

SENATE BILL NO. 125—SENATOR HARDY

PREFILED JANUARY 31, 2019

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to landscape architecture.
(BDR 54-612)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to landscape architecture; requiring the State Board of Landscape Architecture to accept credit cards, debit cards and electronic transfers of money for the payment of certain fees; authorizing the Board to contract for the acceptance of such methods of payment; increasing the maximum amount of fees relating to the licensure of a landscape architect and a landscape architect intern; revising provisions relating to complaints filed with the State Board of Landscape Architecture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in the practice of landscape architecture unless he or she has been issued a certificate of registration or a certificate to practice as a landscape architect intern by the State Board of Landscape Architecture. (NRS 623A.165) Existing law requires the Board to prescribe certain fees related to the issuance and renewal of a certificate of registration and a certificate to practice as a landscape architect intern. (NRS 623A.240) **Section 2** of this bill increases the maximum amount of such fees and provides that the fees are payable in advance. **Section 2** also specifies that the Board must prescribe a separate application fee for a certificate of registration and a certificate to practice as a landscape architect intern and authorizes the Board to credit money paid to apply for a certificate to practice as a landscape architect intern toward the application fee for a certificate of registration.

Under existing law, all fees paid to the Board must be paid in the form of a check, cashier's check or money order. (NRS 623A.240) **Section 2** expands the acceptable forms of payment to include credit cards, debit cards and electronic transfers of money. **Section 1** of this bill authorizes the Board to enter into contracts with issuers of credit cards, debit cards or operators of systems that



provide for the electronic transfer of money to provide for the acceptance of such methods of payment and authorizes the Board to charge and collect a convenience fee in certain circumstances.

Under existing law, complaints against a landscape architect or landscape architect intern may be filed with the Executive Director of the State Board of Landscape Architecture. (NRS 623A.290) The President of the Board or a designee of the President is required to consider the complaint and make a recommendation to the Board if further proceedings are warranted. (NRS 623A.305) **Section 3** of this bill removes the President or his or her designee from this process and instead requires the Executive Director to consider each complaint and make a recommendation to the Board.

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 a new section to read as follows:

1. The Board may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the Board for the payment of fees prescribed pursuant to NRS 623A.240.

2. If the issuer or operator charges the Board a fee for each use of a credit card or debit card or for each electronic transfer of money, the Board may require the cardholder or the person requesting the electronic transfer of money to pay a convenience fee. The total convenience fees charged by the Board in a fiscal year must not exceed the total amount of fees charged to the Board by the issuer or operator in that fiscal year.

3. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to the Board for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.

(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.



(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.

(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

Sec. 2. 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 <i>for a certificate of registration</i>	[\$200.00] \$300.00
Application fee <i>for a certificate to practice as a landscape architect intern</i>	100.00
Examination fee.....	100.00, plus the actual cost of the examination
Certificate of registration.....	[25.00] 50.00
<i>Certificate to practice as a landscape architect intern</i>	50.00
Annual renewal fee.....	[200.00] 300.00
Reinstatement fee	[300.00] 400.00
Delinquency fee.....	[50.00] 100.00
Change of address fee.....	[10.00] 20.00
Copy of a document, per page	[-25] .50

2. In addition to the fees set forth in subsection 1, the Board may charge and collect a fee for the expedited processing of a request or for any other incidental 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~~ *deem the payment of* the application fee *for a certificate to practice as a landscape architect intern* or any portion of that fee ~~[during any period in which he or she is the holder of a certificate to practice as]~~ by a landscape architect intern ~~[.] to also apply to the application fee for a certificate of registration.~~ If a landscape architect intern pays ~~[the] an application fee [or any portion of the fee during that period.]~~ *so deemed by the Board*, the Board shall credit the amount ~~[paid]~~ *deemed to apply to the application fee for a certificate of registration* 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 , ~~for~~ money order ~~or~~ , *credit card, debit card or electronic transfer of money*. If any check *or other method of payment* submitted to the Board is dishonored upon presentation for payment, repayment of the fee, including the fee for a returned check in the amount established by the State Controller pursuant to NRS 353C.115, must be made by money order or certified check.

5. The fees prescribed by the Board pursuant to this section are *payable in advance and* nonrefundable.

6. *As used in this section:*

(a) *"Credit card" has the meaning ascribed to it in section 1 of this act.*

(b) *"Debit card" has the meaning ascribed to it in section 1 of this act.*

(c) *"Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.*

Sec. 3. NRS 623A.305 is hereby amended to read as follows:

623A.305 1. When a complaint is filed with the Executive Director of the Board, it must be considered by the ~~[President of the Board or a member of the Board designated by the President.]~~ *Executive Director*. If it appears to the ~~[President or the person designated by the President]~~ *Executive Director* that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the ~~[President or a person designated by the President]~~ *Executive Director* and shall dismiss the complaint or proceed with disciplinary action pursuant to chapter 622A of NRS.

Sec. 4. This act becomes effective on July 1, 2019.

