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HOUSE BILL 128

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Irvin Harrison

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; PROVIDING FOR LANDSCAPE ARCHITECT IN TRAINING CERTIFICATION; CHANGING THE REGISTRATION QUALIFICATIONS FOR A LANDSCAPE ARCHITECT; AMENDING AND ENACTING SECTIONS OF THE LANDSCAPE ARCHITECTS ACT.

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, as amended) 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

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1 facilitate consistency with the general intent of the  
2 construction documents;

3 C. "landscape architect" means ~~[any]~~ an individual  
4 registered under the Landscape Architects Act to practice  
5 landscape architecture; ~~[and]~~

6 D. "landscape architect in training" means an  
7 individual certified under the Landscape Architects Act who is  
8 actively pursuing completion of the requirements for licensure  
9 pursuant to that act; and

10 ~~[D-]~~ E. "landscape architecture" means the art,  
11 profession or science of designing land improvements, including  
12 consultation, investigation, research, design, preparation of  
13 drawings and specifications and general administration of  
14 contracts. Nothing contained in this definition shall be  
15 construed as authorizing a landscape architect to engage in the  
16 practice of architecture, engineering or land surveying as  
17 defined by Chapter 61, Articles 15 and 23 NMSA 1978."

18 Section 2. Section 61-24B-5 NMSA 1978 (being Laws 1985,  
19 Chapter 151, Section 5, as amended) is amended to read:

20 "61-24B-5. EXEMPTIONS.--

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

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1 (1) landscape architects who are not legal  
2 residents of or who have no established place of business in  
3 this state who are acting as consulting associates of a  
4 landscape architect registered under the provisions of the  
5 Landscape Architects Act; provided that the nonresident  
6 landscape architect meets equivalent registration  
7 qualifications in [~~his~~] the landscape architect's own state or  
8 country;

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

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

15 B. Nothing in the Landscape Architects Act is  
16 intended to limit, interfere with or prevent a professional  
17 architect, engineer or land surveyor from engaging in landscape  
18 architecture within the limits of [~~his~~] the architect's,  
19 engineer's or land surveyor's licensure.

20 C. Nothing in the Landscape Architects Act is  
21 intended to limit, interfere with or prevent the [~~draftsmen~~]  
22 landscape architects in training, drafters, students, clerks or  
23 superintendents and other employees of registered landscape  
24 architects from acting under the instructions, control or  
25 supervision of the landscape architect or to prevent the

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1 employment of superintendents on the construction, enlargement  
2 or alterations of landscape improvements or any appurtenances  
3 thereto or to prevent such superintendents from acting under  
4 the immediate personal supervision of landscape architects by  
5 whom the plans and specifications of any landscape  
6 architectural services were prepared."

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

9 "61-24B-7. BOARD--POWERS AND DUTIES.--The board shall:

- 10 A. promulgate rules necessary to effectuate the  
11 provisions of the Landscape Architects Act;
- 12 B. provide for the examination, registration and  
13 re-registration of applicants;
- 14 C. adopt and use a seal;
- 15 D. administer oaths and take testimony on matters  
16 within the board's jurisdiction;
- 17 E. grant, deny, renew, suspend or revoke  
18 certificates of registration to practice landscape architecture  
19 in accordance with the provisions of the Uniform Licensing Act  
20 for any cause stated in the Landscape Architects Act;
- 21 F. grant, deny, renew, suspend or revoke landscape  
22 architect in training certificates in accordance with the  
23 provisions of the Uniform Licensing Act for any cause stated in  
24 the Landscape Architects Act;
- 25 [~~F.~~] 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 [G-] H. in cooperation with the state board of  
4 examiners for architects and the state board of licensure for  
5 professional engineers and surveyors, create a joint standing  
6 committee to be known as the "joint practice committee" to  
7 safeguard life, health and property and to promote the public  
8 welfare. The committee shall promote and develop the highest  
9 professional standards in design, planning and construction and  
10 the resolution of ambiguities concerning the professions. The  
11 composition of this committee and its powers and duties shall  
12 be in accordance with identical resolutions adopted by each  
13 board."

