

CHAPTER.....

AN ACT relating to landscape architecture; designating the board of landscape architecture as the state board of landscape architecture; requiring the board to maintain a record of each certificate of registration issued or renewed by the board; revising the requirements for the issuance or renewal of a certificate of registration; providing for the issuance of a certificate to practice as a landscape architect intern; providing immunity from a civil action for a person who furnishes information to the board under certain circumstances; authorizing the board to adopt regulations requiring each holder of a certificate of registration to complete a course of continuing education as a condition for the renewal of his certificate of registration; revising the qualifications of the members of the board; providing a penalty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 623A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *“Certificate of registration” means a certificate of registration issued by the board to a landscape architect pursuant to the provisions of this chapter.*

Sec. 3. *“Direct supervision” means a critical examination and evaluation of the work product by a holder of a certificate of registration, during and after the work product is prepared, to ensure that the work product complies with any applicable law or regulation concerning the practice of landscape architecture.*

Sec. 4. *“Landscape architect intern” means a person who is issued a certificate to practice as a landscape architect intern pursuant to the provisions of this chapter.*

Sec. 5. *For the purposes of this chapter, a person has good moral character if he:*

- 1. Has not been convicted of a class A felony;*
- 2. Has not been convicted of a felony other than a class A felony or a misdemeanor or gross misdemeanor that is directly related to the practice of landscape architecture;*
- 3. Has not committed an act involving dishonesty, fraud, misrepresentation, breach of a fiduciary duty, gross negligence or incompetence while engaged in the practice of landscape architecture;*
- 4. Is not incarcerated in a jail or prison at the time of submitting an application for a certificate of registration or a certificate to practice as a landscape architect intern;*
- 5. Has not committed fraud or misrepresentation in connection with:*
 - (a) The submission of an application for a certificate of registration or certificate to practice as a landscape architect intern; or*
 - (b) The taking of one or more examinations pursuant to the provisions of this chapter;*
- 6. Has not had his certificate of registration suspended or revoked by the board or in any other state or country;*
- 7. Has not, in lieu of receiving disciplinary action against him, surrendered a certificate of registration or certificate to practice as a*

landscape architect intern in this state or a certificate or license to practice landscape architecture issued in another state or country;

8. Has not engaged in the practice of landscape architecture in this state or in any other state or country without a license or certificate of registration or certificate to practice as a landscape architect intern within the 2 years immediately preceding the filing of an application for a certificate of registration or certificate to practice as a landscape architect intern pursuant to the provisions of this chapter; or

9. Has not, within the 5 years immediately preceding the filing of an application specified in subsection 8, engaged in unprofessional conduct in violation of the regulations adopted by the board.

Sec. 6. The board shall operate on the basis of a fiscal year beginning on July 1 and ending on June 30.

Sec. 7. The board shall prepare and adopt a code of conduct for holders of certificates of registration and holders of a certificate to practice as a landscape architect intern. The code must ensure the maintenance of a high standard of integrity, dignity and professional responsibility by members of the profession. Before adopting the code, the board shall send a copy of the proposed code to each holder of a certificate of registration and holder of a certificate to practice as a landscape architect intern. Each holder of a certificate of registration intern may vote on any provision included in the code. The board may adopt each provision in the code unless 25 percent or more of the holders of certificates of registration vote against that provision.

Sec. 8. The board shall prepare and maintain a record of each certificate of registration intern. The record must include, without limitation, the name of the holder of the certificate of registration intern, the address at which he resides and the number of his certificate of registration. The board shall make the record available:

1. For inspection by each holder of a certificate of registration in a manner prescribed by the board; and

2. For sale to a member of the general public who is not a holder of a certificate of registration.

Sec. 9. 1. Except as otherwise provided in this section, a record of the board that relates to:

(a) An employee of the board;

(b) An examination administered by the board; or

(c) A complaint filed with the board and any information obtained as a result of its investigation of the complaint, is confidential.

2. A record specified in subsection 1 may be disclosed, pursuant to procedures established by regulation of the board, to:

(a) A court;

(b) An agency of the Federal Government;

(c) Another state;

(d) A political subdivision of this state; or

(e) Any other related professional board or organization.

3. Upon completion of an investigation by the board, any record of the board specified in paragraph (c) of subsection 1 is a public record only if:

(a) Disciplinary action is imposed by the board as a result of the investigation; or

(b) The person who was the subject of the investigation submits a written statement to the board requesting that the record be made a public record.

4. The board may report to any other related professional board and organization the score of an applicant on an examination administered by the board.

Sec. 10. *1. For the purpose of issuing a certificate of registration or a certificate to practice as a landscape architect intern pursuant to the provisions of this chapter, the board shall credit work experience as follows:*

(a) One hundred and thirty hours or more of work in the practice of landscape architecture completed during a month is equal to 1 month of work experience.

(b) Eighty-five hours or more but less than one hundred and thirty hours of work in the practice of landscape architecture completed during a month is equal to one-half of a month of work experience.

2. The board shall not grant credit for work experience to an applicant for less than 85 hours of work experience in the practice of landscape architecture completed during a month.

3. Before the board may grant credit to an applicant for work experience pursuant to the provisions of this section, the employer of the applicant must submit proof satisfactory to the board that the applicant completed the work experience for which he wishes to receive credit.

4. Except as otherwise provided in this subsection, all work experience must be completed under the direct supervision of a holder of a certificate of registration. The board may adopt regulations that provide for the granting of credit for not more than 1 year of work experience completed under the direct supervision of a person who is licensed in a profession other than the practice of landscape architecture.

