

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: S2/6/01 S2/26/01

# A Bill

Act 617 of 2001  
SENATE BILL 242

5 By: Senator Faris  
6  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS SECTIONS OF THE LANDSCAPE  
10 ARCHITECTURAL PRACTICE ACT.

### Subtitle

13 AN ACT TO AMEND VARIOUS SECTIONS OF THE  
14 LANDSCAPE ARCHITECTURAL PRACTICE ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. *Arkansas Code 17-36-102 is amended to read as follows:*  
20 *17-36-102. Definitions.*

21 *(a) As used in this chapter, unless the context otherwise requires:*

22 ~~*(3)(1) "Committee" "Board" means the Advisory Committee for*~~  
23 ~~*Registration Arkansas State Board of Landscape Architects in the State of*~~  
24 ~~*Arkansas;*~~

25 ~~*(1)(A)(2)(A) "Landscape architecture" means:*~~

26 ~~*(i) Any service or creative other work, the adequate*~~  
27 ~~*performance of which requires landscape architectural education, training, and*~~  
28 ~~*experience;*~~

29 ~~*(ii) The performances of professional services such*~~  
30 ~~*as consultation, investigation, reconnaissance, research, associated planning,*~~  
31 ~~*design, preparation of drawings, specifications, and contract documents, and*~~  
32 ~~*responsible supervision or construction management in connection with the*~~  
33 ~~*development of land areas or water features where, and to the extent that, the*~~  
34 ~~*dominant purpose of such services is the preservation, enhancement landscape*~~  
35 ~~*development, preservation and enhancement, or determination of proper land*~~  
36 ~~*uses, natural land features, ground cover and planting, and naturalistic*~~

1 functional, and aesthetic values;

2 ~~(iii) The determination of settings, grounds, and~~  
3 ~~approaches for buildings and structures or other improvements and related~~  
4 ~~drainage where structural or hydraulic design of system components is not~~  
5 ~~required~~ The determination, location and construction of aesthetically  
6 pleasing and functional approaches and settings for features in the landscape,  
7 plantings, landscape irrigation, landscape lighting layout, landscape grading  
8 and landscape drainage;

9 (iv) Environmental planning;

10 ~~(v) The shaping and contouring of land and water~~  
11 ~~forms;~~

12 ~~(vi) Determination of landscape irrigation; and~~

13 ~~(vii)~~ (v) The design of tangible objects and features  
14 necessary to the purpose outlined herein.

15 (B) It shall not include the design of buildings,  
16 structures, or facilities ordinarily included in the practice of architecture  
17 or engineering; and

18 (3) "Landscape designer" means a person who makes plans or  
19 drawings for the selection, placement, or use of plants when the execution of  
20 such plans or drawings does not affect the public health, safety or welfare.

21 ~~(2)(b) The title "landscape architect" shall be used by and shall apply~~  
22 ~~only to a person who is licensed under the authority of this chapter; and.~~

23 (c) This chapter shall not be construed to:

24 (1) Implicitly amend the definition of "practice of engineering"  
25 in § 17-30-101, or otherwise limit the scope of the practice of engineering by  
26 engineers registered with the State Board of Registration for Professional  
27 Engineers and Land Surveyors; or

28 (2) Implicitly amend the definition of "practice of architecture"  
29 in § 17-15-102, or otherwise limit the scope of the practice of architecture  
30 by architects registered and licensed by the Arkansas State Board of  
31 Architects.

32  
33 SECTION 2. Arkansas Code 17-36-103(a) is amended to read as follows:

34 (a) It shall be a misdemeanor for any person to:

35 (1) Use the title of landscape architect, unless licensed ~~and~~  
36 ~~registered~~ under this chapter;

- 1 (2) Present as his own the license of another;
- 2 (3) Give false or forged evidence to the ~~committee~~ board or any
- 3 member thereof in obtaining a license;
- 4 (4) Falsely impersonate any other practitioner of like or
- 5 different name;
- 6 (5) Use or attempt to use a license that has been revoked;
- 7 (6) Otherwise violate any of the provisions of this chapter; or
- 8 (7) Practice landscape architecture, unless duly licensed ~~and~~
- 9 ~~registered~~ under this chapter.

