The committee on Ways and Means, to whom was recommitted the Senate Order relative to authorizing the Senate committee on Ways and Means to sit during the recess of the General Court to study the subject-matter of various current Senate and House documents (Senate, No. 1448), reports, in part, a Bill establishing the board of registration of landscape architects and providing for the use of the title of landscape architect (Senate, No. 1555).

For the committee,

JAMES F. BURKE.
The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Seven.

AN ACT ESTABLISHING THE BOARD OF REGISTRATION OF LANDSCAPE ARCHITECTS AND PROVIDING FOR THE USE OF THE TITLE OF LANDSCAPE ARCHITECT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Chapter 13 of the General Laws is hereby amended by inserting after section sixty-six, under the caption BOARD OF REGISTRATION OF LANDSCAPE ARCHITECTS, the following three sections:

2 Section 67. There shall be a board of registration of landscape architects, in this section and in sections sixty-eight and sixty-nine called the board, consisting of five members to be appointed by the governor, citizens of the commonwealth, each of whom shall have been engaged in the practice of landscape architecture for a period of ten years or more prior to his appointment and shall be registered landscape architects. As the term of office of a member of the board expires, his successor shall be appointed in like manner for a term of four years. Each member shall continue to serve until the qualification of his successor. The governor may also fill any vacancy in the board for the unexpired portion of the term.

3 Section 68. The board shall hold at least two regular meetings each year and may hold special meetings as it may determine. At the first regular meeting each year, the board shall organize and choose a chairman who shall be a member of the board and a secretary who may but need not be a member of the board. At all meetings of the board a quorum shall consist of three members.

4 Section 69. The members of the board shall serve without compensation, except that there shall be paid annually by the commonwealth to the secretary, whether a member of the board or not, a salary of five hundred dollars. Each member
shall receive from the commonwealth the necessary travel and other expenses actually incurred by him in the performance of his duties. The board may appoint such clerks as may be necessary; provided that the salary of the secretary and expenses of the members of the board and its employees, and the expenses of the board, shall not be in excess of the receipts for registration and from other sources that have been received by the state treasurer from the board.

Section 2. Chapter 112 of the General Laws is hereby amended by inserting after section ninety-seven, under the caption REGISTRATION OF LANDSCAPE ARCHITECTS, the following sections: —

Section 98. The following words as used in sections ninety-eight to one hundred and seven, inclusive, unless the context otherwise requires, shall have the following meanings: —

"Landscape architect", a person who holds a certificate entitling him to be called by the title "landscape architect" in this commonwealth under the authority of section ninety-nine.

"Landscape architecture", the performance of professional services, such as consultations, investigation, reconnaissance, research, planning, design, or responsible supervision, in connection with the development of land and incidental water areas where and to the extent that the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, naturalistic and esthetic values, the settings and approaches to buildings, structures, facilities or other improvements, and natural drainage and the consideration, determination and solution of inherent problems of the land relating to erosion, wear and tear, blight or other hazards. The practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined herein, but shall not include the practice of architecture, the practice of engineering or the practice of land surveying, as defined in this chapter, or the making of final land plots for official recording or approval. A registered landscape architect may, however, do such architectural, engineering and surveying work as is incidental to his work.
"Board", the board of registration of landscape architects established by section sixty-seven of chapter thirteen.

Section 99. No person shall represent himself to be a landscape architect or use the title landscape architect in the commonwealth on any sign, title, card or other device to indicate that such person is a landscape architect, unless such persons shall have secured from the board a certificate of registration as landscape architect in the manner hereinafter provided. Every holder of a certificate of registration shall display it in a conspicuous place in his principal office or place of employment with the commonwealth.

Section 100. Every registered landscape architect shall have a seal of a design authorized by the board. All plans and specifications and reports prepared by a registered landscape architect, or under his supervision, shall be stamped with the impression of such seal. A registered landscape architect shall impress his seal on any plans, specifications or reports only if his certificate of registration is in full force and if he was the author of such plans, specifications and reports or in responsible charge of their preparation.

Section 101. For registration as a landscape architect, evidence must be submitted to the board that the applicant:

(a) is at least twenty-five years of age and of good moral character;

(b) is a citizen of the United States or has legally declared his intention of so becoming;

(c) has, before admission to the examination, completed the course of study and been graduated from a college or school of landscape architecture approved by the board. He shall also submit, before admission to the examination, evidence of four years of practical experience in landscape architectural work of grade and character satisfactory to the board. In lieu of graduation from an approved college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination upon presenting evidence of at least twelve years of actual, practical experience in landscape architectural
work of a grade and character satisfactory to the board. Credit may be given for approved college education at the discretion of the board.

Section 102. Examinations for registration as a landscape architect shall be held by the board at least once each year, provided that applications shall have been received during the time announced. The board shall adopt rules and regulations covering the subjects and scope of the examinations, shall publish appropriate announcements, and shall conduct the examinations at the times designated. Except as hereinafter provided, every applicant for registration as a landscape architect shall be required, in addition to all other requirements, to establish by written examination, his competency to plan, design, specify any supervise the installation of landscape projects. Each written examination may be supplemented by such oral examinations as the board shall determine.