5. Each applicant for a certificate of registration or certificate to practice as a landscape architect intern must, before he takes one or more examinations required for the certificate, comply with the requirements for education and experience set forth in this chapter and any regulations adopted by the board.

Sec. 11. *The board may issue a certificate of registration without examination to a person who submits evidence satisfactory to the board that he:*

1. Is licensed, registered or certified as a landscape architect in another jurisdiction if, as determined by the board, the qualifications required for the license, registration or certification are substantially equivalent to the qualifications set forth in this chapter for the issuance of a certificate of registration; and

2. Is otherwise qualified for a certificate of registration to engage in the practice of landscape architecture in this state.

Sec. 12. *1. Any person who:*

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(d) Has graduated from a school approved by the board or has completed at least 4 years of work experience in the practice of landscape architecture in accordance with regulations adopted by the board,

may submit an application to the board for a certificate to practice as a landscape architect intern.

2. The application must be submitted on a form furnished by the board and include:

(a) The statement required by NRS 623A.185;

(b) The social security number of the applicant; and

(c) The applicable fees prescribed by the board pursuant to the provisions of NRS 623A.240.

Sec. 13. *1. The board shall issue a certificate to practice as a landscape architect intern to any person who is qualified pursuant to the provisions of section 12 of this act and who passes an examination or any portion of an examination required by the board.*

2. Such a person may engage in the practice of landscape architecture only under the direct supervision of a holder of a certificate of registration. Any work performed by the person as a landscape architect intern may be credited toward the requirements for a certificate of registration in accordance with regulations adopted by the board.

3. A certificate to practice as a landscape architect intern expires on June 30 and may be renewed for 1 year from each succeeding July 1 in accordance with regulations adopted by the board and upon the payment of the annual renewal fee prescribed by the board pursuant to the provisions of NRS 623A.240.

Sec. 14. *1. Upon issuing a certificate of registration, the board shall issue to the holder of the certificate of registration a seal of the design authorized by the board, bearing the name of the holder of the certificate of registration, the number of his certificate of registration and the title "landscape architect."*

2. A plan, specification, report or other document issued by a holder of a certificate of registration for official use must be signed, sealed and dated on the title page by him with a permanently legible imprint of his seal and signature. The board may adopt regulations specifying the manner in which a holder of a certificate of registration may electronically transmit such a plan, specification, report or other document.

3. It is unlawful for a person to stamp or seal any plan, specification, report or other document with the seal of a holder of a certificate of registration after his certificate of registration has expired or has been suspended or revoked, unless the certificate of registration has been renewed or reissued.

Sec. 15. *1. Any person who, in good faith and without malicious intent, provides information concerning a holder of a certificate of registration or certificate to practice as a landscape architect intern or an applicant for a certificate of registration or certificate to practice as a*

landscape architect intern is immune from any civil action for providing that information.

2. Any person who assists the board in the investigation or prosecution of an alleged violation of a provision of this chapter, a proceeding concerning the issuance or renewal of a certificate of registration or certificate to practice as a landscape architect intern or a criminal prosecution is immune from any civil liability for:

(a) Any decision or action taken in good faith and without malicious intent in response to information acquired by the board; and

(b) Disseminating information concerning a holder of a certificate of registration or certificate to practice as a landscape architect intern or an applicant for a certificate of registration or certificate to practice as a landscape architect intern to:

(1) Any other licensing board;

(2) A national association of registered boards;

(3) An agency of this state or the Federal Government;

(4) The attorney general; or

(5) Any law enforcement agency.

Sec. 16. No person may bring or maintain any action in the courts of this state for the collection of compensation for the performance of any act or contract for which a certificate of registration or certificate to practice as a landscape architect intern is required by this chapter without alleging and proving that the plaintiff in the action was registered pursuant to the provisions of this chapter at all times during the performance of the act or contract.

Sec. 17. The board may, by regulation, require each holder of a certificate of registration to complete a course of continuing education as a condition for the renewal of his certificate of registration. The regulations must include the number of hours of continuing education that the holder of the certificate of registration must complete to renew his certificate.

Sec. 18. The board shall not issue a temporary certificate of registration or certificate to practice as a landscape architect intern.

Sec. 19. 1. A person shall not engage in the practice of landscape architecture or use the title of "landscape architect" or "landscape architect intern" unless he is issued a certificate of registration or certificate to practice as a landscape architect intern by the board pursuant to the provisions of this chapter.

2. If an applicant complies with the provisions of this chapter and is otherwise qualified to engage in the practice of landscape architecture, the board shall, upon payment by the applicant of the applicable fees prescribed by the board pursuant to the provisions of NRS 623A.240, issue to the applicant a certificate of registration or certificate to practice as a landscape architect intern. If a certificate of registration or certificate to practice as a landscape architect intern is issued after the beginning of the fiscal year, the board may prorate the fee that the applicant must pay for that year pursuant to those provisions.

3. Each certificate of registration must include the complete name of the holder of the certificate, the number of the certificate and the signatures of the president and secretary of the board.

Sec. 20. *The board may:*

1. *Grant or deny an application for a certificate to practice as a landscape architect intern after examination and revoke or suspend a certificate to practice as a landscape architect intern or take any other disciplinary action set forth in NRS 623A.270 for any of the causes specified in this chapter;*
2. *Hold membership in any organization relating to landscape architects or the practice of landscape architecture; or*
3. *Administer examinations on behalf of any national association of registered boards that certifies landscape architects.*

Sec. 21. NRS 623A.020 is hereby amended to read as follows:

623A.020 As used in this chapter, unless the context otherwise requires, words and terms defined in NRS 623A.030 to 623A.060, inclusive, *and sections 2, 3 and 4 of this act* have the meanings ascribed to them in those sections.

