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**Form For Filing
Administrative Regulations**

Agency Nevada State Board of Architecture
Interior Design and Residential Design

R056-23

FOR EMERGENCY
REGULATIONS ONLY

Effective date _____

Expiration date _____

Governor's signature

Classification: **PROPOSED** **ADOPTED BY AGENCY** **EMERGENCY**

brief description of action: Proposed regulation R056-23. The intent of this regulation is to remove references to sections NAC 623.135, IAC 623.400 that are redundant, obsolete and no longer in use by the agency. Additionally, the following sections are being repealed: NAC 23.015, 623.150, 623.155, 623.170, 623.300, 623.445, 623.455, 623.465, 623.475, 623.920, 623.925, 623.930 and 623.935. The language contained in these sections being repealed are antiquated and no longer applicable to the agency's operational and licensing requirements and rocesses under Nevada Administrative Code (NAC) Chapter 623.

Authority citation other than 233B NRS 623.140, NRS 623.210

Notice date: December 18, 2023

Date of Adoption by Agency

Hearing date: January 17, 2024

January 17, 2024

**APPROVED REGULATION OF THE
STATE BOARD OF ARCHITECTURE, INTERIOR DESIGN AND
RESIDENTIAL DESIGN**

LCB File No. R056-23

Filed on February 27, 2024

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

AUTHORITY: §§ 1 and 3, NRS 623.140; § 2, NRS 623.140 and 623.190.

A REGULATION relating to professions; revising certain provisions relating to the examination for registration as an architect; repealing the definition of Executive Director of the State Board of Architecture, Interior Design and Residential Design; repealing certain provisions relating to audits, education and training, registration as an architect and advisory committees established by the Board; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Architecture, Interior Design and Residential Design to adopt necessary and proper regulations relating to the practices of architecture, interior design and residential design in this State. (NRS 623.140)

Existing law authorizes the Board to employ an Executive Director. (NRS 623.135) Existing regulations define the term “Executive Director” to mean the Executive Director of the Board. Existing regulations further provide that if an Executive Director is retained, he or she: (1) shall be in charge of the offices of the Board and be responsible for any investigations of the Board; and (2) serves at the pleasure of the Board. (NAC 623.015, 623.150) **Section 3** of this regulation repeals these provisions.

Existing regulations: (1) require the Board to retain a certified public accountant to audit its fiscal records; and (2) authorize the Board to supplement its budget for any emergency expense, upon a majority vote of a quorum. (NAC 623.155, 623.170) **Section 3** repeals these provisions.

Existing regulations require an applicant for registration as an architect to complete certain education and training requirements before applying for registration with the Board and set forth conditions for credit for such education and training. (NAC 623.400, 623.445-623.475) **Section 3** repeals regulations setting forth the conditions for acquiring such credit for education

and training. **Section 2** of this regulation makes a conforming change to remove a reference to credit for certain education and training.

Existing law provides that before being issued a certificate of registration to engage in the practice of architecture or residential design, each applicant must personally appear before the Board to take an oath prescribed by the Board. (NRS 623.190) **Section 2** eliminates a duplicative provision of the Nevada Administrative Code that requires a successful applicant for registration as an architect to personally appear before the Board to take such an oath.

Existing regulations provide that the Board will establish an advisory committee to assist the Board in reviewing complaints submitted to the Board. (NAC 623.920) Existing regulations also set forth the duties of such an advisory committee and requirements for any informal conferences to be held by the advisory committee. (NAC 623.920-623.935) **Section 3** repeals these provisions. **Section 1** of this regulation makes a conforming change to remove a reference to a section repealed by **section 3**.

Section 1. NAC 623.135 is hereby amended to read as follows:

623.135 The Chair of the Board shall:

1. If present, preside over the meetings of the Board;
2. ~~{Except as otherwise provided in NAC 623.920, appoint}~~ **Appoint** all committees of the

Board;

3. Sign all certificates issued by the Board;
4. Exclude a person who does not conduct himself or herself in a respectful manner before the Board during a formal or informal proceeding; and
5. Perform all other duties pertaining to the office.

Sec. 2. NAC 623.400 is hereby amended to read as follows:

623.400 1. The Board hereby adopts the architectural examination prepared by the National Council of Architectural Registration Boards as the examination to be used in this State to test applicants for registration as architects.

