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HOUSE BILL 779

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Pauline K. Gubbels

AN ACT

RELATING TO LANDSCAPE ARCHITECTS; AMENDING THE LANDSCAPE ARCHITECTS ACT TO COMPLY WITH CURRENT PRACTICES OF OTHER PROFESSIONAL DISCIPLINES, TO DELETE OBSOLETE LANGUAGE AND TO MAKE OTHER REVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-24B-3 NMSA 1978 (being Laws 1985, Chapter 151, Section 3) is amended to read:

"61-24B-3. DEFINITIONS. --As used in the Landscape Architects Act:

A. "board" means the board of landscape architects;

B. "general administration of a construction contract" means the interpretation of drawings and specifications, the establishment of standards of acceptable

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1 workmanship and the periodic observation of construction to
2 facilitate consistency with the general intent of the
3 construction documents;

4 C. "landscape architect" means any individual
5 registered under the Landscape Architects Act to practice
6 landscape architecture; and

7 D. [~~"landscape architectural services" means the~~
8 ~~practice of landscape architecture~~] "landscape architecture"
9 means the art, profession or science of designing land
10 improvements, including [but not limited to] consultation,
11 investigation, research, design, preparation of drawings and
12 specifications and general administration of contracts [where
13 the dominant purposes of such services are:

14 (1) ~~the preservation or enhancement of land~~
15 ~~uses and natural features;~~

16 (2) ~~the location and construction of~~
17 ~~functional approaches for structures, pathways or walkways; or~~

18 (3) ~~the design of trails, plantings and~~
19 ~~landscape irrigation].~~

20 Nothing contained in this definition shall be construed
21 as authorizing a landscape architect to engage in the practice
22 of architecture, engineering or land surveying as defined by
23 Sections 61-15-2 and 61-23-6 NMSA 1978. "

24 Section 2. Section 61-24B-4 NMSA 1978 (being Laws 1985,
25 Chapter 151, Section 4) is amended to read:

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1 "61-24B-4. REGISTRATION REQUIRED. -- No person shall
2 practice [~~as a~~] landscape [~~architect~~] architecture or
3 represent himself as a landscape architect unless he has a
4 certificate of registration issued pursuant to the Landscape
5 Architects Act. "

6 Section 3. Section 61-24B-5 NMSA 1978 (being Laws 1985,
7 Chapter 151, Section 5, as amended) is amended to read:

8 "61-24B-5. EXEMPTIONS. --

9 A. The following shall be exempt from the
10 provisions of the Landscape Architects Act as long as they do
11 not hold themselves out as landscape architects or use the
12 term "landscape architect" without being registered pursuant
13 to the Landscape Architects Act:

14 [~~A.-~~] (1) landscape architects who are not
15 legal residents of or who have no established place of
16 business in this state who are acting as consulting associates
17 of a landscape architect registered under the provisions of
18 the Landscape Architects Act; provided that the nonresident
19 landscape architect meets equivalent registration
20 qualifications in his own state or country;

21 [~~B.-~~] (2) landscape architects acting solely
22 as officers or employees of the United States [~~or any~~
23 ~~interstate railroad system; and~~

24 ~~C. landscape designers, land planners,~~
25 ~~agriculturalists, soil conservationists, agronomists,~~

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1 ~~horticulturists, foresters, tree experts, arborists,~~
2 ~~gardeners, contract landscape caretakers, landscape~~
3 ~~nurserymen, graders or contractors, or cultivators of land and~~
4 ~~any person making plans for property owned by himself;~~
5 ~~provided that none of these shall hold themselves out as~~
6 ~~landscape architects or use the term "landscape architect"~~
7 ~~without being registered pursuant to the provisions of the~~
8 ~~Landscape Architects Act]; and~~

9 (3) a person making plans for a landscape
10 associated with a single-family residence or a multi-family
11 residential complex of four units or less except when it is
12 part of a larger complex.

13 B. Nothing in the Landscape Architects Act is
14 intended to limit, interfere with or prevent a professional
15 architect, engineer or land surveyor from engaging in
16 landscape architecture within the limits of his licensure.