Sec. 22. NRS 623A.030 is hereby amended to read as follows:

623A.030 “Board” means the *state* board of landscape architecture.

Sec. 23. NRS 623A.040 is hereby amended to read as follows:

623A.040 “Instruments of service” means the finalized drawings or specifications prepared by *the holder of* a certificate ~~{holder.}~~ *of registration.*

Sec. 24. NRS 623A.060 is hereby amended to read as follows:

623A.060 ~~{The—“practice”}~~ *“Practice* of landscape architecture” ~~{consists of holding}~~ *means to provide or hold professional services* out to the public, ~~{or rendering.}~~ *including, without limitation,* services for consultation, investigation, reconnaissance, research, *planning,* design, preparation of drawings and specifications and supervision ~~{where.}~~ *, if* the dominant purpose of the services is for the:

1. Preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and esthetic values, natural drainage, and the settings and approaches to buildings, structures, facilities and other improvements; and

2. Consideration and determination of issues of the land relating to erosion, wear and tear, lighting characteristics, and design of landscape irrigation, lighting and grading.

~~{“Practice of landscape architecture”}~~ *The term* includes the location and arrangement of such tangible objects, structures and features as are incidental and necessary to ~~{this}~~ *that* dominant purpose, but does not include the design of structures or facilities with separate and self-contained purposes for habitation or industry ~~{}~~ whose design is normally included in the practice of architecture or professional engineering.

Sec. 25. NRS 623A.070 is hereby amended to read as follows:

623A.070 1. This chapter does not apply to:

(a) Owners of property who make plans, specifications or drawings for their own property.

(b) Any person engaged in the practice of architecture who is registered pursuant to *the provisions of* chapter 623 of NRS.

(c) A contractor licensed pursuant to *the provisions of* chapter 624 of NRS who provides his own drawings for his own construction activities.

(d) Any person who is licensed as a civil engineer pursuant to *the provisions of* chapter 625 of NRS.

(e) Any person who designs, manufactures or sells irrigation equipment and provides instructions pertaining to the mechanical erection and installation of the equipment but does not install the equipment.

2. Any person exempted by the provisions of this section is not thereby absolved from any civil or criminal liability that might otherwise accrue.

3. The exemptions provided by this section do not entitle any person who does not hold a certificate *of registration or certificate* to practice *as a* landscape ~~architecture~~ *architect intern* to hold himself out to the public or advertise himself as a landscape architect *or a landscape architect intern*.

Sec. 26. NRS 623A.080 is hereby amended to read as follows:

623A.080 1. The *state* board of landscape architecture, consisting of ~~five~~ members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) Four members who *, at the time of their appointment, are not the subject of any disciplinary action by the board and who, for not less than 3 years immediately preceding their appointment,* have been ~~engaged~~ :

(1) *Engaged* in the practice of landscape architecture ~~for at least 3 years prior to their appointment; and~~ ; and

(2) *Holders of certificates of registration; and*

(b) One member who is a representative of the general public.

3. Each member must have been a resident of ~~the~~ *this* state for ~~at least 2 years prior to their~~ *not less than 3 years immediately preceding his* appointment.

4. ~~Members~~ *A member* of the board shall not serve for more than three ~~consecutive~~ terms.

5. ~~Before entering upon the discharge of his duties, each~~ *Each* member of the board shall *, within 30 days after he is appointed,* take and subscribe *to* the oath of office *as prescribed by the laws of this state* and file ~~the~~ *the* oath with the secretary of state.

6. The member who is a representative of the general public shall not participate in preparing ~~conducting~~ or grading any examination required by the board.

7. *Upon receipt of a complaint concerning a member of the board and for good cause shown, the governor may, after providing 10 days notice to the member and providing an opportunity for a hearing, remove the member for inefficiency, neglect of duty or malfeasance in office.*

8. *An appointment to fill a vacancy in the membership of the board for a cause other than expiration of the term must be for the unexpired portion of the term.*

9. *A member, agent or employee of the board or any hearing officer or member of a hearing panel appointed by the board is immune from personal liability relating to any action taken in good faith and within the scope of his authority.*

Sec. 27. NRS 623A.090 is hereby amended to read as follows:

623A.090 1. Members of the board are entitled to receive:

(a) A salary of not more than \$80 per day, as fixed by the board, while engaged in the business of the board; and

(b) A per diem allowance and travel expenses at a rate fixed by the board, while engaged in the business of the board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the board, each employee of the board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the board. The rate must not exceed the rate provided for state officers and employees generally.

3. *Any salary, per diem allowance or travel expenses paid pursuant to the provisions of this section must be paid from money kept or deposited by the board in accordance with the provisions of NRS 623A.150.*

Sec. 28. NRS 623A.100 is hereby amended to read as follows:

623A.100 1. At each annual meeting of the board, the members shall:

(a) Elect ~~one member as president;~~ *a president and a secretary;* and

(b) Appoint an executive director.

