

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

**LCB File No. R147-11**

**(These provisions were previously located in LCB File No.  
R142-11; they were moved for separate consideration)**

*NAC 623A.165 Affidavit of Eligibility for Public Works Preference.*

**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.** *As used in sections 2 to 16, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Affidavit for a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 1 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

**Sec. 4.** *“Affidavit for renewal of a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to subsection 5 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

**Sec. 5.** *“Certificate of eligibility” means a certificate of eligibility to receive a preference when competing for public works issued by the Board to an architect pursuant to section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

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

**Sec. 7. 1.** *A landscape architect 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.** *If two or more landscape architectural firms 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, 408.3875 to 408.3887, inclusive,*

*or 625.530, the entity resulting from the combination is not eligible for the applicable preference unless each firm entering into the combination employs an landscape architect 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 section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678.*

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

**Sec. 13.** *The Board will not issue a certificate of eligibility to a landscape architect whose certificate of registration is not on active status. If a landscape architect whose certificate of registration is not on active status has received a certificate of eligibility, the Board will revoke the certificate of eligibility. Such a landscape architect must reapply for a certificate of eligibility pursuant to subsection 1 of section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678, and sections 2 to 16, inclusive, of this regulation.*

**Sec. 14. 1.** *If a landscape architect 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 this chapter or chapter 338 of NRS, the Board may:*

- (a) Deny the application;*
  - (b) If the landscape architect 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 section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678, the Board or its designee will, upon request by the public body, provide to the public body a copy of the application of the landscape architect 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 section 2 of Senate Bill No. 268, chapter 529, Statutes of Nevada 2011, at page 3678, 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 for the landscape architect. 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.*

**NAC 623A.170 Schedule of fees.** (NRS 623A.130, 623A.165, 623A.240)

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

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<i>Certificate of Eligibility for Public Works Preferences.....</i>	<i>300.00</i>
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