

**NOTICE OF INTENT TO ACT UPON A REGULATION
NOTICE OF HEARING FOR THE AMENDMENT
OF REGULATIONS OF THE
NEVADA STATE BOARD OF LANDSCAPE ARCHITECTURE**

The Nevada State Board of Landscape Architecture will hold a public hearing at 11:00 AM on August 7, 2020 via Zoom Webcast. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 623A of the Nevada Administrative Code. Scheduled Zoom meeting Log-in information:

Topic: NAC623A Proposed Changes Zoom Meeting
Time: Aug 7, 2020 11:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/6555590472>

Meeting ID: 655 559 0472

One tap mobile

+12532158782,,6555590472# US (Tacoma)

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Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 655 559 0472

LCB File No. R055-20

The following information is provided pursuant to the requirements of NRS 233 B.0603:

1. The need for and purpose of the proposed regulation or amendment: The proposed regulation provides the Board to conduct certain other activities related to the charge and collection of fees. (NRS 623A.240) Existing regulations set forth the fees charged by the Board. (NAC 623A.170) Section 1 of this regulation revises certain fees fee changes for items and services. Further, existing regulations require a designated member of the Board to review the response and complaint and to make a recommendation to the Board concerning the complaint. (NAC 623A.511) Existing regulations define "designated member of the Board" as: (1) the President of the Board; or (2) a member of the Board designated by the President. (NAC 623A.034) this regulation requires the Executive Director, instead of a designated member of the Board, to make such a review and recommendation to the Board concerning the complaint.

2. If the regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063; Interested persons may obtain a copy of the proposed regulation at the Nevada State Library and at all main public libraries of all Nevada Counties. The proposal is available on the Nevada State Board of Landscape Architecture website nsbla.nv.gov

3. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608; On Small Business: Pursuant to Section 3 of NRS 233 B.0608. The direct impact of the regulation will be on Registered Landscape Architects.

4. 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 both adverse and beneficial effects and both immediate and long-term effects; On the business, which it is to regulate: Every Registered Landscape Architect must comply with the provisions of Chapter 623 A of NRS and NAC. This regulation expands upon and further clarifies the complaint process and procedure. Changes to the fee structure may have an economic effect on the business which is to be regulated. On the Public: The regulation adds to and clarifies existing regulations. There will be no economic effect on the public which is to be regulated.

5. The estimated cost to the agency for enforcement of the proposed regulation; The Board will not incur any costs.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency. This regulation does not duplicate or overlap any federal state or local governmental agency regulations.

7. If the regulation is required pursuant to federal law, a citation and description of the federal law. The regulation is not required pursuant to federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions. The regulation is not more stringent than any federal law which regulates the same activity.

9. *Whether the proposed regulation establishes a new fee or increases an existing fee.* The proposed regulation proposes new maximum fee increases.

Persons wishing to comment upon the proposed action of the Nevada State Board of Landscape Architecture may appear at the scheduled public hearing via Zoom Webcast or may address their comments, data, views or arguments in written form to the Nevada State Board of Landscape Architecture, P.O. Box 34143, Reno, NV 89533 or by email at LandscapeBoard@nsbla.nv.gov. Written submissions must be received by the Nevada State Board of Landscape Architecture on or before August 6, 2020. If persons who are directly affected by the proposed action do not appear, or request time to make an oral presentation, the Nevada State Board of Landscape Architecture may proceed immediately to act upon any written submissions.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.



NEVADA STATE BOARD OF LANDSCAPE ARCHITECTURE
NOTICE OF QUARTERLY MEETING
AGENDA

Steve Sisolak
Governor

BOARD MEMBERS

Melinda Gustin, President/Public Member

Stan Southwick, Secretary

Marc Chapelle, CLARB Representative

Laura Miller, Outreach

Ryan Hansen, Newsletter & Website

DEPUTY ATTORNEY GENERAL
Henna Rasul

EXECUTIVE DIRECTOR
Ellis Antuñez

DATE: August 7, 2020

TIME: 11:00 AM

PLACE: Zoom Meeting

<https://us02web.zoom.us/j/6555590472>

Meeting ID: 655 559 0472

Phone Via Zoom at: 16699006833, or mobile at:
6555590472# US (San Jose)

Meeting ID 655-559-0472

Please Note: All interested parties that are interested in receiving a copy of the proposed changes from the Nevada State Board Landscape Architecture please, contact Ellis Antuñez at (775) 971-4410 (landscapeboard@nsbla.nv.gov), in advance, so that arrangements can be made. The public is encouraged to write comments to the board via email or at Nevada State Board Landscape Architecture, P.O. Box 34143, Reno, NV 89533 by August 6, 2020 so they may be entered into the record of the meeting. Participation through ZOOM via computer or phone on the date and the time listed above is appreciated.

Notice of this meeting is posted on:

Nevada State Board Landscape Architecture Website: nsbla.nv.gov/meetings

Nevada Legislative Website: <https://www.leg.state.nv.us/App/Notice/A>

Nevada Public Notice Website: <https://notice.nv.gov>

1. CALL TO ORDER

- A. Roll Call of Board Members.
- B. Introductions of all Present.

