



INFORMATIONAL STATEMENT

R055-20P

The purpose of the amendment is to bring the following items and language into compliance in NAC623A.170 and NAS623A.513, that were approved by the 2019 legislature in NRS623A.240 Fees and NRS623A.305 Consideration of complaint by Executive Director; recommendation to Board; action by Board.

A clear and concise explanation of the need for the adopted regulation:

The purpose of the amendment to NAC623A.170 and NAC623A.513 is to bring the following items and language that were approved by the 2019 legislature in NRS623A.240 Fees and NRS623A.305 into compliance. NRS623A.240 'Not-to-Exceed' Fees and consideration of complaint by Executive Director; recommendation to Board; action by Board, into NRS623A.170 and NRS623A.513.

Prior to 2019 the "Not-to-exceed" fees found in NRS623A.240 were last increased in 2007.

Change the wording in NAC623A.513.1 to strike designated member of the board and replace with Executive Director. Presented here:

NAC 623A.513 Complaints against certificate holders: Public meeting of the Board; dismissal; preparation and service of formal disciplinary complaint and notice of hearing. ([NRS 623A.130](#))

1. At a public meeting of the Board, the Board will review the recommendation of the ~~designated member of the Board~~ Executive Director on a complaint provided pursuant to the provisions of [NAC 623A.511](#) and decide whether to:

- (a) Dismiss the complaint; or
- (b) Proceed with a formal disciplinary hearing on the complaint and fix a date for the hearing on the matter.

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

- a) The public was solicited through posting of the Notice of Intent on the State Board webpage, Legislative Council Bureau, gov.nv.notices and emails were sent to all current licensees. 2 workshops, on August 7, 2020, October 7, 2020, and a hearing on November 6, 2020. Written comments were sent in by 44 current licensees. The comment summary from the majority of those responding is that increasing the fee schedule is the "cost of doing business" and would like to see the "State Board increase any fees only slightly."
- b) As for the Executive Director recommending action on adjudication recommendation to the board, the majority did not have a comment. One comment was that "it should be more efficient" than the designated board member. Members of the Public may obtain a copy by contacting the Nevada State Board of Landscape Architecture by email at landscapeboard@nsbla.nv.gov or by USPS mail at P.O. Box 34143, Reno, NV 89533.



The number of persons who:

- 1) **Attended each hearing:** August 7, 2020 was 10 people. October 7, 2020 was 7 people. November 6, 2020 was 6 people.
- 2) **Testified at each hearing:** August 7, 2020 3 people.
- 3) **Submitted to the agency written statements:** 44 written statements.

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state “not provided”):

50% added a name only, 50% were anonymous. Other contact information not provided.

A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary: Comments were solicited via email to current licensees, via Board Newsletter and at the workshop and hearing.

- a) Summary comments from majority of those responding is that increasing the fee schedule is the “cost of doing business” and would like to see the “State Board increase any fees only slightly.”
- b) The Executive Director recommending action on adjudication recommendation to the board, the majority did not have a comment. One comment was that “it should be more efficient” than the designated board member.

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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 adopted without change as the board reviewed the comments that indicated there was consensus to approve the proposed amendments.

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

1)Both the adverse and beneficial effects; and

- a) The increase in not-to-exceed fees would have minimal adverse impact on the business of Landscape Architecture as the fees will be closely aligned with the national average. For the public, the adverse effect might be a slight increase in fees for services. Beneficial effects on business the increase in fees may require the business to streamline production of services. For the public, this benefit may show a more rapidly response to services being requested.
- b) The replacement of the ‘designated board member’ to the Executive Director for recommendation for adjudication should have no adverse effect on the business or the public. A beneficial effect would be to have the 5 member board able to sit for adjudication without one member being recused.

2)Both immediate and long-term effects

- a) Immediate effects of the not-to-exceed fees are minimal, as the board is working within the current fee structure set in 2007. Long-term effect would allow the board to follow an increase in national average or Consumer Price Index (CPI) for future incremental increases.



b) The immediate effect of replacing the ‘designated board member’ in NAC623A.513 with the Executive Director will provide for a quicker response to the adjudication process. As this replacement has taken place in NAC623A.505 through .511 and .515 Administrative Proceedings. This section .513 will clean up this portion of NAC623A. The long-term effect would be a cohesive response to complaints and adjudications without having a board member recusing due to being a part of the investigation.

The estimated cost to the agency for enforcement of the proposed regulation:

- a) The estimated cost of enforcing NAC623A.170 not-to-exceed fees will continue to match current costs of the salary of the board employee. No increase in cost to the board at this time.
- b) The cost to enforce NAC623A.513 may be minimal, as the Executive Director and Deputy Attorney General would be presenting the recommendation to the board. The entire 5 person board sitting for adjudication without a recusal from one of the members being ‘the designated board member’. The Executive Director would present this as part of the duties assigned.

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: There is none.

If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions: There is none.

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:

As NAC623A.170 is a ‘not-to-exceed’ regulation amendment, the board will review the current state of the economy and the daily board expenses to determine the increase in the fees as presented. As the majority of the licensees responding indicated that an incremental increase would allow for continued support for their business, the review of industry national average and consumer price index will be used to evaluate any increases.