2. The *president and the secretary of the board serve without additional compensation.*

3. The executive director ~~may~~ *must not* be a member of the board and is entitled to a salary fixed by the board.

~~3-~~ 4. The executive director shall:

(a) Keep an accurate record of all proceedings of the board;

(b) ~~Have~~ *Maintain* custody of the official seal; ~~and~~

(c) Maintain a file containing the names and addresses of all ~~certificate holders;~~ *holders of certificates of registration and certificates to practice as a landscape architect intern;*

(d) *Submit to the board each application for a certificate of registration or certificate to practice as a landscape architect intern that is filed with the board;*

(e) *If a holder of a certificate of registration or certificate to practice as a landscape architect intern has violated any provision of this chapter, file a complaint with the attorney general; and*

(f) *Perform any other duties assigned to him by the board.*

Sec. 29. NRS 623A.120 is hereby amended to read as follows:

623A.120 The board may ~~employ~~ :

1. *Employ* and fix the compensation for legal counsel, inspectors, special agents, investigators and clerical personnel necessary to the discharge of its duties ~~;~~ *and*

2. *Reimburse an employee specified in subsection 1 for any actual expenses incurred by the employee while acting on behalf of the board.*

Sec. 30. NRS 623A.130 is hereby amended to read as follows:

623A.130 The board shall:

1. Adopt an official seal.

2. Administer and enforce the provisions of this chapter.

3. Adopt regulations for the administration of this chapter.

4. Administer and conduct comprehensive examinations of applicants, which ~~shall~~ *must* test the applicant's fitness to engage in the ~~business~~ *practice* of landscape ~~architect~~ *architecture*.

Sec. 31. NRS 623A.150 is hereby amended to read as follows:

623A.150 1. All money coming into the possession of the board must be kept or deposited by the executive director in ~~{banks, credit unions}~~ *an account in a bank, credit union* or savings and loan ~~{associations in the State of Nevada.}~~ *association in this state.*

2. Except as otherwise provided in subsection 6, all money collected by the board must be used to pay the expenses of ~~{examinations, expenses of}~~ :

(a) *Examinations and* the issuance of certificates *of registration* and ~~{expenses to conduct}~~ *certificates to practice as a landscape architect intern; and*

(b) *Conducting* the business of the board.

3. The expenses, including the per diem allowances and travel expenses of the members and employees of the board while engaged in the business of the board and the expenses to conduct examinations, must be paid from the current receipts. No portion thereof may be paid from the state treasury.

4. Any balance remaining in excess of the expenses incurred may be retained by the board and used to defray the future expenses of the board.

5. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to *the provisions of* this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in ~~{banks, credit unions}~~ *an account maintained by the board in a bank, credit union* or savings and loan ~~{associations in this state.}~~ *association specified in subsection 1.*

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to *the provisions of* subsection 5 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 32. NRS 623A.170 is hereby amended to read as follows:

623A.170 1. Any person who ~~{is}~~ :

(a) *Is at least* 21 years of age ~~{and who has had 6 years of}~~ ;

(b) *Is of good moral character;*

(c) *Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and*

(d) *Has satisfied the requirements for* education and experience in landscape architecture, in any combination deemed suitable by the board, may submit an application *for a certificate of registration* to the board upon a form and in a manner prescribed by the board. The application must include the social security number of the applicant and be accompanied by the application fee ~~{-}~~ *prescribed by the board pursuant to the provisions of NRS 623A.240.*

2. *Each year of study, not exceeding 5 years of study, satisfactorily completed in a program of landscape architecture accredited by the Landscape Architectural Accrediting Board or a similar national board approved by the board, or a program of landscape architecture in this state approved by the board is considered equivalent to 1 year of*

experience in landscape architectural work for the purpose of registration as a landscape architect.

3. *The board shall, by regulation, establish standards for examinations which may be consistent with standards employed by other states. The board may adopt the standards of a national association of registered boards approved by the board, and the examination and grading procedure of that organization, as they exist on the date of adoption. Examinations may include tests in such technical, professional and ethical subjects as are prescribed by the board.*

4. *If the board administers or causes to be administered an examination during:*

(a) June of any year, an application to take that examination must be postmarked not later than March 1 of that year; or

(b) December of any year, an application to take that examination must be postmarked not later than September 1 of that year.

Sec. 33. NRS 623A.180 is hereby amended to read as follows:

623A.180 1. The board shall approve or disapprove each application. ~~It~~ *Except as otherwise provided in subsection 4, if* the board is satisfied that the information ~~contained~~ *set forth* in the application is true, and that the applicant is qualified to take the examination, has submitted the statement required pursuant to *the provisions of* NRS 623A.185 and has paid the examination fee, it shall approve the application.

2. ~~Whenever~~ *If* the board approves an application, the executive director shall promptly notify the applicant in writing of the approval and of the time and place of the examination, if required.

3. ~~Whenever~~ *If* the board disapproves an application, the executive director shall promptly notify the applicant of the disapproval, stating the reasons therefor.

4. *The board may disapprove an application for any violation of the provisions of this chapter.*

Sec. 34. NRS 623A.185 is hereby amended to read as follows:

623A.185 1. An applicant for the issuance or renewal of a certificate *of registration or certificate* to practice *as a* landscape ~~architecture~~ *architect intern* shall submit to the board the statement prescribed by the welfare division of the department of human resources pursuant to *the provisions of* NRS 425.520. The statement must be completed and signed by the applicant.

2. The board shall include the statement required pursuant to *the provisions of* subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ~~of registration or certificate to practice as a landscape architect intern;~~ *of registration or certificate to practice as a landscape architect intern;* or

(b) A separate form prescribed by the board.