10

11 SECTION 3. Arkansas Code 17-36-104(b) is amended to read as follows:

12 (b) The Attorney General or his assistants shall act as legal advisor  
 13 to the ~~Advisory Committee for Registration of Landscape Architects~~ board and  
 14 shall render legal assistance necessary in carrying out the provisions of this  
 15 chapter. The ~~committee~~ board may, in its discretion, employ such other legal  
 16 assistance as it may require.

17

18 SECTION 4. Arkansas Code Title 17, Chapter 36, Subchapter 1 is amended  
 19 to add an additional section to read as follows:

20 17-36-105. Injunctions.

21 (a) The violation of any provision of this chapter, and performing or  
 22 offering to perform any work or service in violation of this chapter or any  
 23 provision thereof, is declared to constitute a nuisance and a threat to the  
 24 public health, safety and welfare and may be enjoined by the board in the  
 25 courts of this state, even though the violation may be punishable by fine, the  
 26 intention of this section being to provide a speedy means of protecting the  
 27 public.

28 (b) The board shall not be required to execute or give bond for cost,  
 29 indemnity, or stay, as a condition to the issuance of a restraining order or  
 30 injunction, either temporary or permanent, in a court of this state.

31

32 SECTION 5. Arkansas Code 17-36-201 is amended to read as follows:

33 17-36-201. Members.

34 (a) The ~~committee~~ board shall consist of five (5) voting members and  
 35 one (1) non-voting member appointed by the Governor.

36 (1) Four (4) voting members shall be selected from among all

1 ~~licensed~~ landscape architects licensed and residing in the State of Arkansas.

2 (2) One (1) voting member shall be selected from recommendations  
3 furnished by the Consumer Protection Division of the Office of the Attorney  
4 General.

5 (3) The Program Director of the University of Arkansas, School of  
6 Architecture, Program in Landscape Architecture, or his designee, shall be a  
7 non-voting member.

8 (b) Appointments shall be for six-year terms or, in the event of  
9 vacancies, for the period of the unexpired term of the vacancy being filled.

10 (c) Each member of the ~~committee~~ board shall receive a certificate of  
11 his appointment from the Governor and before beginning his term of office  
12 shall file with the Secretary of State his written oath or affirmation  
13 relative to the faithful discharge of his official duty.

14 (d) The Governor, by due process of law, may remove any member of the  
15 ~~examining body~~ board for misconduct, incompetency, or neglect of duty, or for  
16 any malfeasance in office.

17 (e) Vacancies in the membership of the ~~committee~~ board shall be filled  
18 for the unexpired term by appointment by the Governor within forty-five (45)  
19 days after the member's death or resignation.

20  
21 SECTION 6. Arkansas Code 17-36-202 is amended to read as follows:

22 17-36-202. Meetings.

23 (a) The ~~committee~~ board shall hold at least two (2) regular meetings  
24 each year and such other meetings as the ~~committee~~ board deems necessary.

25 (b) Special meetings shall be held at such time and place as shall be  
26 specified by call of the ~~executive secretary~~ chair of the ~~committee~~ board or  
27 as otherwise determined by the board.

28 ~~Notice of all meetings shall be given in writing to each member and~~  
29 ~~the press by the executive secretary~~ Board meetings shall be subject to the  
30 Freedom of Information Act of 1967.

31  
32 SECTION 7. Arkansas Code 17-36-203 is amended to read as follows:

33 17-36-203. Officers - Quorum.

34 ~~(a)(1) The committee shall elect annually from its membership the~~  
35 ~~following officers:~~  
36 ~~A chairman and vice chairman~~ a chair, vice-chair, and

1 ~~secretary-treasurer to hold office for one (1) year; and.~~

2 ~~An executive secretary who may or may not be a member~~

3 ~~of the committee.~~

4 ~~(2) The executive secretary shall hold office at the pleasure of~~  
5 ~~the committee and shall receive a salary determined by the committee.~~

6 (b) A quorum of the ~~committee~~ board shall consist of not less than  
7 three (3) voting members, and no action shall be official without at least two  
8 (2) votes in accord.

