

**ADOPTED REGULATION OF THE
STATE BOARD OF LANDSCAPE ARCHITECTURE**

LCB File No. R147-11

Effective September 14, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-18, NRS 338.173.

A REGULATION relating to landscape architects; providing for the issuance and renewal of certificates of eligibility to receive certain preferences when competing for public works; establishing fees for the issuance and renewal of certificates of eligibility; and providing other matters properly relating thereto.

Section 1. Chapter 623A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this regulation.

Sec. 2. *“Certificate of eligibility” means a certificate of eligibility to receive a preference when competing for public works issued by the Board to a registrant pursuant to NRS 338.173.*

Sec. 3. *As used in sections 3 to 16, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this regulation have the meanings ascribed to them in those sections.*

Sec. 4. *“Affidavit for a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 2 of NRS 338.173.*

Sec. 5. *“Affidavit for renewal of a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 5 of NRS 338.173.*

Sec. 6. *“Statement of compliance” means a statement from a registrant who applies for a certificate of eligibility which states that he or she is properly registered as a landscape architect pursuant to the provisions of chapter 623A of NRS for the certificate of eligibility for which he or she is applying.*

Sec. 7. 1. *A registrant who wishes to obtain a certificate of eligibility must submit to the Board:*

- (a) An application on a form provided by the Board;*
- (b) A notarized affidavit for a certificate of eligibility on a form provided by the Board;*
- (c) A notarized statement of compliance on a form provided by the Board;*
- (d) The fee set forth in NAC 623A.170; and*
- (e) Any other documentation required by the Board.*

2. *The Board will deem that a registrant who is an employee of a group practice has satisfied the requirement set forth in paragraph (a) of subsection 2 of NRS 338.173 if the affidavit for a certificate of eligibility submitted to the Board by the registrant indicates that the group practice which employs the registrant has paid directly, on its own behalf, the excise tax imposed upon an employer by NRS 363B.110 of not less than \$1,500 for each consecutive 12-month period for 36 months immediately preceding the submission of the affidavit for a certificate of eligibility.*

3. *If two or more group practices wish to combine in any legal form for the purpose of submitting a proposal on a public work or a project for the construction, reconstruction or improvement of a highway for which the combined entity will seek a preference pursuant to NRS 338.1711 to 338.1727, inclusive, or 408.3875 to 408.3887, inclusive, the entity resulting from the combination is not eligible for the applicable preference unless each group practice*

entering into the combination employs a registrant who holds, or applies and qualifies for, a certificate of eligibility.

Sec. 8. 1. *An application for a certificate of eligibility must include, without limitation:*

- (a) The name of the applicant;*
- (b) The certificate number of the applicant;*
- (c) The mailing address of the applicant;*
- (d) The telephone number of the applicant;*
- (e) The signature of the applicant; and*
- (f) Any other information that the Board may require.*

2. *An affidavit for a certificate of eligibility must:*

- (a) Be on a form provided by the Board;*
- (b) Be notarized; and*
- (c) Include a certificate by a certified public accountant that the applicant meets the*

requirements of NRS 338.173.

Sec. 9. *The Board or its designee will issue or deny a certificate of eligibility within a reasonable time after the date on which the Board receives the application, all required documentation that supports the application and the fee set forth in NAC 623A.170.*

Sec. 10. *The certificate of eligibility must include, without limitation:*

- 1. The date of issuance;*
- 2. The date of expiration;*
- 3. The name and certificate number of the registrant to whom the certificate of eligibility is issued; and*
- 4. Such other information as the Board deems appropriate.*

Sec. 11. *The Board will issue a duplicate certificate of eligibility to any registrant who has received a certificate of eligibility, who certifies that his or her certificate of eligibility has been lost or destroyed and who pays the fee set forth in NAC 623A.170.*

Sec. 12. 1. *An affidavit for renewal of a certificate of eligibility must be on a form provided by the Board and must be notarized.*

2. *The Board will deem that a registrant who is an employee of a group practice has satisfied the requirement set forth in subsection 5 of NRS 338.173 if the affidavit for renewal of a certificate of eligibility submitted to the Board by the registrant indicates that the group practice which employs the registrant has paid directly, on its own behalf, the excise tax imposed upon an employer by NRS 363B.110 of not less than \$1,500 for the 12-month period immediately preceding the submission of the affidavit for renewal of a certificate of eligibility.*

Sec. 13. *The Board will not issue a certificate of eligibility to a registrant whose certificate of registration is expired or not on active status. If a registrant whose certificate of registration is expired or not on active status has received a certificate of eligibility, the Board will revoke the certificate of eligibility. Such a registrant must reapply for a certificate of eligibility pursuant to NRS 338.173, and sections 3 to 16, inclusive, of this regulation.*

Sec. 14. 1. *If a registrant who applies to the Board for a certificate of eligibility submits false or misleading information, submits an application which is incomplete or does not comply with the provisions of this chapter or chapter 338 of NRS, the Board may:*

(a) Deny the application;

(b) If the registrant has received a certificate of eligibility, revoke the certificate of eligibility; or

(c) Take such action as the Board deems appropriate under the circumstances.

2. In carrying out the provisions of this section, the Board may rely on information contained in the records maintained by the Board and need not conduct any investigation, inquiry or hearing regarding the information contained in those records.