3. A certificate *of registration or certificate* to practice *as a* landscape ~~architecture~~ *architect intern* may not be issued or renewed by the board if the applicant:

(a) Fails to submit the statement required pursuant to *the provisions of* subsection 1; or

(b) Indicates on the statement submitted pursuant to *the provisions of* subsection 1 that he is subject to a court order for the support of a child and

is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 35. NRS 623A.190 is hereby amended to read as follows:

623A.190 1. The board shall ~~give~~ *administer or cause to be administered a written examination to* each applicant for a certificate ~~an examination, which may be written or oral, or both.~~ *of registration or certificate to practice as a landscape architect intern.*

2. The examination must be given at such times and places and under such supervision as the board may determine.

3. The board may ~~examine in whatever~~ *include in the written examination any* theoretical or applied fields *and ethical issues* it deems appropriate to determine professional skills and judgment.

4. The board shall, by regulation, establish ~~what constitutes a passing grade.~~ *the grade that is required to pass the written examination.*

5. The written examination may be waived by the board if the applicant:

(a) Presents documentation that he has ~~taken and passed, with a grade that is a passing grade in this state, a written~~ *passed an* examination in another state ~~having equivalent scope and subject matter;~~ *or country that has been accepted as an equivalent by the national association of registered boards;* or

(b) Has been certified by ~~the Council of Landscape Architectural Registration Boards as having passed the senior practitioner examination or through reciprocity procedures with foreign countries having requirements for licensing acceptable to the board.~~ *such an organization.*

6. Written examination papers ~~and transcripts of any oral examinations~~ must be destroyed after a certificate *of registration* is issued.

7. *If the applicant fails to pass the written examination or any part thereof, he may retake the examination or the part failed in a subsequent examination upon the payment of the applicable fees prescribed by the board pursuant to the provisions of NRS 623A.240.*

Sec. 36. NRS 623A.200 is hereby amended to read as follows:

623A.200 1. ~~Certificates expire~~ *Each certificate of registration expires* on June 30 next following the date of issuance.

2. ~~Certificates~~ *A certificate of registration* may be renewed for 1 year from each succeeding July 1, upon submission of ~~the~~ :

(a) *The* statement required pursuant to *the provisions of* NRS 623A.185 ~~and payment of the~~ ;

(b) *The* annual renewal fee ~~;~~ *prescribed by the board pursuant to the provisions of NRS 623A.240; and*

(c) *Proof of compliance with the requirements established by the board for continuing education for the renewal of the certificate of registration.*

3. *A certificate of registration that has expired through failure to be renewed may be renewed at any time within 1 year after the date of its expiration upon application to and with the approval of the board and upon payment of the annual renewal fee and the delinquency fee prescribed by the board pursuant to the provisions of NRS 623A.240.*

4. A certificate ~~{which}~~ of registration that has expired for failure to ~~{pay the annual renewal fee}~~ be renewed within 1 year after the date of its expiration may be reinstated by the board without examination within 3 years after the date the certificate of registration expires upon application to and with the approval of the board and upon payment of ~~{the delinquent renewal fee, in addition to the}~~ :

(a) *The annual renewal fee for each year, or part thereof, the certificate of registration is not renewed* ~~{}~~ ;

(b) *The delinquency fee; and*

(c) *The reinstatement fee.*

5. *If a holder of a certificate of registration submits to the board a statement, annual renewal fee and proof required pursuant to the provisions of subsection 2, or if the board approves the renewal or reinstatement of a certificate of registration pursuant to the provisions of subsection 3 or 4, the executive director of the board shall, upon receipt of the statement, applicable fees and proof or upon receipt of the approval of the board, issue a renewal card to the applicant, indicating that his certificate of registration is renewed for 1 year. The renewal card must bear the seal of the board and include:*

(a) *The number of the certificate of registration; and*

(b) *The signature of the president or executive director of the board or a facsimile of that signature.*

6. *The renewal of a certificate of registration and the number of the certificate of registration must be recorded by the executive director of the board in accordance with the provisions of section 8 of this act.*

7. *The unauthorized use or display of a certificate of registration or renewal card for that certificate of registration, or the seal of a holder of a certificate of registration, is unlawful.*

Sec. 37. NRS 623A.210 is hereby amended to read as follows:

623A.210 ~~{}~~ If a certificate of registration has not been renewed within 3 years after its expiration, the holder of the certificate ~~{holder}~~ of registration may apply for and obtain a new certificate of registration if ~~{}~~ :

(a) ~~He is~~ *he*;

1. *Is* otherwise eligible;

~~{(b) He pays}~~

2. *Pays* all fees required by this chapter; ~~{and}~~

~~—(c) He takes and passes the examination or establishes}~~

3. *Passes an examination administered or approved by the board; and*

4. *Establishes* to the satisfaction of the board that he is qualified to practice landscape architecture.

~~{2. The board may waive all or part of the examination fee if the applicant is not required to take the examination.}~~

Sec. 38. NRS 623A.220 is hereby amended to read as follows:

623A.220 1. A suspended certificate *of registration* expires unless it is renewed by the *holder of the* certificate ~~{holder}~~ *of registration*. The renewal does not entitle the holder to engage in the practice of landscape architecture until the expiration of the suspension period or until the certificate *of registration* is reinstated by the board.

2. A revoked certificate *of registration* expires and is not subject to renewal. If the certificate *of registration* is reinstated after its expiration, the *holder of the* certificate ~~{holder}~~ *of registration* shall pay ~~{a reinstatement fee as prescribed in}~~ *the fee for reinstatement prescribed by the board pursuant to the provisions of* NRS 623A.240.

Sec. 39. NRS 623A.230 is hereby amended to read as follows:

623A.230 1. A *holder of a* certificate ~~{holder}~~ *of registration* shall notify the executive director *in writing* of any change of address of his business *or residence* and if the certificate *of registration* has been lost, stolen, destroyed or mutilated.