9  
10 SECTION 8. Arkansas Code 17-36-204 is amended to read as follows:

11 17-36-204. ~~Rules and regulations~~ Powers and duties.

12 ~~Rules and regulations shall be adopted by the committee as necessary for~~  
13 ~~efficient operation in accordance with the Arkansas Administrative Procedure~~  
14 ~~Act, § 25-15-201 et seq.~~

15 (a) The board may do all things necessary and convenient for carrying  
16 into effect the provisions of this chapter and may from time to time adopt  
17 necessary or desirable rules and regulations in accordance with the  
18 Administrative Procedure Act.

19 (b) The board may adopt a seal with such design as it may prescribe  
20 engraved thereon.

21 (c) The board may administer oaths or affirmations to witnesses  
22 appearing before the board.

23 (d) The board may, after providing notice and a hearing, levy civil  
24 penalties, in an amount not to exceed one thousand dollars (\$1,000) for each  
25 violation, against those persons found to be in violation of this chapter or  
26 rules and regulations promulgated thereunder, with each day of violation to  
27 constitute a distinct and separate offense. These penalties shall be in  
28 addition to other penalties which may be imposed by the board pursuant to this  
29 chapter.

30 (e) Unless the penalty assessed under this section is paid within  
31 fifteen (15) calendar days following the date for an appeal from the order,  
32 the board shall have the power to file suit in the Circuit Court of Pulaski  
33 County to obtain a judgment for the amount of penalty not paid.

34 (f) The board may, to the extent funds are appropriated, employ or  
35 contract for such staff or services as may be necessary to carry out the  
36 provisions of this chapter and put into effect the rules and regulations the

1 board may promulgate.

2  
3 SECTION 9. Arkansas Code 17-36-205 is amended to read as follows:  
4 17-36-205. Records and reports.

5 (a) The ~~committee~~ board shall keep a record of its proceedings and a  
6 register of all applications. The register shall show:

- 7 (1) The name, age, and residence of each applicant;
- 8 (2) The date of the application;
- 9 (3) The place of business of the applicant;
- 10 (4) His education and other qualifications;
- 11 (5) Whether or not an examination was required;
- 12 (6) Examination scores;
- 13 (7) Whether the applicant was rejected;
- 14 (8) Whether a ~~certificate of registration~~ license was granted;
- 15 (9) The date of action of the ~~committee~~ board; and
- 16 (10) Other information that may be deemed necessary by the

17 ~~committee~~ board.

18 (b) A transcript of the records of the ~~committee~~ board, duly certified  
19 by the ~~executive secretary of the committee~~ board, shall be admissible in  
20 evidence with the same force and effect as if the originals were produced.

21 (c) The ~~committee~~ board shall submit to the Governor an annual report  
22 of its transactions of the preceding year by ~~April~~ June 1.

23  
24 SECTION 10. Arkansas Code 17-36-206 is amended to read as follows:  
25 17-36-206. Disposition of funds.

26 (a) The administration of this chapter shall not depend on the use of  
27 funds provided by the State of Arkansas.

28 (b)(1) The ~~executive secretary~~/treasurer of the ~~committee~~ board shall  
29 receive, disburse, and account for all income paid to or received by the  
30 ~~committee~~ board.

31 (2) He shall institute a system of books and financial records  
32 satisfactory to the Director of the Department of Finance and Administration  
33 and shall open an account at a bank in this state designated by the ~~committee~~  
34 board as its official depository.

35 (3) ~~He or the assistant executive secretary~~ An officer of the  
36 ~~committee~~ board shall sign all checks disbursing funds of the ~~committee~~ board

1 as provided by board regulation.