17 C. Nothing in the Landscape Architects Act is
18 intended to limit, interfere with or prevent the draftsmen,
19 students, clerks or superintendents and other employees of
20 registered landscape architects from acting under the
21 instructions, control or supervision of the [registered]
22 landscape architect or to prevent the employment of
23 superintendents on the construction, enlargement or
24 alterations of landscape improvements or any appurtenances
25 thereto or to prevent such superintendents from acting under

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1 the immediate personal supervision of ~~[registered]~~ landscape
2 architects by whom the plans and specifications of any
3 landscape architectural services were prepared. "

4 Section 4. Section 61-24B-6 NMSA 1978 (being Laws 1985,
5 Chapter 151, Section 6, as amended) is amended to read:

6 "61-24B-6. BOARD CREATED-- MEMBERS-- QUALIFICATIONS--
7 TERMS-- VACANCIES-- REMOVAL. --

8 A. ~~[There is created a]~~ The "board of landscape
9 architects" is created. The board shall consist of five
10 members, three of whom shall be ~~[registered]~~ landscape
11 architects ~~[having ten years' or more experience in the~~
12 ~~profession; provided, however, that the initial two landscape~~
13 ~~architects approved shall be registered within six months of~~
14 ~~the effective date of the Landscape Architects Act, and]~~. The
15 landscape architect members shall have been registered as
16 landscape architects for at least five years. The two public
17 members shall represent the public and shall not have been
18 licensed as landscape architects or have any significant
19 financial interest, direct or indirect, in the occupation
20 regulated.

21 B. ~~[Upon enactment of the Landscape Architects~~
22 ~~Act, appointments shall be made by the governor.]~~ The members
23 of the board shall be appointed by the governor for staggered
24 terms of three years, and appointments shall be made in such a
25 manner that the terms of board members expire on June 30. The

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1 landscape architect members of the board shall be appointed
2 from lists submitted to the governor by the New Mexico chapter
3 of the American society of landscape architects. A vacancy
4 shall be filled by appointment by the governor for the
5 unexpired term and shall be filled by persons having similar
6 qualifications to those of the member being replaced. Board
7 members shall serve until their successors have been appointed
8 and qualified.

9 C. The board shall meet within sixty days of the
10 [~~effective date of the Landscape Architects Act~~] beginning of
11 a fiscal year and elect from its membership a chairman and
12 vice chairman. The board shall meet at such other times as it
13 deems necessary or advisable or as deemed necessary and
14 advisable by the chairman or a majority of its members or the
15 governor, but in no event less than twice a year. Reasonable
16 notice of all meetings shall be given in the manner prescribed
17 by the board. A majority of the board shall constitute a
18 quorum at any meeting or hearing.

19 D. The governor may remove any member from the
20 board for neglect of any duty required by law, for
21 incompetence, for improper or unprofessional conduct as
22 defined by board [~~regulation~~] rule or for any reason [~~which~~]
23 that would justify the suspension or revocation of his
24 registration to practice landscape architecture.

25 E. No board member shall serve more than two

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1 consecutive full terms, and any member failing to attend,
2 after proper notice, three consecutive meetings shall
3 automatically be removed as a board member, unless excused for
4 reasons set forth in board [~~regulations~~] rules.

5 F. Members of the board shall be reimbursed as
6 provided in the Per Diem and Mileage Act and shall receive no
7 other compensation, perquisite or allowance."

8 Section 5. Section 61-24B-7 NMSA 1978 (being Laws 1985,
9 Chapter 151, Section 7, as amended) is amended to read:

10 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

11 A. promulgate rules [~~and regulations~~] necessary to
12 effectuate the provisions of the Landscape Architects Act;

13 B. employ such persons as necessary to carry out
14 the provisions of the Landscape Architects Act;

15 C. provide for the examination, registration and
16 re-registration of all applicants;

17 D. adopt and use a seal;

18 E. administer oaths and take testimony on matters
19 within the board's jurisdiction;

20 F. grant, deny, renew, suspend or revoke
21 certificates of registration to practice landscape
22 architecture in accordance with the provisions of the Uniform
23 Licensing Act for any cause stated in the Landscape Architects
24 Act;

25 G. conduct hearings upon charges relating to

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1 discipline of a registrant or the denial, suspension or
2 revocation of a certificate of registration; and