- 2. PUBLIC COMMENT PERIOD** Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later



date. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

3. Public Hearing on Changes to NAC623A (For Possible Action)

- A. R055-20 Various changes to NAC623A
See Attached Proposal

4. PUBLIC COMMENT PERIOD Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later date. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

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

LCB File No. R055-20

May 26, 2020

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

AUTHORITY: §1, NRS 623A.130 and 623A.240; §§2-4, NRS 623A.130.

A REGULATION relating to landscape architects; revising certain fees charged by the State Board of Landscape Architecture; revising provisions concerning complaints filed against persons who hold a certificate of registration as a landscape architect or a certificate to practice as a landscape architect intern; repealing the term “designated member of the Board”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Landscape Architecture to adopt regulations for the administration of the provisions of law governing landscape architects. (NRS 623A.130)

Existing law requires the Board to set certain fees and authorizes the Board to conduct certain other activities related to the charge and collection of fees. (NRS 623A.240) Existing regulations set forth the fees charged by the Board. (NAC 623A.170) **Section 1** of this regulation revises certain fees.

Existing law requires a complaint against a person who holds a certificate of registration as a landscape architect or a certificate to practice as a landscape architect intern to be filed with the Executive Director of the Board. (NRS 623A.290) Existing law further requires the Executive Director to review the complaint and make a recommendation to the Board as to whether further proceedings are warranted. (NRS 623A.305)

Existing regulations set forth various procedures for the filing of a complaint, its delivery to the respondent and the required response by the respondent. (NAC 623A.505, 623A.507, 623A.509) Further, existing regulations require a designated member of the Board to review the response and complaint and to make a recommendation to the Board concerning the complaint. (NAC 623A.511) Existing regulations define “designated member of the Board” as: (1) the President of the Board; or (2) a member of the Board designated by the President. (NAC 623A.034) **Section 2** of this regulation requires the Executive Director, instead of a designated member of the Board, to make such a review and recommendation to the Board concerning the complaint. **Section 3** of this regulation makes a conforming change. **Section 4** of this regulation also makes a conforming change by repealing the term “designated member of the Board.”

Section 1. 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.....	200.00 300.00
Application fee for a certificate of registration pursuant to the provisions of NAC 623A.222.....	200.00 300.00
Application fee for a certificate to practice as a landscape architect intern.....	100.00 50.00
Examination fee for the Nevada specific examination for an applicant for a certificate of registration.....	100.00
Fee for the review of a Nevada specific examination, if requested pursuant to NAC 623A.250	75.00 100.00
Certificate of registration.....	25.00 50.00
Certificate of eligibility.....	300.00
Certificate to practice as a landscape architect intern.....	25.00 50.00
Annual renewal fee for a certificate of registration.....	200.00 300.00
Delinquency fee for a certificate of registration.....	50.00 100.00
Reinstatement fee for a certificate of registration.....	300.00 400.00
Annual renewal fee for a certificate of eligibility.....	125.00
Annual renewal fee for a certificate to practice as a landscape architect intern.....	125.00 50.00

Delinquency fee for a certificate to practice as a landscape architect intern.....	{50.00} 100.00
Reinstatement fee for a certificate to practice as a landscape architect intern.....	{300.00} 400.00
Change of address fee	{10.00} 20.00
Fee for a duplicate certificate of eligibility.....	{30.00} 50.00
Fee for an official stamp	50.00
Fee for an electronic official stamp.....	50.00
Mailing list, all registrants	{10.00} 20.00
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} .50

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.

Sec. 2. NAC 623A.511 is hereby amended to read as follows:

623A.511 1. Upon the receipt of the response to a complaint pursuant to NAC 623A.509, the ~~{designated member of the Board}~~ **Executive Director** shall review the complaint and the response to determine whether a probable violation of this chapter or chapter 623A of NRS has occurred.

2. The ~~{designated member of the Board}~~ *Executive Director* may consult with ~~{the Executive Director or}~~ the legal counsel for the Board in conducting the review of a complaint pursuant to the provisions of subsection 1.

3. After conducting a review of a complaint pursuant to the provisions of subsection 1, the ~~{designated member of the Board}~~ *Executive Director* shall recommend to the Board that:

- (a) The Board dismiss the complaint; or
- (b) The Board proceed with a formal disciplinary hearing and schedule the matter for a disciplinary hearing.

Sec. 3. NAC 623A.513 is hereby amended to read as follows:

623A.513 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.

2. If the Board decides pursuant to the provisions of subsection 1 to dismiss the complaint, the Board will provide a copy of its decision to the complainant and the respondent.

3. If the Board decides pursuant to the provisions of subsection 1 to proceed with a formal disciplinary hearing, the legal counsel for the Board shall prepare:

- (a) A formal disciplinary complaint setting forth the specific violations of this chapter or chapter 623A of NRS that the respondent is alleged to have violated; and
- (b) A notice of hearing pursuant to the provisions of NAC 623A.520.

4. The legal counsel for the Board shall serve the formal disciplinary complaint and the notice of hearing prepared pursuant to the provisions of subsection 3 upon the respondent by certified mail, return receipt requested.

Sec. 4. NAC 623A.034 is hereby repealed.

TEXT OF REPEALED SECTION

623A.034 “Designated member of the Board” defined. (NRS 623A.130) “Designated member of the Board” means:

1. The President of the Board; or
2. The member of the Board designated by the President of the Board pursuant to the provisions of NRS 623A.305.