2. The executive director shall issue a duplicate certificate *of registration* in accordance with regulations established by the board upon application and payment of the fee ~~{}~~ *for replacement of a certificate of registration prescribed by the board pursuant to the provisions of NRS 623A.240.*

Sec. 40. NRS 623A.240 is hereby amended to read as follows:

623A.240 1. The following fees must be prescribed by the board and must not exceed the following amounts:

Application fee	\$200.00
Examination fee.....	100.00,
	plus the actual
	cost of the
	examination
Certificate of registration.....	25.00
Annual renewal fee.....	200.00
Reinstatement fee	300.00
Delinquency fee.....	50.00
Change of address fee	10.00
Copy of a document, per page.....	25

2. In addition to the fees set forth in subsection 1, the board may charge and collect a fee for any other service it provides. The fee must not exceed the cost incurred by the board to provide the service.

3. *The board may authorize a landscape architect intern to pay the application fee or any portion of that fee during any period in which he is the holder of a certificate to practice as a landscape architect intern. If a landscape architect intern pays the fee or any portion of the fee during that period, the board shall credit the amount paid by him towards the entire amount of the application fee for the certificate of registration required pursuant to this section.*

4. The fees prescribed by the board pursuant to this section must be paid in United States currency in the form of a check, cashier's check or money order. If any check submitted to the board is dishonored upon presentation for payment, repayment of the fee, including the fee for a returned check, must be made by money order or certified check.

5. The fees prescribed by the board pursuant to this section are nonrefundable.

Sec. 41. NRS 623A.250 is hereby amended to read as follows:

623A.250 1. A firm, partnership, corporation or association may engage in the practice of landscape architecture if:

(a) All work is *performed* under the supervision and direction of *a holder of a certificate* ~~{holder,} of registration;~~

(b) The name ~~{or names of all certificate holders appear}~~ *of the holder of a certificate of registration appears* in the name of the firm, partnership, corporation or association;

(c) The name of the *holder of the* certificate ~~{holder} of registration~~ appears on all papers or documents used in the practice of landscape architecture; and

(d) All instruments of service are signed by the *holder of the* certificate ~~{holder,} of registration.~~

2. Architects, registered interior designers, residential designers, professional engineers and landscape architects may, in accordance with NRS 623.349, join or form a partnership, corporation, limited-liability company or other business organization or association with registrants and licensees outside of their field of practice, or with persons who are not registered or licensed.

3. Each office or place of business of any partnership, corporation, limited-liability company or other business organization or association engaged in the practice of landscape architecture pursuant to the provisions of subsection 2 shall have a landscape architect who is a resident of this state and holds a certificate of registration issued pursuant to this chapter regularly working in the office or place of business and directly responsible for the administration of the landscape architectural work conducted in the office or place of business.

4. A registrant or licensee practicing in a business organization or association pursuant to subsection 2 remains subject to NRS 89.220.

5. If a person who is not a holder of a certificate of registration, or if a holder of a certificate of registration who is not an owner, and who is employed by or affiliated with a business organization or association that holds a certificate issued pursuant to NRS 623.349 is found by the board to have violated a provision of this chapter or a regulation adopted by the board, the board may hold the business organization or association and each holder of a certificate of registration who is an owner responsible for the violation.

Sec. 42. NRS 623A.260 is hereby amended to read as follows:

623A.260 1. A firm, partnership, corporation or association engaged in the practice of landscape architecture may, upon the approval of the board, establish and operate branch offices within ~~{the}~~ *this* state.

2. A branch office ~~shall~~ **must** be operated by a resident landscape architect who holds a certificate ~~issued pursuant to this chapter.~~ **of registration.**

3. Offices established for the purpose of observing construction work on a project are ~~not~~ considered branch offices.

Sec. 43. NRS 623A.270 is hereby amended to read as follows:

623A.270 **1.** The board may:

~~1-1~~ (a) Suspend or revoke a certificate ~~;~~
~~2-1~~ **of registration or certificate to practice as a landscape architect intern;**

(b) Refuse to renew a certificate ~~;~~
~~3-1~~ **of registration or certificate to practice as a landscape architect intern;**

(c) Place a **holder of a** certificate ~~holder~~ **of registration or certificate to practice as a landscape architect intern** on probation;

~~14-1~~ (d) Issue a reprimand to a **holder of a** certificate ~~holder;~~
~~5-1~~ **of registration or certificate to practice as a landscape architect intern;**

(e) Impose upon a **holder of a** certificate ~~holder~~ **of registration or certificate to practice as a landscape architect intern** a fine of not more than \$5,000 for each violation of this chapter;

~~16-1~~ (f) Require a **holder of a** certificate ~~holder~~ **of registration or certificate to practice as a landscape architect intern** to pay restitution;

~~17-1~~ (g) Require a **holder of a** certificate ~~holder~~ **of registration or certificate to practice as a landscape architect intern** to pay the costs of an investigation or prosecution; or

~~18-1~~ (h) Take such other disciplinary action as the board deems appropriate, if the **holder of a** certificate ~~holder~~ **of registration or certificate to practice as a landscape architect intern** has committed any act set forth in NRS 623A.280.

2. The conditions for probation imposed pursuant to the provisions of subsection 1 may include, without limitation:

(a) **Restriction on the scope of professional practice;**

(b) **Peer review;**

(c) **Education or counseling;**

(d) **The payment of restitution to each person who suffered harm or loss; and**

(e) **The payment of all costs of the administrative investigation and prosecution.**

3. If the board imposes discipline pursuant to the provisions of this section, the board may recover the costs of the proceeding, including any investigative costs and attorney's fees.