2. In addition to the qualifications of minimum age and good moral character which are prescribed in subsection 1 of NRS 623.190, to participate in the examination an applicant must ~~except as otherwise provided in subsection 3,~~ have completed or be enrolled in:

(a) The Architectural Experience Program of the National Council as the Program existed at the time of application for registration and have received or be eligible to receive a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board, Inc.; or

(b) An Integrated Path to Architectural Licensure option that is accredited by the National Architectural Accrediting Board, Inc.

3. ~~[An applicant who received 7 years of credits for education and practical training before January 1, 1986, may participate in the examination after the applicant has received a total of 8 years of credits for education and practical training pursuant to NAC 623.445. Of the 8 years immediately preceding the date on which the application is submitted, the applicant must have had 3 years of experience in the office and under the direct supervision of a registered architect.~~

~~—4.]~~ An applicant who has completed or is enrolled in the Architectural Experience Program must have the National Council transmit adequate evidence thereof to the Board.

~~[5.]~~ 4. Requests for information regarding the Architectural Experience Program must be directed to the:

NATIONAL COUNCIL OF ARCHITECTURAL
REGISTRATION BOARDS
1401 H Street NW, Suite 500
Washington, DC 20005
(202) 879-0520
www.ncarb.org

~~{6.—Upon the applicant’s successful completion of all parts of the written examination, each applicant must personally appear before the Board to take an oath prescribed by the Board.}~~

Sec. 3. NAC 623.015, 623.150, 623.155, 623.170, 623.300, 623.445, 623.455, 623.465, 623.475, 623.920, 623.925, 623.930 and 623.935 are hereby repealed.

TEXT OF REPEALED SECTIONS

623.015 “Executive Director” defined. (NRS 623.140)

“Executive Director” means the Executive Director of the Board.

623.150 Executive Director. (NRS 623.135, 623.140)

1. The Board may retain a person as Executive Director. If an Executive Director is retained, he or she shall be in charge of the offices of the Board and be responsible for any investigations of the Board.

2. The Executive Director serves at the pleasure of the Board.

623.155 Audits. (NRS 623.135, 623.140)

The Board will retain a certified public accountant to audit all of its fiscal records at the close of each fiscal year.

623.170 Supplement of budget. (NRS 623.140)

The Board may, upon a majority vote of a quorum of the Board, supplement its budget for any emergency expense of the Board by using any money available.

623.300 Evaluation of training received by applicant. (NRS 623.140, 623.190)

1. To evaluate the training being received by an applicant, the Board will consider the organization which is providing the training to be an office of a registered architect if:

(a) The applicant works under the direct supervision of a registered architect who is the principal of the organization;

(b) The organization is not engaged in construction; and

(c) The organization has no affiliate engaged in construction which has a substantial economic effect on the principal of the organization.

2. An organization or its affiliate is considered to be primarily engaged in construction if it customarily:

(a) Provides labor or material for all or any significant part of a project of construction, whether or not compensation is paid by a lump sum or on a cost plus basis; or

(b) Agrees to guarantee to an owner of a project the maximum cost of the construction of all or a significant part of the project.

3. For the purpose of this section, a person is a principal of an organization if he or she:

(a) Is a registered architect; and

(b) Is in charge of the organization's architectural practice alone or with other registered architects.

623.445 Credit for education or training. (NRS 623.140, 623.190)

An applicant for registration as an architect may acquire credit for education or training under the following table:

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION			TRAINING	
	First		Maximum	Credit	Maximum
	2	Succeeding	Years	Allowed	Credit
	Years	Years	Allowed	(Percent)	Allowed
1. For a bachelor's degree in architecture or credits from a program accredited by the National Architectural Accrediting Board, Inc., or for a master's degree in architecture from a school of architecture accredited by that Board.	100	100	5 years		
2. For the first professional degree in architecture or credits toward that degree under a program which has been accredited by the National Architectural Accrediting Board, Inc., not later than 2 years after termination of enrollment.	75	100	5 years		

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION			TRAINING	
	First 2 Years	Succeeding Years (Percent)	Maximum Years Allowed	Credit Allowed (Percent)	Maximum Credit Allowed
3. For the first professional degree in architecture or credits toward that degree under a program which has not been accredited by the National Architectural Accrediting Board, Inc.	75	75	4 years		
4. For a bachelor's degree or credits toward that degree in architectural engineering or architectural technology or in civil, mechanical or electrical engineering under a program which has been accredited by the Engineers' Council for Professional Development, the Accreditation Board for Engineering and Technology or ABET, Inc., or for a bachelor's degree in interior architecture under a program accredited by the Council for Interior Design Accreditation.	50	75	3 years		