14 Section 4. Section 61-24B-8 NMSA 1978 (being Laws 1985,  
15 Chapter 151, Section 8, as amended) is amended to read:

16 "61-24B-8. QUALIFICATIONS FOR REGISTRATION.--A person  
17 desiring to become registered as a landscape architect shall  
18 make application to the board on a written form and in such  
19 manner as the board prescribes, pay all required application  
20 fees and certify and furnish evidence to the board that the  
21 applicant:

22 A. has graduated from an accredited program in  
23 landscape architecture at a school, college or university  
24 [~~offering an accredited minimum four-year curriculum and has a~~  
25 ~~minimum of three years of practical experience acceptable to~~

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1 ~~the board]~~ and has a minimum of two years of practical  
2 experience acceptable to the board, at least one year of which  
3 shall be under the supervision of a landscape architect [A  
4 ~~master's degree in landscape architecture from an accredited~~  
5 ~~college or university may be accepted in lieu of one year of~~  
6 ~~practical experience];~~

7 B. has graduated from a nonaccredited program of  
8 landscape architecture [~~or a related field~~] at a school,  
9 college or university offering [~~an accredited~~] a minimum four-  
10 year bachelor's degree curriculum [and has] or a minimum two-  
11 year master's degree curriculum and has a minimum of four years  
12 of practical experience acceptable to the board, at least one  
13 year of which shall be under the supervision of a landscape  
14 architect [A ~~master's degree from a nonaccredited program of~~  
15 ~~landscape architecture or a related field may be accepted in~~  
16 ~~lieu of one year of practical experience; or];~~

17 C. has graduated from a program in a field related to  
18 landscape architecture at a school, college or university  
19 offering a minimum four-year bachelor's degree curriculum or a  
20 minimum two-year master's degree curriculum and has a minimum  
21 of five years of practical experience acceptable to the board,  
22 at least one year of which shall be under the supervision of a  
23 landscape architect; or

24 [G.] D. has a minimum of ten years of practical  
25 experience in landscape architectural work that is acceptable

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1 to the board, at least one year of which shall be under the  
2 supervision of a landscape architect, provided that:

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

8 (2) a baccalaureate degree from [~~an accredited~~]  
9 a school, college or university [~~in a related field~~] may be  
10 accepted in lieu of two years of practical experience required  
11 under this subsection [~~or~~

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

16 Section 5. A new section of the Landscape Architects Act  
17 is enacted to read:

18 "[NEW MATERIAL] QUALIFICATIONS FOR CERTIFICATION AS  
19 LANDSCAPE ARCHITECT IN TRAINING.--A person desiring to be  
20 certified as a landscape architect in training shall make  
21 application to the board on a written form and in such manner  
22 as the board prescribes, pay all required application fees and  
23 certify and furnish evidence to the board that the applicant  
24 has practical experience in landscape architectural work  
25 acceptable to the board and has:

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1           A. graduated from an accredited program in landscape  
2 architecture at a school, college or university;

3           B. graduated from a non-accredited program of  
4 landscape architecture at a school, college or university  
5 offering a minimum four-year bachelor's degree curriculum or a  
6 minimum two-year master's degree curriculum; or

7           C. graduated from a program related to landscape  
8 architecture at a school, college or university offering a  
9 minimum four-year bachelor's degree curriculum or a minimum  
10 two-year master's degree curriculum."

11           Section 6. A new section of the Landscape Architects Act  
12 is enacted to read:

13           "[NEW MATERIAL] CERTIFICATION AS LANDSCAPE ARCHITECT IN  
14 TRAINING--EXAMINATION.--

15           A. Applicants for certification as a landscape  
16 architect in training shall be required to pass the board's  
17 examination for landscape architect in training. An applicant  
18 who passes the examination may be issued a certificate as a  
19 landscape architect in training. The certification is intended  
20 to demonstrate that the applicant has obtained certain skills  
21 in landscape architecture fundamentals and is pursuing a career  
22 in landscape architecture.

23           B. The board shall conduct examinations of applicants  
24 for certification as landscape architects in training at least  
25 once each year. The examination shall determine the ability of

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

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

7 D. Certification as a landscape architect in training  
8 is limited in duration in accordance with the rules established  
9 by the board."

10 Section 7. Section 61-24B-11 NMSA 1978 (being Laws 1985,  
11 Chapter 151, Section 11, as amended) is amended to read:

12 "61-24B-11. FEES.--The board shall establish a schedule  
13 of reasonable fees for applications, certificates of  
14 registration, certificates as a landscape architect in  
15 training, temporary permits, re-registration, inactive status  
16 and late registration renewal as follows:

17 A. the initial application fee shall be set in an  
18 amount not to exceed one hundred dollars (\$100);

19 B. the initial certificate of registration fee shall  
20 be set in an amount not to exceed three hundred dollars (\$300);

21 C. the certificate of registration renewal fee shall  
22 be set in an amount not to exceed four hundred dollars (\$400);

23 D. the initial and the renewal fee for landscape  
24 architect in training certification shall be set in an amount  
25 not to exceed two hundred dollars (\$200);

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~~[D.]~~ E. the annual inactive status fee shall be set  
at one-half the renewal fee for the year; and

~~[E.]~~ F. the late fee for registration renewal shall  
be set at an amount not to exceed twice the renewal fee."