4. The board may adopt regulations setting forth a schedule of fines for the purposes of paragraph (e) of subsection 1.

Sec. 44. NRS 623A.280 is hereby amended to read as follows:

623A.280 **1.** The following acts, among others, constitute cause for disciplinary action ~~;~~

~~1-1~~ **if proof satisfactory to the board is presented that:**

(a) A *holder of a certificate* ~~holder~~ *of registration* has signed or sealed instruments of service which were not prepared by him or under his ~~immediate~~ *direct* supervision.

~~12-~~ (b) A *holder of a certificate* ~~holder~~ *of registration* has permitted the use of his signature or seal by another person to evade the provisions of this chapter or any regulation adopted by the board.

~~13-~~ (c) A *holder of a certificate* ~~holder~~ *of registration* has not signed, sealed or dated instruments of service prepared by ~~the certificate holder.~~
~~4-~~ *him.*

(d) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* impersonates a landscape architect or *landscape architect intern* of the same or similar name.

~~15-~~ (e) A *holder of a certificate* ~~holder is practicing~~ *of registration or certificate to practice as a landscape architect intern practices* under an assumed, fictitious or corporate name.

~~16-~~ (f) A *holder of a certificate* ~~holder is practicing~~ *of registration or certificate to practice as a landscape architect intern practices* landscape architecture in violation of the provisions of this chapter or any regulation adopted by the board.

~~17-~~ (g) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* has obtained his certificate *of registration or certificate to practice as a landscape architect intern* by fraud or misrepresentation.

~~18-~~ (h) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* is guilty of fraud or deceit in the practice of landscape architecture.

~~19-~~ (i) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* is guilty of *incompetency*, negligence ~~willful misconduct~~ or gross ~~incompetence.~~ *negligence.*

~~110-~~ (j) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* is convicted of, or enters a plea of nolo contendere to:

~~1(a)-~~ (1) Any felony; or

~~1(b)-~~ (2) Any crime, an essential element of which is dishonesty, or which is directly related to the practice of landscape architecture.

~~111-~~ (k) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* is guilty of aiding or abetting any person in the violation of the provisions of this chapter or any regulation adopted by the board.

~~112-~~ (l) A person ~~is practicing~~ *practices* as a landscape architect with a certificate ~~which~~ *of registration or certificate to practice as a landscape architect intern that* has expired or has been suspended or revoked.

~~113-~~ (m) A *holder of a certificate* ~~holder~~ *of registration or certificate to practice as a landscape architect intern* is disciplined by an agency of another state or foreign country which regulates the practice of landscape architecture and at least one of the grounds for the disciplinary action taken is a ground for disciplinary action pursuant to *the provisions of* this chapter.

(n) A holder of a certificate of registration or certificate to practice as a landscape architect intern fails to comply with an order issued by the board or to cooperate in an investigation conducted by the board.

2. *As used in this section:*

(a) "Gross negligence" means conduct that demonstrates a reckless disregard of the consequences affecting the life or property of another person.

(b) "Incompetency" means conduct that, in the practice of landscape architecture, demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation.

(c) "Negligence" means a deviation from the normal standard of professional care exercised generally by other members in the practice of landscape architecture.

Sec. 45. NRS 623A.285 is hereby amended to read as follows:

623A.285 1. If the board receives a copy of a court order issued pursuant to *the provisions of* NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate *of registration or certificate* to practice *as a* landscape ~~architecture,~~ *architect intern*, the board shall deem the certificate *of registration or certificate to practice as a landscape architect intern* issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the board receives a letter issued to the holder of the certificate *of registration or certificate to practice as a landscape architect intern* by the district attorney or other public agency pursuant to *the provisions of* NRS 425.550 stating that the holder of the certificate *of registration or certificate to practice as a landscape architect intern* has complied with the subpoena or warrant or has satisfied the arrearage pursuant to *the provisions of* NRS 425.560.

2. The board shall reinstate a certificate *of registration or certificate* to practice *as a* landscape ~~architecture,~~ *architect intern* that has been suspended by a district court pursuant to *the provisions of* NRS 425.540 if the board receives a letter issued by the district attorney or other public agency pursuant to *the provisions of* NRS 425.550 to the person whose certificate *of registration or certificate to practice as a landscape architect intern* was suspended stating that the person whose certificate *of registration or certificate to practice as a landscape architect intern* was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to *the provisions of* NRS 425.560.

Sec. 46. NRS 623A.290 is hereby amended to read as follows:

623A.290 1. The board, any ~~one of the members~~ *member* of the board or any other person who becomes aware that any one or more of the grounds for initiating disciplinary action may exist as to a *holder of a* certificate ~~holder~~ *of registration or certificate* to practice *as a* landscape ~~architecture,~~ *architect intern* may file a complaint specifying the relative facts with the executive director of the board.

2. A complaint must be made in writing and be signed and verified by the person making it.

Sec. 47. NRS 623A.310 is hereby amended to read as follows:

623A.310 1. The hearing of a complaint must be conducted by the board. The defendant ~~{certificate holder}~~ is entitled to appear in person and by legal counsel and must be given adequate opportunity to confront the witnesses against him, to testify and introduce the testimony of witnesses in his behalf, and to submit argument and briefs in person or by his counsel.

2. The failure of the person named in the complaint to attend his hearing or to defend himself must not delay or void the proceedings.