2 (4) The ~~executive~~ secretary/treasurer shall deposit all funds of  
3 the ~~committee~~ board which he receives in the bank designated as the official  
4 depository within forty-eight (48) hours, excluding holidays and Sundays,  
5 after he receives the funds.

6 (5) Any surplus funds at the end of the fiscal year may be  
7 retained by the ~~committee~~ board for future expenditures.

8

9 SECTION 11. Arkansas Code Title 17, Chapter 36, Subchapter 2 is amended  
10 to add an additional section to read as follows:

11 17-36-207. Continuing education.

12 (a) The board may adopt rules and regulations setting minimum standards  
13 of continuing education to ensure that all licensed landscape architects  
14 remain informed of those technical and professional subjects which the board  
15 deems appropriate to professional landscape architectural practice.

16 (b) The board may, by rules and regulations, describe the methods by  
17 which such standards may be satisfied and may provide that failure to satisfy  
18 such minimum standards shall be grounds for non-renewal of a landscape  
19 architect's license.

20

21 SECTION 12. Arkansas Code 17-36-301(a) is amended to read as follows:

22 (a) No person shall ~~use the title~~ , either directly or indirectly,  
23 perform or offer to perform landscape architectural services or assume or use  
24 the title or designation of "landscape architect" on any sign, title, card,  
25 drawing, or device unless the person shall have secured from the ~~committee~~  
26 board a license ~~or temporary permit~~ as a landscape architect, in the manner  
27 provided in this subchapter, and shall thereafter comply with the provisions  
28 of this chapter. It is the purpose of this chapter to safeguard the health,  
29 safety, and welfare of the public.

30

31 SECTION 13. Arkansas Code 17-36-302 is amended to read as follows:

32 17-36-302. Application.

33 Application for ~~registration~~ licensure shall be on forms prescribed and  
34 furnished by the ~~committee~~ board and shall contain statements under oath  
35 giving a detailed summary of the applicant's education and technical  
36 experience.

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SECTION 14. Arkansas Code 17-36-303 is amended to read as follows:

17-36-303. Examination.

(a) It shall be required that an applicant for ~~registration~~ licensure be at least twenty-one (21) years of age, be of good moral character, and pass ~~a written~~ an examination covering the matters confronting landscape architects, which shall either be prepared ~~or approved by the Council of Landscape Architectural Registration Boards~~ by the board or another entity as selected by the board.

(b) In order to qualify for examination, the applicant must:

(1) Hold a degree in landscape architecture from an institution accredited by an appropriate authority selected by the board and have ~~one (1)~~ year of satisfactory experience in landscape architecture satisfactory of a minimum period of time as determined by ~~to the committee~~ board;

(2) Hold a degree in a field related to landscape architecture as determined by the ~~committee~~ board and have four (4) years of experience in landscape architecture satisfactory to the ~~committee~~ board; or

(3) Have seven (7) years of experience in landscape architecture satisfactory to the ~~committee~~ board.

(c) The board may require that an application be accompanied by a certificate from the Council of Landscape Architectural Registration Boards which documents that the applicant possessed the qualifications for examination as set forth herein.

~~(d)~~(d) Examinations for the license shall be administered by the ~~committee~~ board or its appointed representative at least once each year, provided that applications shall have been received during the period since the last examination was given. ~~The committee or its appointed representative shall administer the examination prepared or approved by the Council of Landscape Architectural Registration Boards.~~

~~(e)~~(e) The ~~committee~~ board shall publish appropriate announcements and shall conduct the examinations at the times designated.

SECTION 15. Arkansas Code 17-36-304 is amended to read as follows:

17-36-304. Reciprocity.

The ~~committee~~ board may certify for registration by oral examination an applicant who has successfully completed the written examination prepared or



1 approved by the Council of Landscape Architectural Registration Boards  
 2 required by § 17-31-303(a) and provide for licensure of an applicant who is  
 3 legally registered or licensed as a landscape architect in any other state  
 4 whose qualifications for licensure are generally equivalent to that of  
 5 Arkansas.

