

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Landscape Architects will hold a rule hearing on, Wednesday December 14th, 2022, at 10:00 a.m. Following the rule hearing, the Board will convene a regular board meeting consider and adopt the rules and take care of regular business. The meeting will be held at the Regulation and Licensing Department at 2550 Cerrillos Rd, Santa Fe, NM 87507.

The meeting will also be available virtually via Cisco Webex Meetings.
<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=ef89cf5b25949a0d21c4cfdee7eddaef8>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2485 186 2006

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.44.2 NMAC - Educational and Examination Requirements for Licensure
- 16.44.3 NMAC - Registration for Licensure
- 16.44.4 NMAC - License or Certificate Expiration and Renewal
- 16.44.10 NMAC - Expedited Licensure

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/landscape-architects/la-board-information/la-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4930 or by email at landscape.architectsbd@rld.nm.gov.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Justin Gonzales, Board Administrator, via electronic mail to landscape.architectsbd@rld.nm.gov, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Tuesday December 13th, 2022. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/landscape-architects/la-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/landscape-architects/la-board-information/la-board-meetings/>. Copies of the agenda may also be obtained by contacting Justin Gonzales, Board Administrator at (505) 476-4930.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Justin Gonzales, Board Administrator (505) 476-4930.

Statutory Authority:

The proposed rule changes are authorized by the Landscape Architects Act, Sections 61-44-1 through 61-44-10 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The proposed rule is also expressly authorized by House Bill 191 (see Laws 2022, Ch. 39), which directs the board to adopt rules to align with the expedited licensure requirements of the Uniform Licensing Act, Section 61-1-1 NMSA 1978 through -including the specific conditions of the new expedited licensure and expedited military licensure contained within Sections 61-1-31.1 and 61-1-34 NMSA 1978.

The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Office of the Attorney General, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of the Proposed Rules:

The proposed rule change is intended primarily to address the requirements of expedited licensure adopted by the New Mexico Legislature during its 2022 Regular Session with the passage of House Bill 191, which amended both the Uniform Licensing Act and the Board's statute. The purpose of the proposed rule is to comply with this legislation and identify licensing jurisdictions, which include states and territories of the United States and District of Columbia, from which it will accept or deny an applicant for expedited licensure. The purpose of the proposed rule is also to ensure that board processes and requirements in rule for expedited licensure and expedited military licensure comply with the updates to the Uniform Licensing Act and the Board's statute made by House Bill 191, which is intended to simplify some reciprocal licensing and provide greater access to qualified individuals seeking licensure in New Mexico. More generally, the proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Changes:

The proposed rule includes standardized language and definitions that harmonize requirements adopted by House Bill 191 in order to create consistent terminology among professional and occupational licensing boards attached to the Regulation and Licensing Department. This work was done in close consultation with the New Mexico Office of the Attorney General, which provides legal counsel to individual boards.

As a result of this coordinated project, the language of the proposed rule is very similar to other licensing boards subject to the requirements of House Bill 191. The substantive policy portions focus primarily on two specific requirements, which include 1) adopting a list of disapproved licensing jurisdictions and their specific reasons for disapproval for each license type; and 2) identifying which, if any, examination normally required for initial licensure by the board may be required of a person issued an expedited license before that person may renew the license. The proposed rules also contain provisions governing the submission of a complete application for expedited licensure, the duration and renewal of expedited licenses, and the board's potential denial of an application for expedited licensure.

The proposed rule also updates expedited military licensure provisions to align with the more permissive licensing conditions enacted by House Bill 191. Other changes included in the proposed rule are non-substantive updates to licensing references made to reduce any confusion between the board's other pathways for licensure and the updates to expedited licensure and expedited military licensure, which include clarifying fees, applying consistent terminology, and removing language superseded by requirements from House Bill 191.