3. The board may, for good cause shown, continue any hearing.

4. Upon conclusion of the hearing or as soon as practicable thereafter, the board shall make and announce its decision.

Sec. 48. NRS 623A.320 is hereby amended to read as follows:

623A.320 If the board revokes or suspends a ~~{license}~~ *certificate of registration or certificate to practice as a landscape architect intern* for a fixed ~~{time}~~ *period*, the *holder of the* certificate ~~{holder}~~ *of registration or certificate to practice as a landscape architect intern* may apply for a rehearing within 10 days and the board may grant ~~{such}~~ *the* application within 30 days thereafter.

Sec. 49. NRS 623A.330 is hereby amended to read as follows:

623A.330 If the board grants a rehearing, the executive director shall immediately notify the *holder of the* certificate ~~{holder}~~ *of registration or certificate to practice as a landscape architect intern* of the date and place ~~{which}~~ *that* the board has fixed for the rehearing, which date must not be less than 10 days thereafter. The hearing must be conducted in the same manner as the former hearing. Upon conclusion thereof, or as soon as practicable thereafter, the board shall make and announce its decision.

Sec. 50. NRS 623A.350 is hereby amended to read as follows:

623A.350 1. Except as *otherwise* provided in subsection 2, a complaint ~~{shall}~~ *must* not be filed against ~~{a certificate}~~ *the holder of a certificate of registration or certificate to practice as a landscape architect intern* if 2 years or more have elapsed since the occurrence of the act or omission alleged as the ground for disciplinary action.

2. If the act or omission alleges fraud or misrepresentation, the complaint ~~{shall}~~ *must* be filed within 2 years after the discovery of the fraud or misrepresentation.

Sec. 51. NRS 623A.355 is hereby amended to read as follows:

623A.355 All advertising by or business cards of a *holder of a* certificate ~~{holder}~~ *of registration* must include the number of his certificate ~~{}~~ *of registration*.

Sec. 52. NRS 623A.360 is hereby amended to read as follows:

623A.360 Any person who:

1. Violates any of the provisions of this chapter;

2. Having had his certificate *of registration or certificate to practice as a landscape architect intern* suspended or revoked, continues to *solicit business or otherwise* represent himself as a landscape architect ~~{}~~ *or landscape architect intern*;

3. Engages in the practice of landscape architecture without holding a certificate ~~{issued by the board}~~ *of registration or certificate to practice as a landscape architect intern*; or

4. Uses the title or term “landscape architect,” “landscape ~~designer~~,” “landscape ~~consultant~~,” “landscape ~~draftsman~~” or “landscape architect intern,” or any other title or term indicating or implying that he is a landscape architect *or landscape architect intern* in any sign, card, listing, advertisement or in any other manner without holding a certificate ~~issued by the board,~~ *of registration or certificate to practice as a landscape architect intern,* is guilty of a misdemeanor.

Sec. 53. NRS 623A.370 is hereby amended to read as follows:

623A.370 *1.* A violation of *a provision of* this chapter by a person ~~unlawfully~~ :

(a) Unlawfully representing himself as a landscape architect , *landscape designer, landscape consultant, landscape draftsman* or ~~engaging~~ *landscape architect intern, or using any other title or term indicating or implying that he is a landscape architect or landscape architect intern; or*

(b) Engaging in the practice of landscape architecture , without holding a certificate ~~issued by the board,~~ *of registration or certificate to practice as a landscape architect intern,* may be enjoined by a district court on petition by the president of the board in the name of the board. In any such proceeding it is not necessary to show that any person is individually injured.

2. If the respondent *in a proceeding specified in subsection 1* is found guilty of ~~unlawfully~~ :

(a) Unlawfully representing himself as a landscape architect , *landscape designer, landscape consultant, landscape draftsman* or ~~engaging~~ *landscape architect intern, or using any other title or term indicating or implying that he is a landscape architect or landscape architect intern; or*

(b) Engaging in the practice of landscape architecture , without holding a certificate ~~issued by the board,~~ *of registration or certificate to practice as a landscape architect intern,* the court shall enjoin him from continuing that representation , *usage* or practice. The procedure in such cases must be the same as in any other application for an injunction. The remedy by injunction is in addition to any criminal prosecution and punishment or any disciplinary action *taken* by the board.

Sec. 54. Section 12 of this act is hereby amended to read as follows:

Sec. 12. *1.* Any person who:

(a) Is at least 21 years of age;

(b) Is of good moral character;

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States; and

(d) Has graduated from a school approved by the board or has completed at least 4 years of work experience in the practice of landscape architecture in accordance with regulations adopted by the board,

may submit an application to the board for a certificate to practice as a landscape architect intern.

2. The application must be submitted on a form furnished by the board and include ~~:-~~

~~-(a) The statement required by NRS 623A.185;~~

~~-(b) The social security number of the applicant; and~~

~~—(e) The~~ *the* applicable fees prescribed by the board pursuant to the provisions of NRS 623A.240.

Sec. 55. Notwithstanding the amendatory provisions of section 26 of this act, each member of the board of landscape architecture continues to serve until the expiration of his term.

Sec. 56. 1. This section and sections 1 to 53, inclusive, 55 and 57 of this act become effective on July 1, 2001.

2. Section 54 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

are repealed by the Congress of the United States.

Sec. 57. The legislative counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, with respect to any section that is not amended by this act or is further amended by another act, appropriately change any reference to “board of landscape architecture” to “state board of landscape architecture.”

2. In preparing supplements to the Nevada Administrative Code, appropriately change any reference to “board of landscape architecture” to “state board of landscape architecture.”