6  
 7 SECTION 16. Arkansas Code 17-36-305 is amended to read as follows:

8 17-36-305. Fees - Penalty for nonpayment.

9 (a)(1) Every landscape architect shall pay an annual license fee of  
 10 ~~fifty dollars (\$50.00) or~~ in an amount determined by the ~~committee~~ board not  
 11 to exceed ~~one hundred fifty dollars (\$150)~~ three hundred dollars (\$300). The  
 12 fee shall be due and payable annually on ~~or before~~ January 31 of each year and  
 13 shall become delinquent thereafter a date designated by the board.

14 ~~(2) If the annual license fee is not paid before it becomes~~  
 15 ~~delinquent, a penalty of five dollars (\$5.00) per month shall be added to the~~  
 16 ~~amount.~~

17 ~~(3) The commission shall issue a new license to each landscape~~  
 18 ~~architect promptly upon payment of the annual license fee.~~

19 ~~(4) If the annual license fee and penalty are not paid within one~~  
 20 ~~(1) year from the date upon which they become due, the landscape architect's~~  
 21 ~~certificate shall be suspended from and after the expiration of thirty (30)~~  
 22 ~~days from the date of mailing a notice of the delinquency to the landscape~~  
 23 ~~architect stating that upon the expiration of time herein allowed, his license~~  
 24 ~~will be suspended unless within that time the annual license fee and penalty~~  
 25 ~~are remitted. The notice shall be sent by registered mail, return receipt~~  
 26 ~~requested, postage prepaid, and addressed to the landscape architect at his~~  
 27 ~~address as it appears in the records of the committee.~~

28 ~~(5) After the certificate has been suspended, it may be~~  
 29 ~~reinstated only after reapplication and retesting of the applicant, and such~~  
 30 ~~proof of the landscape architect's qualifications as may be required in the~~  
 31 ~~sound discretion of the committee.~~

32 (2)(A) Each license shall expire annually on a date designated by  
 33 the board and each licensee whose license is not renewed by the board within  
 34 thirty (30) days thereafter shall not perform or offer to perform any work or  
 35 service as a landscape architect.

36 (B) The board shall issue a renewal to each licensee who

1 shall submit a renewal application on a form approved by and received by the  
2 board accompanied by:

3 (i) The annual license fee as provided in subdivision  
4 (a)(1) of this section; and

5 (ii) Documentation acceptable to the board of the  
6 minimum number of continuing education units as provided in §17-36-208 and by  
7 board regulation.

8 (C) A landscape architect who does not renew his or her  
9 license within thirty (30) calendar days after the expiration of the prior  
10 year's license shall pay a late fee not to exceed fifty dollars (\$50.00) each  
11 month or part thereof not to exceed ninety (90) calendar days after the  
12 expiration date.

13 (D) Any license not renewed within ninety (90) calendar  
14 days after the expiration date shall be void and shall not be renewed.

15 (E)(i) Any landscape architect who fails to renew his or  
16 her license within ninety (90) calendar days after the expiration date  
17 thereof, due to non-payment of fees or failure to comply with continuing  
18 educational requirements, may apply for reinstatement of his or her license.

19 (ii) The application shall be accompanied by  
20 documentation of continuing education units, a reinstatement fee not to exceed  
21 five hundred dollars (\$500) per year for each year or portion thereof since  
22 the date of expiration of the license, both as determined by the board, and  
23 the annual license fee.

24 (iii) The board may reinstate the license if it  
25 determines that the applicant is able to practice as a landscape architect  
26 without danger to the public health, safety and welfare.

27 (iv) Provided however, after three (3) years  
28 following the expiration date of a license which has not been renewed or  
29 reinstated by the board, the applicant may be relicensed only upon successful  
30 completion of the examination for new applicants provided in this chapter and  
31 other proof of the applicant's qualifications to practice landscape  
32 architecture as required by the board.

