-1-102;

- 1 (i) board of sanitarians, department of professional 2 and occupational licensing, created by 2-15-1631;
- 3 (j) board of water and wastewater operators;
 4 department of health and environmental sciences; created by
 5 2-15-2105;
- 6 (k) board of water well contractors, department of 7 professional and occupational licensing, created by 8 2-15-1632.
- 9 (4) The following agency terminates on July 1: 1985:
 10 the board of landscape architects created by 2-15-1652.**
- Section 3. Section 2-15-1652. MCA. is amended to read:

 #2-15-1652. Board of landscape architects. (1) There

 is a board of landscape architects.
 - (2) The board consists of five members-of-which-ot teast-three-must-be-landscape--architects. Members of the board shall be appointed by the governor and must be residents of this state. At--least--three--shall--hove--the qualifications--of fixe IHREE members must be landscape architects required-by licensed under Title 37: chapter 66v and--three. First IHQ members must be licensed-landscape architects required-titles of the public who are not engaged in the practice of landscape architecture.
 - (3) The board is allocated to the department of professional and occupational licensing for administrative purposes only as prescribed in 2-15-121.

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(4) Terms are	for 4 years.	Each	member	shall hold	đ
office until the	appointment	and qua	alificat	ion of his	\$
successor. Vacanc	ies occurring _l	prior to	the ex	piration o	f
the term shall	oe filled in	the same	e manner	as original	1
appointments. No m	amber may serv	e more 1	than 8	consecutive	e
years."					

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- Section 4. Section 37-66-101, MCA+ is amended to read:

 "37-66-101. Short title. This chapter shall be known
 and cited as the "Landscape Architecture

 Registration and Licensing Act"."
- Section 5. Section 37-66-103, MCA, is amended to read:

 12 #37-66-103. Definitions. As used in this chapter, the
 13 following definitions apply:
 - (1) "Board" means the board of landscape architects.
 - (2) "Department" means the department of professional and occupational licensing.
 - (3)--*EdMcation*-means-time-spent-as-a-student-enrolled in-a-college-or-school-curriculum-of-landscape--architecture accredited--by--the-American-society-of-landscape-architects and-ather-collage--or--university--training--the--board--may approves
 - this experience -- means -- full-time -- employment -- as -- a landscape -- architectural -- work under -- the -- supervision -- of -- a registered -- landscape -- architect -- or a -- landscape -- architect -- qualified -- for -- registration -- in -- Montanay

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1 All-experience-is-subject-to-approval-by-the-boardw

2 t5†(1) "Landscape architect" means a person who holds
3 a certificate to practice landscape architecture in the
4 state of Montana under the provisions of this chapter.

t6)(4) *Practice---of---the--profession--of--landscape Landscape architecture* means performing services in connection--with--the--analysis-or-development-of-land-areas where-and-to-the-extent-that-the-dominant--purpose--of--such services--is-the-preservationy-enhancementy-or-determination of-proper-land-uses,-natural-land-features,-ground-cover-and planting-naturalistic-and-aesthetic-valuesy--the--settingsy approaches---or---environment---for---structures--or--other improvements.-natural-drainage.-and--the--consideration--and determination--of--inherent-problems-of-the-land-relating-to erasiony-wear--and-teary--biighty--or--other--hazardsy--This practice--shall-include-the-location-and-arrangement-of-such tangible--objects--and--features--as--ore---incidental---and necessary---to---the--purposes--outlined--herein--but--sholl conjunction with all aspects of the planning and design of the exterior environment for human use and environmental protection. It includes regional planning of natural resources, urban and rural planning and design. institutional design, park and recreation planning and design, and the preparation of project master plans. It is the design discipline specifically oriented to addressing

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1	the problems involved in adapting man's uses of land to the
2	characteristics of the exterior environment both
3	functionally and aesthetically. It includes the preparation
4	of contract documents, construction specifications,
5	construction cost estimates, and project contracts. It
6	includes contract negotiations, project managements and
7	construction management. The term does not include the
8	design of structures or facilities with separate and
9	self-contained purposes that are ordinarily included in the
10	practice of engineering or architecture and shall does not
11	include the making of land surveys or final land plats for
12	official approval or recording.

