

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

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

D. "landscape architecture" means the art, profession or science of designing land improvements, including consultation, investigation, research, design,

preparation of drawings and specifications and general administration of contracts.

Nothing contained in this definition shall be construed as authorizing a landscape architect to engage in the practice of architecture, engineering or land surveying as defined by Chapter 61, Articles 15 and 23 NMSA 1978."

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

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

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

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

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

(1) landscape architects who are not legal residents of or who have no established place of business in this state who are acting as consulting associates of a landscape architect registered under the provisions of the

Landscape Architects Act; provided that the nonresident landscape architect meets equivalent registration qualifications in his own state or country;

(2) landscape architects acting solely as officers or employees of the United States; and

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

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

C. Nothing in the Landscape Architects Act is intended to limit, interfere with or prevent the draftsmen, students, clerks or superintendents and other employees of registered landscape architects from acting under the instructions, control or supervision of the landscape architect or to prevent the employment of superintendents on the construction, enlargement or alterations of landscape improvements or any appurtenances thereto or to prevent such superintendents from acting under the immediate personal supervision of landscape architects by whom the plans and specifications of any landscape architectural services were prepared. "

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

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

A. The "board of landscape architects" is created. The board shall consist of five members, three of whom shall be landscape architects. The landscape architect members shall have been registered as landscape architects for at least five years. The two public members shall represent the public and shall not have been licensed as landscape architects or have any significant financial interest, direct or indirect, in the occupation regulated.

B. The members of the board shall be appointed by the governor for staggered terms of three years, and appointments shall be made in such a manner that the terms of board members expire on June 30. The landscape architect members of the board shall be appointed from lists submitted to the governor by the New Mexico chapter of the American society of landscape architects. A vacancy shall be filled by appointment by the governor for the unexpired term and shall be filled by persons having similar qualifications to those of the member being replaced. Board members shall serve until their successors have been appointed and qualified.

C. The board shall meet within sixty days of the

beginning of a fiscal year and elect from its membership a chairman and vice chairman. The board shall meet at such other times as it deems necessary or advisable or as deemed necessary and advisable by the chairman or a majority of its members or the governor, but in no event less than twice a year. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing.

D. The governor may remove any member from the board for neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by board rule or for any reason that would justify the suspension or revocation of his registration to practice landscape architecture.

E. No board member shall serve more than two consecutive full terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board rules.

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

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

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

- A. promulgate rules necessary to effectuate the provisions of the Landscape Architects Act;
- B. employ such persons as necessary to carry out the provisions of the Landscape Architects Act;
- C. provide for the examination, registration and re-registration of all applicants;
- D. adopt and use a seal;
- E. administer oaths and take testimony on matters within the board's jurisdiction;
- F. grant, deny, renew, suspend or revoke certificates of registration to practice landscape architecture in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Landscape Architects Act;
- G. conduct hearings upon charges relating to discipline of a registrant or the denial, suspension or revocation of a certificate of registration; and
- H. in cooperation with the state board of examiners for architects and the state board of licensure for professional engineers and surveyors, create a joint standing committee to be known as the "joint practice committee" to safeguard life, health and property and to promote the public welfare. The committee shall promote and develop the highest professional standards in design, planning and construction and the resolution of ambiguities concerning the professions.

The composition of this committee and its powers and duties shall be in accordance with identical resolutions adopted by each board. "

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

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

A. has graduated from an accredited program in landscape architecture at a school, college or university offering an accredited minimum four-year curriculum and has a minimum of three years of practical experience acceptable to the board, at least one year of which shall be under the supervision of a landscape architect. A master's degree in landscape architecture from an accredited college or university may be accepted in lieu of one year of practical experience;

B. has graduated from a nonaccredited program of landscape architecture or a related field at a school, college or university offering an accredited minimum four-year curriculum and has a minimum of four years of practical experience acceptable to the board, at least one year of

which shall be under the supervision of a landscape architect. A master's degree from a nonaccredited program of landscape architecture or a related field may be accepted in lieu of one year of practical experience; or

C. has a minimum of ten years of practical experience in landscape architectural work that is acceptable to the board, provided that:

(1) each satisfactorily completed year of study in an accredited program of landscape architecture in an accredited school, college or university may be accepted in lieu of one year of practical experience required under this subsection;

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

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

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

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

A. Applicants for certificates of registration



shall be required to pass the board's examination for landscape architects. An applicant who passes the examination may be issued a certificate of registration to practice as a landscape architect.

B. The board shall conduct examinations of applicants for certificates of registration as landscape architects at least once each year. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary.

C. An applicant who fails to pass the examination may reapply for the examination if the applicant complies with the rules established by the board.

D. The board may issue a certificate to practice as a landscape architect without an examination to an applicant who holds a current certificate of registration or license as a landscape architect issued by another state if the standards of the other state are as stringent as those established by the board and if the applicant meets the qualifications required of a landscape architect in this state."