33 ~~(b) The amounts of fees prescribed by the committee shall be as listed~~  
34 ~~in the following schedule for the first year. The amounts of fees shall be~~  
35 ~~determined by the committee after the first year~~

36 (1) ~~The application fee~~ fees ~~for examination is fifty dollars~~

1 ~~(\$50.00)~~ and reexamination shall be the cost of the examination determined by  
2 the board.

3 (2) ~~The fee for an original license is twenty dollars (\$20.00)~~  
4 application and examination administration fee shall not exceed two hundred  
5 and fifty dollars (\$250).

6 (3) ~~The fee for a duplicate certificate is twenty dollars~~  
7 ~~(\$20.00); and shall not exceed one hundred dollars (\$100).~~

8 ~~(4) The fee for reexamination shall be determined by the~~  
9 ~~committee based on the cost of the examination.~~

10 (c) The board may provide for issuing of emeritus licenses, at an  
11 annual fee and subject to conditions as determined by the board, to landscape  
12 architects who are at least sixty-five (65) years of age, have retired, and do  
13 not practice landscape architecture.

14

15 SECTION 17. Arkansas Code 17-36-306 is amended to read as follows:

16 17-36-306. Grounds for revocation.

17 The examining body shall have the power to deny, suspend or revoke the  
18 ~~registration and~~ license of any landscape architect upon proof:

19 (1) That the holder of the ~~registration or certificate of~~ license  
20 is practicing in violation of this chapter or in violation of the proper rules  
21 and regulations of the ~~committee~~ board governing this chapter;

22 (2) That the license or certificate has been obtained by fraud or  
23 misrepresentation or the person named therein has obtained it by fraud or  
24 misrepresentation;

25 (3) That any money, except the regular fees provided for, has  
26 been paid for the license or certificate;

27 (4) That the holder of the license or certificate is falsely  
28 impersonating a practitioner or former practitioner of a like or different  
29 name or is practicing under an assumed or fictitious name;

30 (5) That the holder of the license or certificate has been guilty  
31 of a felony;

32 (6) That the holder of the license or certificate has been guilty  
33 of fraud or deceit or of gross negligence or misconduct in the practice of  
34 landscape architecture;

35 (7) That the holder of the license or certificate affixed, or  
36 permitted to be affixed, his seal or name to any plans, specifications,

1 drawings, or related documents which were not prepared by him or under his  
2 responsible supervisory control; ~~or~~

3 (8) That the holder of the license or certificate has been  
4 adjudged mentally incapable by a court of competent jurisdiction;

5 (9) That the holder of the license has committed gross  
6 unprofessional conduct; or

7 (10) That the holder of the license has had a professional  
8 license suspended or revoked or had imposed other disciplinary action by a  
9 regulatory body of another state for any cause other than failure to pay  
10 applicable fees, or surrendered or did not renew a professional license after  
11 the initiation of any investigation or proceeding by such a body.

12

13 SECTION 18. Arkansas Code 17-36-307 is amended to read as follows:

14 17-36-307. Revocation proceedings.

15 (a) Any person may prefer charges of fraud, deceit, gross negligence,  
16 incompetency, or misconduct against any ~~registrant~~ licensee. The charges shall  
17 be in writing, shall be sworn to by the person making them, and shall be filed  
18 with the ~~executive secretary of the committee~~ board, and the board may on its  
19 own motion initiate a proceeding against a licensee.

20 (b) All charges deemed worthy of consideration by the ~~committee~~ board  
21 ~~shall be heard by the examining body within three (3) months after the date~~  
22 ~~upon which they are received by the executive secretary~~ investigated by the  
23 board and where the board determines that there is sufficient evidence of a  
24 violation of this chapter or board regulations, the board may conduct a  
25 hearing.

26 (c) ~~The time and place for the hearing shall be fixed by the committee.~~  
27 ~~A copy of the charges, together with a notice of the time and place of~~  
28 ~~hearing, shall be personally served on the registrant accused or mailed to the~~  
29 ~~registrant at his last known address at least thirty (30) days before the date~~  
30 ~~fixed for the hearing. At any hearing, the accused registrant shall have the~~  
31 ~~right to appear personally and by counsel, to cross-examine witnesses~~  
32 ~~appearing against him, and to produce evidence and witnesses in his own~~  
33 ~~defense~~ The board will conduct any such hearing pursuant to the Administrative  
34 Procedure Act.