{?}--*fraining*-means-a--period--of--experience--and/or
education-of-at-least-6-years-as-defined-herein=*

Section 6. Section 37-66-201, MCA, is amended to read:

#37-66-201. Organization -- compensation. (1) At its
first meeting of every calendar year: the board shall elect
from among its <u>public representative</u> members a president

<u>chairman</u>, who may appoint a secretary. The secretary may or
may not be a member of the board.

(2) In carrying out the provisions of this chapter, the only reimbursement members of the board may receive is for travel expenses, as allowed in 2-18-501 through 2-18-503, as amended, incurred in the performance of board duties."

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1	Section 7. Section 37-66-304: MCA. is amended to read
2	#37-66-304. Qualifications of-opplicants not required
3	(l)Priorto-being-licensed-as-a-landscape-architectv-each
4	applicant-shallsubmitevidencetotheboardthathi:
5	trainingincludesatleast6years-of-experience-and/or
6	education-as-defined-herein=
7	1215ix-veers-of-experienceoferedeondcharacter

satisfactory-to-the-board-shall-be-acceptablew

(3)--One--ocademic-year-of-education-may-be-substituted

for-1-year-of-actual-practical-experience-up-to-a-maximum-of
5--academic--years--in--landscape--architecture--Experience
during--a--year--of--education-may-nat-be-applied-toward-the
total-training-period-of-6-years

t++--Each applicant shall-have--completed--ot--least--t
year*s--experience must be admitted to the examination
without prerequisite qualifications.**

Section 8. Section 37-66-305, MCA, is amended to read:

"37-66-305. Examinations. (1) Examinations for
licensure shall be given by the board at least once each
year.

(2) Each applicant for licensure as a landscape architecty--except--the--original-board-and-those-registered under-the-grandfather-elausey is required to establish by written--and/or--oral examination his competency to practice the profession of landscape architecture.

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(3) The type-of-examinations-that-will-be examination given shall must be determined the uniform national examination prescribed by the board council of landscape architectural_boards.*

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Section 9. Section 37-66-306. MCA. is amended to read: *37-66-306. Reciprocity. The board may certify for licensure without examination an applicant who is legally registered as a landscape architect in any other state or Country whose-requirements-for-licensure--are--substantially equivalent--to--the--requirements--of--this--state-and-which extends-the--same--privilege--of--ceciprocity--to--londscape erchitects--from--this--state and who is certified by the council of landscape architectural registration boards.*

Section 10. Section 37-66-307, MCA, is amended to read:

#37-66-307. Annual renewal -- withdrawal -- deposit of fees. (1) Certification of licensure or renewal of registration expire on the last day of June following their issuance or renewal. Renewal may be effected during the month of June by payment to the department of the required fee. The board shall issue current renewal registration to each landscape architect promptly upon payment of the annual renewal registration fee.

(2) Any registrant in good standing, upon ceasing to practice landscape architecture, may suspend his license by

qiving written notice to the board. Thereafter, he may 2 resume practice upon payment of the then-current fee and upon approval by the board. Any-registranty--other--than--a property---withdrawn---ticensee---who--faits--to--renew--his registration-within-a-period-of-68-days--may--be--reinstated onty-on-reexaminationy

(3) All fees received under the provisions of this chapter shall be deposited in an earmarked revenue fund by the department. The moneys collected shall be used by the department to carry out the purpose. duties, and responsibilities of the chapter, subject to 37-1-101(6)."

SECTION 11. THERE IS A NEW MCA SECTION THAT READS:

Grandfather clause. The board shall issue a license without oral or written examination to any person who was practicing landscape architecture on the effective date of the act originally creating the board (July 1, 1975). However, if a person practicing landscape architecture on the effective date of the act originally creating the board was denied licensure because of requirements which are deleted by [this act], then such person shall be licensed without oral or written examination under the provisions of [this act].

23 Section 12. Transition. Section 3 does not affect the 24 term of office of a person who is a member of the board of 25 landscape architects on July 1, 1979, and he shall serve the

- 1 remainder of his unexpired term. All appointments made and
- 2 vacancies filled after July 1, 1979, must be in accordance
- 3 with section 3.
- 4 Section 13. Effective date. Sections 1 and 2 are
- 5 effective on passage and approval.

-End-