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING		
	First 2 Years	Succeeding Years (Percent)	Maximum Years Allowed	Credit Allowed (Percent)	Maximum Credit Allowed
5. For any other bachelor's degree.			2 years		
6. For employment directly related to architectural work in the office of a registered architect.	50	50	5 years	100	No Limit
7. For experience as an employee of an organization which is regularly involved in the business of construction if the experience is not in the office of a registered architect but is directly related to architectural work and is under the direct supervision of a registered architect.	50	50	4 years	100	2 years

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING		
	First 2 Years	Succeeding Years (Percent)	Maximum Years Allowed	Credit Allowed (Percent)	Maximum Credit Allowed
8. For experience as an employee of an organization, other than in the office of a registered architect, if the experience is directly related to architectural work and is directly supervised by a professional engineer or a landscape architect.				50	1 year
9. For experience other than that gained by work described in subsections 6, 7 and 8, if the experience is directly related to operations on a construction site or to physical analyses of existing buildings.				50	6 months
10. A master's or doctoral degree in architecture, unless the degree is the first professional degree.				100	1 year

TABLE OF EQUIVALENTS:

DESCRIPTION OF EXPERIENCE	EDUCATION		TRAINING	
	First	Maximum	Credit	Maximum
(Percent)	Years	Years	(Percent)	Allowed
11. For teaching or research under an architectural program accredited by the National Architectural Accrediting Board, Inc.	2	Succeeding	100	1 year

623.455 Conditions for credit for education. (NRS 623.140, 623.190)

The credit to be allowed for the education described in the table in NAC 623.445 is subject to the following conditions:

1. Credit for education must be earned after graduation from high school.
2. For the completion of the degrees described in subsections 1 to 5, inclusive, of NAC 623.445, an applicant will receive the maximum credit allowed, regardless of the length of the program to obtain the degree. An applicant with a bachelor's degree described in that table who has participated in more than one program may not receive credit for more than 3 years in the aggregate for the degree.
3. Thirty-two semester hours or 48 quarter hours with passing grades is considered to be 1 year. Credit will be allowed for full years or half years only. A fraction of more than half a year

must be rounded to the nearest half year and fractions of less than a half year must not be counted for credit.

4. An applicant will be allowed credit for education in a foreign college or university only for a nonarchitectural bachelor's degree or for the first professional degree under a program accredited by the National Architectural Accrediting Board, Inc., within 2 years after the period of the applicant's enrollment. The applicant must pay the cost of any translation or evaluation necessary to determine the credit for this education.

623.465 Conditions for credits for training. (NRS 623.140, 623.190)

The credit to be allowed for the training described in the table in NAC 623.445 is subject to the following conditions:

1. Credit for training may be earned only after at least 2 1/2 credits have been earned for education.
2. After 5 years of education, each applicant must earn at least 1 year of credit for employment in the office of a registered architect.
3. To be allowed credit for a master's or doctoral degree in architecture or for teaching or research in an architectural program, the subjects studied, taught or researched by the applicant must be evaluated by the Board and found to be related directly to architecture. Twenty semester hours or 30 quarter hours of teaching or research is considered to be 1 year.
4. Credits may not be used for both education and training.
5. An applicant, upon request by the Board, must substantiate his or her training by showing that it meets the requirements of a licensure candidate in the Architectural Experience Program of the National Council of Architectural Registration Boards.

623.475 Additional conditions for credits for education or training. (NRS 623.140, 623.190)

1. To earn full credit for education or training pursuant to NAC 623.445, an applicant must have worked at least 10 consecutive:

- (a) Weeks for credit pursuant to subsection 6 of NAC 623.445; and
- (b) Months for credit pursuant to subsections 7, 8 and 9 of NAC 623.445.

2. An applicant may earn half of the credit required in subsection 6 of NAC 623.445 by working at least 20 hours a week during periods of 6 or more consecutive months. No applicant may receive credit for part-time work for any other training described in NAC 623.445.

3. The Board will accept other education and training completed by an applicant if it finds that the training or education is equivalent to the education or training described in NAC 623.445.

4. If necessary to evaluate the credits of an applicant for examination, the Board will require the applicant to substantiate the statement that he or she has complied with the education and training requirements specified in this chapter.

623.920 Advisory committees: Establishment; appointment of members; provisions applicable to members. (NRS 623.140, 623.150)

1. The Board will, when appropriate, establish an advisory committee to:

- (a) Provide assistance in an area that the Board considers necessary; or
- (b) Assist the Board in the review of a complaint which has been filed pursuant to NAC

623.905 if the respondent agrees to participate in an informal review of the complaint by an advisory committee.