35 (d) If, after the hearing, ~~four (4) or more members of the committee~~  
36 ~~vote in favor of finding the accused guilty, then the committee shall revoke~~

1 ~~the certificate of registration and license of the landscape architect~~ the  
2 board finds that the individual has violated applicable law, the board may  
3 impose any one or more of the following sanctions:

4 (1) Suspension, revocation or denial of the license or renewal  
5 thereof;

6 (2) A civil penalty as provided in §17-36-204;

7 (3) Require completion of appropriate educational programs or  
8 courses;

9 (4) Require successful completion of the licensing examination;

10 (5) Place conditions or restrictions upon the licensee's license  
11 or practice;

12 (6) Such other requirements or penalties as may be appropriate to  
13 the circumstances of the case and which would achieve the desired disciplinary  
14 purposes.

15  
16 SECTION 19. Arkansas Code 17-36-308 is amended to read as follows:

17 17-36-308. Reissuance.

18 The ~~committee~~ board, for reasons it may deem sufficient, may reissue a  
19 ~~certificate of registration~~ license to any person whose ~~certificate has lapsed~~  
20 ~~or license~~ has been suspended, or revoked or surrendered after receipt of a  
21 complaint or the initiation of any investigation, providing that no charges of  
22 violation of this chapter are pending in any court of record in this state and  
23 that three (3) or more members of the ~~committee~~ board vote in favor of  
24 reissuance.

25  
26 SECTION 20. Arkansas Code 17-36-309(a) is amended to read as follows:

27 (a) The following are exempt from licensing under this chapter:

28 (1) The practice of landscape architecture by any person who acts  
29 under the supervision of a ~~registered~~ licensed landscape architect or by an  
30 employee of a person lawfully engaged in the practice of landscape  
31 architecture and who, in either event, does not assume responsible charge of  
32 design or supervision;

33 (2) The practice of landscape architecture by employees of the  
34 United States Government while engaged in the practice of landscape  
35 architecture within this state on behalf of the United States Government;

36 (3) The practice of landscape architecture by employees of the

1 ~~state or~~ a municipal government while providing landscaping services for  
2 ~~municipal~~ the governmental employer's facilities;

3 (4) The practice of planning as customarily done by regional and  
4 urban planners;

5 (5) *The practice of:*

6 ~~(A) Arborists~~ arborists, foresters, gardeners, nurserymen,  
7 landscape contractors, home builders, floriculturists, and ornamental  
8 horticulturists, landscape designers, irrigation designers, and irrigation  
9 contractors performing their respective trades or professions; and

10 ~~(B) Irrigation designers for the purpose of the sale of~~  
11 ~~products; and~~

12 (6) The practice of architecture or engineering as defined by the  
13 laws of this state.

14  
15 SECTION 21. Arkansas Code Title 17, Chapter 36, Subchapter 3 is amended  
16 to add an additional section to read as follows:

17 17-36-310. Official seal.

18 Upon licensure, each licensee hereunder shall obtain a seal of such  
19 design as the board shall authorize and direct. Plans and specifications  
20 prepared by, or under the supervision of, a licensed landscape architect shall  
21 be stamped with this seal during the life of the landscape architect's  
22 license. It shall be unlawful for anyone to stamp or seal any documents with  
23 the seal after the license of the landscape architect named thereon has  
24 expired or has been surrendered, suspended or revoked.

25  
26 SECTION 22. Arkansas Code 25-15-104(a)(1)(F), regarding subpoena power,  
27 is amended to read as follows:

28 ~~(F) Advisory Committee for Registration of Landscape Architects in the~~  
29 ~~State of Arkansas,~~ Arkansas State Board of Landscape Architects, § 17-36-201  
30 et seq.;

31  
32 /s/ Fari s

33  
34  
35 APPROVED: 3/8/2001