

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

House Bill 115 (Delegate Barve)

Economic Matters

Business Occupations - Maryland Landscape Architects Act - Scope and Definitions

This bill broadens the scope of the practice of landscape architecture by including various functions that can now be performed by other professions. The bill could require members of certain other professions who do not currently need a landscape architect license, but do incidental landscape architectural work, to obtain one in order to continue to provide these incidental services.

Fiscal Summary

State Effect: Any workload increase resulting from the bill could be handled with existing resources. There is a potential revenue increase resulting from additional licensing fees. For illustrative purposes only, a 10% increase in the number of landscape architecture licenses issued would result in a \$12,000 general fund revenue increase every other year beginning in FY 2001.

Local Effect: None.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill provides greater definition to what tasks require a landscape architect license. The bill designates many activities as functions of landscape architects, such as reclamation and rehabilitation projects, preparation of construction documents, preparation of environmental studies, and the coordination of landscape services provided by others.

The bill also requires anyone who is providing landscape architectural work that requires applying biological, physical, mathematical, and social science knowledge to be licensed as a

landscape architect.

Certain professions that may engage in incidental landscape architectural work related to their main business are required to have a landscape architecture license under this bill. These professions include: tree experts, regional planners, home builders, farmers, architects, engineers, land surveyors, and nursery businesses.

Current Law: A landscape architect is defined as a corporation, partnership, or a sole proprietorship that provides certain professional services in connection with developing and improving land. The principal purpose of these services must be to enhance land use, preserve land use, or address an environmental problem. Specific activities can include: erosion control measures, plantings, drainage systems, and setting grades. To obtain a license one must:

- graduate from a board approved landscape architect school and have six years of board approved work experience; or
- have eight years of board approved work experience.

Certain professionals that may engage in incidental landscape architectural work are exempt from the licensing requirement.

Background: There is a long running disagreement among various professional boards about the definition and scope of work for their various members. There is a gray area of activities that architects, engineers, land surveyors, and landscape architects have all claimed as being within the realm of their professions. There have been various attempts to address these issues at the professional board and regulatory level without much success.

The bill would make Maryland's law one of the more comprehensive and detailed ones among its bordering states.

State Fiscal Effect: While the bill may cause many of the land surveyors, architects, and engineers to stop providing the aforementioned incidental services, some will undoubtedly determine that it is in their interest to become licensed landscape architects. To the extent that this happens, revenue generated from licensing fees will increase.

The fee for a landscape architect license is \$200 for an individual and \$50 for a corporation. A license is valid for two years and costs \$200 for an individual to renew and \$50 for a corporation to renew. There are currently 596 sole proprietor landscape architects in the State and 63 partnerships and corporations. The Department of Legislative Services, however, has no information with which to provide a reliable estimate of the number of individuals and businesses that may seek a landscape architect license due to this bill. For illustrative purposes only, a 10% increase (66 more licenses) in the current number could

result in an additional \$12,000 in general fund revenue. In the out-years the State could experience a small biennial increase in revenue from the license renewal fees of the same magnitude.

The State Board of Examiners of Landscape Architects could handle any additional workload with existing resources.

Small Business Effect: The bill reduces the competition landscape architects will have in providing certain services. By defining these services as the exclusive domain of landscape architects, it eliminates the opportunity that other professionals will have to compete for this business. This may have the ultimate effect of driving up prices for these services.

The bill could restrict the number of people who will enter the field. By broadening the number of activities that require a license, the bill effectively eliminates some opportunities for those who are unable to obtain the education and/or lack the experience to qualify for a license. With less competition, overall prices will increase.

There may be some businesses performing work requiring a license under the provisions of the bill that do not meet the licensing requirements. Those small businesses that do not have the requisite experience and/or education for a license will be unable to perform some of their current work and will have a reduction in income. The Department of Labor, Licensing, and Regulation advises that the number of firms in this situation is small.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Landscape Architect and Specifier News, Department of Legislative Services

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