Sec. 15. *If a written objection is filed with a public body pursuant to subsection 10 of NRS 338.173, the Board or its designee will, upon request by the public body, provide to the public body a copy of the application of the registrant against whom the complaint was made and any documentation submitted with the application.*

Sec. 16. 1. *If a public body determines that a written objection is accompanied by the required proof or substantiating evidence pursuant to subsection 11 of NRS 338.173, the public body must notify the Board in writing of the determination of the public body within 30 days after the date of its determination.*

2. Upon receipt of the written documentation from the public body, the Board or its designee will immediately revoke the certificate of eligibility of the registrant. No formal disciplinary hearing is required before revocation of the certificate of eligibility based upon the receipt of the documentation from the public body which received the proposal on a contract for the completion of a public work.

Sec. 17. NAC 623A.010 is hereby amended to read as follows:

623A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 623A.020 to 623A.060, inclusive, *and section 2 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 18. NAC 623A.170 is hereby amended to read as follows:

623A.170 1. The Board will charge and collect the following fees:

Application fee for a certificate of registration pursuant to the provisions of NAC 623A.220 or 623A.226.....	\$175.00
Application fee for a certificate of registration pursuant to the provisions of NAC 623A.222.....	100.00
Application fee for a certificate to practice as a landscape architect intern	50.00
Examination fee for the national examination for an applicant for a certificate of registration.....	100.00,
plus any additional costs of the examination not included in this section	
Examination fee for the Nevada specific examination for an applicant for a certificate of registration.....	75.00
Fee for the review of a national examination, if requested pursuant to NAC 623A.250	50.00,
plus the costs charged by Council of Landscape Architectural Registration Boards	
Fee for the review of a Nevada specific examination, if requested pursuant to NAC 623A.250.....	50.00
Certificate of registration	25.00
<i>Certificate of eligibility</i>	300.00
Certificate to practice as a landscape architect intern	25.00
Annual renewal fee for a certificate of registration.....	200.00
Delinquency fee for a certificate of registration.....	50.00
Reinstatement fee for a certificate of registration	300.00

<i>Annual renewal fee for a certificate of eligibility</i>	<i>125.00</i>
Annual renewal fee for a certificate to practice as a landscape architect intern ..	100.00
Delinquency fee for a certificate to practice as a landscape architect intern	25.00
Reinstatement fee for a certificate to practice as a landscape architect intern	150.00
Change of address fee	10.00
<i>Fee for a duplicate certificate of eligibility.....</i>	<i>30.00</i>
Fee for an official stamp.....	25.00
Fee for an electronic official stamp.....	25.00
Mailing list, all registrants.....	10.00
Returned check.....	25.00
Copy of the <i>Construction Industry Reference Manual</i> , which is also known as the “Blue Book”	5.00
Copy of a document, per page.....	.25

2. The renewal fee for a certificate of registration or a certificate to practice as a landscape architect intern will be prorated on a monthly basis for each month after July 1 that the renewal fee is submitted.

NOTICE OF ADOPTION OF REGULATION
LCB File No. R142-11

The Nevada State Board of Landscape Architecture adopted regulations assigned LCB Files No 142-11 and 147-11 which pertain to chapter 623-A of the Nevada Administrative Code on May 18, 2012. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066

LCB FILES R142-11 and R147-11

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 623A.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was petitioned by holding public workshops on February 4, 2012 and April 21, 2012 for both in person comments and telephone conference call comments. There was public response on February 4, 2012 but none on April 21, 2012. Public comment was also solicited during the public hearing held on May 18, 2012. Interested persons were able to obtain a copy of the proposed regulations at the Nevada State Library and at all main public libraries of all Nevada Counties. The proposal was available on the Nevada State Board of Landscape Architecture website and the LCB Internet <http://www.leg.state.nv.us>. additionally, copies of the proposed regulations were available at both public workshops and the public hearing.

2. The number persons who:

(a) Attended each hearing:

(b) Testified at each hearing:

(c) Submitted to the agency written comments:

(a) Three persons from the public attended.

(b) Two persons testified.

(c) No persons submitted written statements.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comment from affected businesses was petitioned by holding public workshops on February 4, 2012 and April 21, 2012 and public hearing on May 18, 2012 for both in person comments and telephone conference call comments. Interested persons were able to obtain a copy of the proposed regulation at the Nevada State Library and at all main public libraries of all Nevada Counties. The proposal was available on the Nevada State Board of Landscape Architecture website and the LCB Internet <http://www.leg.state.nv.us> and copies of the proposed regulations were available at both public workshops and the public hearing.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was not adopted without changing any part of the proposed regulation.

5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

(a) The adverse and beneficial effects and immediate and long-term effects on the public are minimal. The regulation clarifies existing regulations, which have become outdated.

(b) The adverse and beneficial effects and immediate and long-term effects on the business which is to regulate. Every Registered Landscape Architect must comply with the provisions of Chapter 623 A of NRS and NAC. These regulations update the national examination process and the practice of Landscape Architecture. They add Landscape Architect Title options, Emeritus Status, and Affidavit for Certificate of Eligibility for Public Works Preferences procedures and eliminate group practice rules.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The Board will not incur any costs.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Board is not aware of any overlap or duplication of the regulation with any local, State or Federal law.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This item does not apply.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This item does not apply.

10. Is the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business?

What methods did the agency use in determining the impact of the regulation on a small business?

This item does not apply.