3 H. ~~[participate]~~ in cooperation with the state
4 board of examiners for architects and the state board of
5 ~~[registration]~~ licensure for professional engineers and ~~[land]~~
6 surveyors, ~~[in-creating]~~ create a joint standing committee to
7 be known as the "~~[architect-engineer-landscape-architect]~~
8 joint practice committee" ~~[to resolve disputes concerning~~
9 ~~these professions]~~ to safeguard life, health and property and
10 to promote the public welfare. The committee shall promote
11 and develop the highest professional standards in design,
12 planning and construction and the resolution of ambiguities
13 concerning the professions. The composition of this committee
14 and its powers and duties shall be in accordance with
15 identical resolutions adopted by each board. "

16 Section 6. Section 61-24B-8 NMSA 1978 (being Laws 1985,
17 Chapter 151, Section 8) is amended to read:

18 "61-24B-8. QUALIFICATIONS FOR REGISTRATION. -- ~~[Any]~~ A
19 person desiring to become registered as a landscape architect
20 shall make application to the board on a written form and in
21 such manner as the board prescribes, pay all required
22 application fees and certify and furnish evidence to the board
23 that the applicant:

24 A. has graduated from an accredited program in
25 landscape architecture at a school, college or university

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1 offering an accredited minimum four-year curriculum and has a
2 minimum of three years of practical experience acceptable to
3 the board, at least one year of which shall be under the
4 supervision of a [registered] landscape architect [~~or a person~~
5 ~~who becomes a registered landscape architect within one year~~
6 ~~from the effective date of the Landscape Architects Act~~];
7 provided that a master's degree in landscape architecture from
8 an accredited college or university may be accepted in lieu of
9 one year of practical experience;

10 B. has graduated from a nonaccredited program of
11 landscape architecture or a related field at a school, college
12 or university offering an accredited minimum four-year
13 curriculum and has a minimum of four years of practical
14 experience acceptable to the board, at least one year of which
15 shall be under the supervision of a [registered] landscape
16 architect [~~or a person who becomes a registered landscape~~
17 ~~architect within one year from the effective date of the~~
18 ~~Landscape Architects Act~~]; provided that a master's degree
19 from a nonaccredited program of landscape architecture or a
20 related field may be accepted in lieu of one year of practical
21 experience; or

22 C. has a minimum of ten years of practical
23 experience in landscape architectural work [~~which~~] that is
24 acceptable to the board, provided that:

25 (1) each satisfactorily completed year of study

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1 in an accredited program of landscape architecture in an
2 accredited school, college or university may be accepted in
3 lieu of one year of practical experience required under this
4 subsection;

5 (2) a baccalaureate degree from an accredited
6 college or university in a related field may be accepted in
7 lieu of two years of practical experience required under this
8 subsection; or

9 (3) a master's degree from an accredited
10 school, college or university in a related field may be
11 accepted in lieu of three years of practical experience
12 required under this subsection. "

13 Section 7. Section 61-24B-9 NMSA 1978 (being Laws
14 1985, Chapter 151, Section 9) is amended to read:

15 "61-24B-9. REGISTRATION OF LANDSCAPE ARCHITECTS--
16 EXAMINATIONS-- EXEMPTIONS. --

17 A. Applicants for certificates of registration shall
18 be required to pass the board's examination for landscape
19 architects. An applicant who [~~successfully~~] passes the
20 examination may be issued a certificate of registration to
21 practice as a landscape architect.

22 B. The board shall conduct examinations of
23 applicants for certificates of registration as landscape
24 architects at least once each year. The examination shall
25 determine the ability of the applicant to use and understand

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1 the theory and practice of landscape architecture and may be
2 divided into such subjects as the board deems necessary.

3 C. An applicant who fails to pass the examination
4 may reapply for the examination [~~provided that~~] if the
5 applicant complies with the [~~regulations~~] rules established by
6 the board.

7 D. The board may issue a certificate to practice as
8 a landscape architect without an examination to an applicant
9 who holds a current certificate of registration or license as
10 a landscape architect issued by another state [~~provided that~~]
11 if the standards of the other state are as stringent as those
12 established by the board and [~~provided that~~] if the applicant
13 meets the qualifications required of a landscape architect in
14 this state.

15 [~~E. For one year after the effective date of the~~
16 ~~Landscape Architects Act, the board shall issue a certificate~~
17 ~~of registration to practice as a landscape architect without~~
18 ~~an examination to an applicant who meets the application~~
19 ~~requirements and pays the application and certificate of~~
20 ~~registration fees, provided that the practical experience~~
21 ~~required in Section 7 of the Landscape Architects Act need not~~
22 ~~have been under the supervision of a registered landscape~~
23 ~~architect.] "~~