

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 2)

(Reprinted with amendments adopted on May 24, 2019)

FIRST REPRINT

S.B. 125

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.

~

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

AN ACT relating to landscape architecture; authorizing the State Board of Landscape Architecture to accept credit cards, debit cards and electronic transfers of money for the payment of certain fees; 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.

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. (Deleted by amendment.)

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
<i>Application fee for a certificate to practice as a landscape architect intern</i>	50.00
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 ~~for 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**



1 *a certificate of registration* towards the entire amount of the
2 application fee for the certificate of registration required pursuant to
3 this section.

4 4. The fees prescribed by the Board pursuant to this section
5 must be paid in United States currency in the form of a check,
6 cashier's check or money order ~~[]~~ *or, if applicable, credit card,*
7 *debit card or electronic transfer of money.* If any check *or other*
8 *method of payment* submitted to the Board is dishonored upon
9 presentation for payment, repayment of the fee, including the fee for
10 a returned check in the amount established by the State Controller
11 pursuant to NRS 353C.115, must be made by money order or
12 certified check.

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

15 6. *As used in this section:*

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

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

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

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

28 623A.305 1. When a complaint is filed with the Executive
29 Director of the Board, it must be considered by the ~~[President of the~~
30 ~~Board or a member of the Board designated by the President.]~~
31 *Executive Director.* If it appears to the ~~[President or the person~~
32 ~~designated by the President]~~ *Executive Director* that further
33 proceedings are warranted, he or she shall report the results of the
34 investigation together with a recommendation to the Board in a
35 manner which does not violate the right of the person charged in the
36 complaint to due process in any later hearing on the complaint.

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

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