2. The Executive Director or a person otherwise authorized by the Board shall appoint members to an advisory committee from a list of volunteers. The list of volunteers must consist of architects, landscape architects, professional engineers, registered interior designers, residential designers or other persons approved by the Board, Executive Director or a person otherwise authorized by the Board. If the advisory committee is established to assist the Board in the review of a complaint, the majority of members appointed must, if practicable, be registered in the same profession or discipline as the respondent. The Executive Director or a person otherwise authorized by the Board shall designate one member of the advisory committee to serve as the chair of the committee.

3. Members of an advisory committee:

(a) Serve at the pleasure of the Board;

(b) Are prohibited from participating in a proceeding in which a member of the Board would be required to abstain under similar circumstances; and

(c) Serve without compensation, but are entitled to travel expenses and subsistence allowances from the Board.

623.925 Duties of advisory committee; use of recommendations by Board; obligations of respondent upon acceptance or rejection of recommendations. (NRS 623.140, 623.150)

1. An advisory committee established to assist the Board in the review of a complaint shall:

(a) Review the complaint and the written report submitted by an investigator pursuant to NAC 623.915 to determine whether probable cause exists that the respondent has violated a provision of this chapter or chapter 623 of NRS;

(b) Hold an informal conference in accordance with the provisions of NAC 623.930; and

(c) Work with the respondent to arrive at a resolution of the complaint.

2. Within 30 days after the informal conference, the chair of the advisory committee shall submit to the Board a report which summarizes the informal conference and the recommendations of the advisory committee concerning the disposition of the complaint.

3. The findings and recommendations of the advisory committee must be supported by substantial evidence.

4. The Board is not bound by the recommendations of an advisory committee concerning the disposition of a complaint.

5. If the respondent accepts the recommendations of the advisory committee, he or she shall, within 30 days after receipt of the recommendations from the Executive Director or a person otherwise authorized by the Board, execute a proposed settlement agreement with the Board concerning a resolution of the complaint. Such an agreement is not effective until the agreement has been signed by the respondent and approved by the Board.

6. If the respondent rejects the recommendations of the advisory committee, or fails to notify the Board that he or she accepts the recommendations within 30 days after receipt of the recommendations, the Board will take further action on the complaint that it considers necessary.

623.930 Informal conference between advisory committee and respondent; notice; committee not bound by rules of evidence. (NRS 623.140, 623.150)

1. If an advisory committee is established to assist the Board in the review of a complaint, the Executive Director or a person otherwise authorized by the Board shall schedule an informal conference between the advisory committee and the respondent. The Executive Director or a

person otherwise authorized by the Board shall provide written notice of the time and place of the conference to:

- (a) Each member of the advisory committee;
- (b) The respondent; and
- (c) Each witness whose appearance has been requested at the informal conference.

2. In conducting an informal conference, an advisory committee is not bound by the technical rules of evidence. The chair of an advisory committee shall rule on the admissibility of evidence and accept all evidence which is relevant to the complaint. All evidence admitted is confidential.

623.935 Decline by respondent to participate in review of complaint. (NRS 623.140, 623.150)

If a respondent declines to participate in a review of the complaint by an advisory committee, the Executive Director or a person otherwise authorized by the Board shall refer the complaint to the Board for any further action that the Board considers necessary.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R056-23**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 623.

1. A clear and concise explanation of the need for the adopted regulation.

This proposed regulation removes references to sections NAC 623.135, NAC 623.400 that are redundant, obsolete and no longer in use by the agency. Additionally, the following sections are being repealed: NAC 623.015, 623.150, 623.155, 623.170, 623.300, 623.445, 623.455, 623.465, 623.475, 623.920, 623.925, 623.930 and 623.935. In response to Governor Lombardo's Executive Order 2023-003, the language contained in these 13 sections are being repealed as the agency found them to be antiquated and no longer applicable to the agency's operational and licensing requirements and processes.

