

Testimony in favor of SB 612

as presented to the

PA House of Representatives Professional Licensure Committee

Mike Sturla, Chairman

in a hearing on March 4, 2008 in Philadelphia, Pennsylvania

by: Carl R. Kelemen, RLA, FASLA

March 4, 2008

Chairman Sturla and Committee members:

I am Carl R. Kelemen, a Registered Landscape Architect who holds licenses in PA, NJ and DE. I am here to testify before this Committee in support of SB 612.

I am a small business owner and partner of a five-person landscape architecture and planning firm whose office is located in Phoenixville, Chester County. I graduated from Temple University's Ambler Campus with an Associate Degree in Landscape Design in 1972. I received a Bachelor of Environmental Studies in 1974 and a Bachelor of Landscape Architecture from the State University of New York in 1974 and 1975 respectively. I received my license in Pennsylvania by examination in 1981. I received my licenses in Delaware and New Jersey by reciprocity in 1993 and 1994 respectively. I have worked for landscape architecture, architecture, engineering and multidisciplinary offices in Pennsylvania, New Jersey, Delaware and Virginia. I have worked in private practice, governmental agencies and the design/build sectors of the industry.

During the last several years, I have also volunteered as a grader of the Landscape Architecture Registration Examination (L.A.R.E.). This examination is given to determine minimum competency in the field of landscape architecture. Specifically, it tests competency in grading, stormwater management, site layout, pedestrian and vehicular safety, comprehension of governmental regulations, hydraulics, environmental assessment and permits, and plant material use.

The purpose of the changes to SB 612 is twofold:

1. Eliminate the ability of a license candidate to obtain a license to practice landscape architecture by interview and experience alone. A candidate may still obtain licensure by experience and interview, however, the candidate must now sit for the Landscape Architect Registration Examination (L.A.R.E.).
2. Upgrade the requirement for the number of Continuing Education Units (CEUs) required by licensees to maintain their licenses.

This clause was placed in the original legislation to allow those who had been working in the industry for many years to continue their practice. This approach is similar to other licensing laws throughout the country and was used in the Commonwealth as well. In fact, the engineers, surveyors, architects and other design professionals had similar provisions in their acts when they were first implemented. All of these professions have since had this provision removed from their acts. Since, landscape architecture is, like the other design professions now a well-established profession with an act that is both strong and has a long history (it was originally enacted forty years ago), I believe that its time to be put to rest is long overdue.

In testimony of the potential for abuse of this provision, I would like to point to a recent case. A candidate applied for licensure as a landscape architect by interview. In their application, the candidate represented experience exceeding the minimum required, and cited experience under the tutelage of a licensed professional. In this case, the registered professional signing for the candidate was an architect. This is permitted under the law. The candidate's direct supervisor, was a registered landscape architect, however, not a Pennsylvania registrant. The candidate did not have a degree in landscape architecture or a related field and had not had responsibility for design or management of a project. In the opinion of other registered landscape architects with whom the candidate worked, the candidate lacked the understanding and competency of the technical requirements to do the work. The candidate was responsible for translating the information given by a landscape architect to the drawings and had no direct responsibility for the adequacy, completeness or accuracy of the work represented on the drawings.

The candidate presented to the license board, showing work drafted by the candidate, but designed by the candidate's supervisor. The board, assuming that the work presented was, in fact the candidate's and based on the candidate's testimony, felt that the candidate was not qualified sufficiently by experience to be granted a license, however, would be granted an opportunity to take the examination based on the provisions under this clause.

The second part of SB 612 relates to continuing education. During the last two decades, more and more licensing boards have come to recognize that technology and regulations are changing the design world in ways not anticipated in the licensing laws or the examinations that have been used to test for minimum competency. There are now 26 states which require continuing education of landscape architects. This trend is bleeding over to other professions as well. Recently in Pennsylvania, the architects, engineers and surveyors all proposed similar legislation to upgrade their acts in recognition of this issue. The purpose of the upgrade to the landscape architecture registration act is to come into parity with surrounding states. New Jersey and Ohio require twenty-four continuing education units per two-year cycle; Delaware requires require twenty continuing education units. New York requires thirty-six continuing education units per three-year cycle.

With Pennsylvania requiring less than half of the surrounding states, professionals were concerned that the surrounding states would no longer recognize Pennsylvania candidates as "equal" in the eyes of the licensing laws. This, it was feared, could reduce Pennsylvania registrants' ability to work or become registered in surrounding states.

Over the course of my thirty year professional career, I have seen many changes in technology; updates and changes to regulations; new regulations; introductions of products and tools to make my job easier; new techniques and procedures to improve the quality of installations; increased awareness and understanding of environmental systems; and, a dramatic increase in litigation for various errors in practices.

Perhaps the single most important change in technology is the introduction and increased use of computers in the work world. This change alone has dramatically affected the way I do business and the amount and types of information I can access and use in my daily practice. Virtually every aspect of my practice is affected by the electronic technology in use today.

This same change makes my practice significantly more complex, due to the vast quantities of information that must be processed. It requires me to maintain competency in more areas of the practice of landscape architecture in order to: •serve my clients effectively; •protect the environment; •protect the health, safety and welfare of the public; and, •address the regulations and quality of life concerns of the communities in which my projects are located.

Other technological advances include the multiplicity of software packages that allow me to •quickly collect and analyze data; •create and edit drawings; and, •create presentations, reports (similar to this one) and other documents in the course of my work with more speed and accuracy; and, the internet which allows me to obtain and disperse information quickly and efficiently between consultants, clients and regulating agencies.

The next major influence on the practice of Landscape Architecture includes updates and changes to existing regulations and implementation of new regulations which affect many aspects of the profession. Some of the recent major regulation changes include •a major rewrite of the stormwater management guidelines, which defines the methods of treating stormwater to reduce flooding and increase ground water recharge; •frequent updates and revisions to planning and zoning regulations, which vary from community to community; •implementation of smart growth ordinances and transfer of development rights, new ordinances and other similar regulations. Constantly evolving ordinances mean frequent retraining for professional staff to make sure design services meet the needs of clients while satisfying the growth goals and construction standards of communities.

Finally, the increased concern over Global Warming has put landscape architects in the forefront as creators and users of the technological improvements and techniques that help us and our clients address environmental issues on local, regional and statewide levels. My firm is working with clients to implement advanced stormwater management systems, green roof technology, understanding of watershed management issues, creation of wetlands, brownfield development projects, reclamation of brownfields for recreation and other public and private uses and other techniques which address local and regional environmental issues.

For all of the above reasons, it is critical to the public's health, safety and welfare that continuing education be maintained and upgraded for landscape architects.

Thank you for allowing me to testify on behalf of this legislation. I stand ready to answer questions and provide additional information as you need it.