Section 103. (1) — (a) Every landscape architect shall pay an annual registration fee to the board on or before the thirty-first day of January of each year.

(b) If the annual registration fee is not so paid, a penalty of five dollars shall be added to the amount thereof.

(c) Any holder of a certificate of registration who fails to renew his application within sixty days after notification by the board that his certificate has expired, shall, before again using the title of landscape architect within the commonwealth, be required to register anew, pay a fee of twenty dollars and may be required by the board to be re-examined.

(d) The board shall issue a receipt to each landscape architect promptly upon payment of the annual registration fee.

(2) The fees to be paid to the board shall be as follows:

(a) The application fee for examination is twenty-five dollars.

(b) The fee for an original certificate is ten dollars.

(c) The fee for a duplicate certificate is ten dollars.

(d) The annual registration fee is twenty-five dollars, but
the board may reduce the fee to not less than five
dollars.

Section 104. The board may certify for registration with-
out examination an applicant who is legally registered as a
landscape architect in any other state or country whose re-
quirements for registration are at least substantially equiva-
 lent to the requirements of this commonwealth, provided such
other state or country extends the same privilege of reciprocity
to landscape architects registered in this commonwealth.

Section 105. Nothing in sections ninety-eight to one hun-
dred and seven, inclusive, shall affect any law relating to
architects, professional engineers and land surveyors, land-
scape contractors and city and regional planners, respectively,
and said sections shall not apply to: —

(a) an architect, professional engineer or land surveyor,
certified to practice his profession in the commonwealth
under applicable provisions of law;
(b) a landscape contractor acting as such;
(c) city and regional planners;
(d) an agriculturist, horticulturist, forester, nurseryman,
gardener, landscape gardener, garden or lawn caretaker
and grader or cultivator of land.

None of said persons, however, shall use the title, "land-
scape architect", without complying with said sections.

Nothing herein shall be construed to prevent a firm, part-
nership or corporation from using the title "landscape archi-
tect" or "landscape architects", or similar title provided that
the practice of landscape architecture by such firm, partner-
ship or corporation shall be under the professional and su-
pervisory control of a person registered as a landscape archi-
tect.

Section 106. The board, after due notice and hearing, may
revoke, suspend or annul the certificate of registration of a
landscape architect, or reprimand, censure or otherwise dis-
cipline him, upon proof satisfactory to the board:

(a) that the holder of such certificate of registration is in
violation of any provision of sections ninety-eight to
one hundred and seven, inclusive, or of any rule or
regulation promulgated by the board;
(b) that such certificate of registration was obtained by
fraud or misrepresentation;
(c) that any money or thing of value, except fees pre-
scribed or authorized by said sections, was paid or
received to secure the issuance of such certificate of
registration;
(d) that the holder of such certificate of registration has
been guilty of a felony;
(e) that the holder of such certificate of registration has
been guilty of fraud or deceit, or of gross negligence,
incompetence or misconduct, in the use of the title of
landscape architect; or
(f) that the holder of such certificate of registration has
permitted or suffered his official seal to be affixed to
any plans, specifications, drawings or reports, if such
portions thereof as involve the practice of landscape
architecture were not prepared by him or under his
personal supervision by his regularly employed subor-
dinates.

The board may reissue a certificate of registration to any
person whose certificate of registration has been revoked. Ap-
plication for the reissuance of a certificate of registration
shall be made in such manner as the board may direct.

Section 107. It shall be unlawful for any person to: —
(a) hold himself out to be called a landscape architect un-
less he is registered under the provisions of sections
ninety-eight to one hundred six, inclusive;
(b) present as his own certificate of registration of another;
(c) give false or forged evidence to the board of registra-
tion or any member thereof in obtaining a certificate;
(d) falsely impersonate any other registrant of like or dif-
ferent name;
(e) use or attempt to use a certificate of registration that
has been revoked;
(f) otherwise violate any of the provisions of said sections.

Such violation shall be punishable by a fine of not less than
181 one hundred dollars nor more than five hundred dollars, or
182 by imprisonment for not more than one year, or both.

1 Section 3. Notwithstanding any other provisions of this
2 act, any person over the age of twenty-five years and of good
3 moral character, who submits evidence satisfactory to the board
4 that, for not less than one year prior to the passage of this
5 act, he has been regularly engaged in the practice of landscape
6 architecture as herein defined, shall be entitled to receive, with-
7 out an examination, a certificate of registration to use the title
8 landscape architect, if he files an application therefor ac-
9 companied by the fee for an original certificate on or before
10 one year after the passage of this act.

1 Section 4. In making the original appointments to the
2 board of registration of landscape architects, established by
3 section sixty-seven of chapter thirteen of the General Laws, in-
4 serted by section one of this act, the governor shall appoint
5 one member for a term of one year, two members for terms
6 of two years and two members for terms of three years. Any
7 landscape architect so appointed, or any successor to such
8 appointee if appointed within ninety days after the effective
9 date of this act, need not be a registered landscape architect
10 but he shall have the other qualifications set forth in said
11 section sixty-seven.