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of architecture, residential design and registered interior design as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada State Board of Architecture, Interior Design and Residential Design, www.nsbaidrd.org, mailed to all county libraries in Nevada and posted at the following locations:

Department of Business and
Industry
788 Fairview Dr. #100 Carson
City, Nevada 89701

Grant Sawyer Building
555 E. Washington Blvd.,
Suite 4900
Las Vegas, Nevada 89101

Legislative Building 401 South
Carson Street
Carson City, Nevada 89710

Nevada Dept. Of Cultural
Affairs
100 Stewart St.
Carson City, Nevada 89701

The Bradley Building
2501 East Sahara Ave. Las Vegas,
Nevada 89104

Legislative Counsel Bureau Website

A workshop was held on November 17, 2023, via Zoom in Las Vegas, Nevada at 1:30 p.m. for regulation (R056-23). There were no members of the public present by Zoom at the meeting. Any further information may be obtained by contacting Monica Harrison at (702) 486-7300 at the Nevada State Board of Architecture, Interior Design and Residential Design, 2080 E. Flamingo Rd. Ste. 120, Las Vegas, NV 89119.

3. The number persons who:

- (a) **Attended each hearing:** Workshop: November 17, 2023: 0;
Public Hearing: January 17, 2024: 0;
- (b) **Testified at each hearing:** Workshop: November 17, 2023: 0;
Public Hearing: January 17, 2024: 0;
- (c) **Submitted to the agency written comments:** 0 comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A. Does not apply

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. Through its newsletter and e-mail blasts, the Board sent notices of the proposed regulations to all of its registrants and small businesses on November 2, 2023, and December 5, 2023 (Email, Facebook & Twitter). As directed by Governor Lombardo, the agency discussed and reviewed the proposed regulations at its publicly noticed board meetings on March 21, 2023, and August 22, 2023, October 18, 2023, and posted a copy of the draft regulations on its website on November 2, 2023. The Board held a Public Workshop on November 17, 2023, via Zoom, and held an in-person Public Hearing on January 17, 2024. The agency used informed, reasonable judgment in determining that there will not be an impact on small businesses resulting from the adoption of proposed regulation R056-23. Any further information may be obtained by contacting the Nevada State Board of Architecture, Interior Design and Residential Design, 2080 E. Flamingo Rd. Ste. 120, Las Vegas, NV 89119.

6. 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 proposed regulation R056-23 was adopted on January 17, 2024, by a quorum of the NSBAIDRD full board. The Board believes that the proposed regulation reflects the intent of the board and therefore, the temporary regulation was adopted without any revisions. No public comment was submitted in favor or in opposition of adopting this regulation.

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

- (a) Both adverse and beneficial effects on businesses; and**
- (b) Both immediate and long-term effects on businesses.**

(a) Both adverse and beneficial effects

The intent of the proposed regulation under R056-23 should have no adverse economic effect on businesses. The intent of the proposed regulations is to amend sections: NAC 623.135, NAC 623.400 and remove language that is redundant, obsolete, and no longer in use by the agency. Additionally, the following sections are being repealed: NAC 623.015, 623.150, 623.155, 623.170, 623.300, 623.445, 623.455, 623.465, 623.475, 623.920, 623.925, 623.930 and 623.935. In response to Governor Lombardo's Executive Order 2023-003, the language contained in these 13 sections are being repealed as the agency found them to be antiquated and no longer applicable to the agency's operational and licensing requirements and processes.

The beneficial effects are that the agency is removing language that is no longer in use and unnecessary for the registration and enforcement of the three professions it regulates. The Board doesn't anticipate an adverse effect upon the intent of the regulation.

(a) Both immediate and long-term effects.

The immediate effect of R056-23 is that by updating and removing antiquated language from the agency's regulations that are no longer in use and irrelevant, the agency performed a full review of chapter 623 of the Nevada Administrative Code. The indirect effect is that the agency performed a thorough review of its regulations that pertains to chapter 623 of the Nevada Administrative Code, as requested by Governor Lombardo. The Board has determined that the proposed language will not restrict the formation, operation, or expansion of small businesses.

Long-term effects on the businesses are that by the agency removing and revising outdated language, it updates and clarifies the licensure processes and requirements under Chapter 623.

- (a) **Both adverse and beneficial effects on the public; and**
- (b) **Both immediate and long-term effects on the public.**

(a) Both adverse and beneficial effects

The intent of the proposed regulations under R056-23 should have no adverse economic effect on the public. The beneficial effects are that by repealing and updating these sections, the agency removes language that is no longer needed as part of the licensure requirement; the Board doesn't anticipate an adverse effect upon the intent of the regulation.

(b) Both immediate and long-term effects.

The immediate effect of R056-23 is that the agency conducted a review of its regulation and removed language that is no longer needed as it's outdated. The long-term effect is that it clarifies the processes and requirements for the registration of the three disciplines it regulates.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no cost to the agency.

9. 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 are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Does not apply.

11. 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.

Does not apply.