

State of Nevada Board of Professional Engineers and Land Surveyors
Minutes of the Legislative Committee Meeting
Held 10:00 am in the Ed and Mary Alice Pine Board Room, Suite 130,
1755 East Plumb Lane, Reno, Nevada 89502, July 31, 2018

Committee Chairman Michael Kidd, PLS, called the meeting to order at 10:00 am, in the Ed and Mary Alice Pine Board Room, Suite 130, 1755 East Plumb Lane, Reno, Nevada 89502. Committee members present were Karen Purcell, PE; Patty Mamola, PE, Executive Director. Connected via teleconference were Chairman Michael Kidd, PLS; Angelo Spata, PE; Susan Fischer, McDonald Carano; and Christopher MacKenzie, Board Counsel. Also present were Murray Blaney, Compliance Officer and Louisa Kern, Administrative Assistant.

1. Call to order

Committee Chair Mr Kidd called the meeting to order at 10:00am.

2. Public Comment Period

There was no public comment.

3. Approval of June 19, 2018, Legislative Committee meeting minutes

LGC 18-1 A motion was made by Mr Kidd, seconded by Ms Purcell, to approve the meeting minutes. The motion passed unanimously, with Mr Spata abstaining.

4. Discuss potential changes to Nevada Administrative Code Chapter 625 as proposed by Legislative Council Bureau (Discussion Only)

Ms Mamola asked if the committee members had any comments relating to the draft language received from the Legislative Counsel Bureau. There were no comments.

- a. **Draft changes to structural engineering limits of practice – NAC 625.260**
- b. **Draft changes to contract requirements to add errors and omissions insurance disclosure - NAC 625.545**
- c. **Draft changes to stamping regulation – NAC 625.610**
- d. **Draft changes to advertising and offering services – NAC 625.630**
- e. **Discuss next steps in process for adopting proposed regulation changes**

Ms Mamola stated that the action required in adopting the proposed regulation changes is to get the board's approval on the language that was returned from the LCB. She added that it would be preferable not to wait until the next scheduled board meeting, and that she would like to explore the

possibility of a special board meeting to expedite matters as the notice requirements for the adoption hearing were quite lengthy. Ms Mamola asked for Mr MacKenzie's help in the preparation of drafting the adoption hearing notice documents. Mr MacKenzie said he would research examples and forward a template (ACTION Item).

f. Consider other possible changes to NAC 625

Ms Mamola said staff is working on identifying other possible changes to NAC 625 but that she did not believe they were ready for discussion at this time. She asked if the committee members had any possible changes for consideration. None were put forward.

5. Discuss potential changes to Nevada Revised Statutes chapter 625 (Discussion Only)

Ms Mamola reviewed the proposed amendments to NRS 625. Mr MacKenzie suggested edits to the punctuation in the text related to the amendments to NRS 625.407. Ms Mamola said the changes would be made (ACTION Item).

Ms Fischer said there may be a little push back from legislators on the changes to NRS 625.407. She continued saying that some thought it may make it easier for non-legitimate individuals to practice in Nevada, and that they are not just "fly by night operators". Ms Fischer said that she responded by saying the professionals and firms practicing in the state would still need to be licensed. She added that we may need to provide additional information to the legislators so they can build a full understanding.

Ms Mamola said that staff would work on hand out collateral to explain the intent of the amendments and explain the background to the premise of the change (ACTION Item). She continued to say that the proposed amendment really does benefit Nevada firms, because if you are a small business in Nevada right now you can't open any other office unless you have a full time engineer and most small Nevada firms don't have the funds or personnel to do that. The change allows those small firms to open additional offices elsewhere in the state. Big firms, with more resources, can open locations outside of Nevada or in Nevada, anywhere they want, because they have plenty funds and staff. Ms Mamola added that this amendment really does benefit our small businesses in Nevada.

6. Discuss potential changes to Nevada Revised Statutes chapter 329 (Discussion Only)

Ms Mamola reviewed the proposed changes to NRS 329. There were no comments from the committee.

7. Discuss strategy and schedule for moving forward with potential changes to NRS 625 (Discussion Only)

Ms Mamola asked Mr MacKenzie if he had any information regarding how bill drafts could be requested. Mr MacKenzie stated that Nevada rules say that items germane (enough) in nature can be grouped together. He added that it can be debated what "germane enough" means, and said it is also a question of whether there is the need for separate bill drafts. Mr MacKenzie said that technically all the proposed amendments, with the possible exception of the NRS 329 items, could be bundled into

one bill draft. He added for the purposes of strategy, and if a certain amendment is a priority, the items could be parsed. Ms Fischer said, even though NRS 625.407 would be the priority, her thought would be that they could all be grouped into one draft. She added, for efficiency, the process to schedule one hearing for one bill as opposed to multiple hearings for multiple bills, would make it easier on LCB staff.

Ms Mamola said, in summary, that the opinion seems to be to pursue one bill draft (ACTION Item). Mr MacKenzie stated, the only issue may be that the items related to surveying made need to be separate as it is under a different chapter number. Ms Mamola added that in the near term, staff will focus on preparing the informational takeaway sheets for legislators (ACTION Item).

Ms Mamola asked Ms Fischer what sort of schedule should be implemented. Ms Fischer replied that she could explore setting up a meeting with Assemblywoman Carlton to discuss the bill draft, so having supplemental information ready sooner rather than later would be helpful. Ms Fischer said she would coordinate with Ms Mamola about possible meeting dates with Ms Carlton in October or November (ACTION Item).

Mr MacKenzie said that it might be worthwhile in terms of running the proposed amendments past the Governor's office to at least make sure they are okay with the changes, since it is the Governor who appointed the board. Ms Fischer agreed that it would be a good idea to garner support and make them aware of the proposed changes ahead of time. Ms Fischer said she would connect with Pam Robinson in the Governor's Office (ACTION Item).

8. Discuss possible changes to NRS/NAC 625 to update land survey to allow mapping and sciences and hydrography as areas of practice (Discussion Only)

Ms Mamola said that she and Mr Kidd were working on this item. Mr Kidd said he would coordinate a meeting with the Nevada Association of Land Surveyors for input and feedback (ACTION Item).

9. Discuss co-sponsored legislative "meet & greet", February 15, 2019 8am-12pm (Discussion Only)

Ms Mamola reported that the room has been reserved and a confirmation had been received. Ms Fischer said e-invites would appear of the legislators' calendars the week prior and that she would coordinate with Ms Mamola to have something that the McDonald Carano interns can deliver in-person to the legislative offices (ACTION Item). She added it would also be announced on the floor to encourage attendance.

Mr Spata asked if this is something that board members should attend. Ms Fischer said it would be nice if some of the board members could be there, and Mr MacKenzie added that it wouldn't be a violation of any open meeting laws as long as they are not speaking on a common matter and they are just sharing their individual thoughts. Ms Fischer said it is not critical for all of the board members to be there, but that if there were some members there just, to answer any questions, it would be great (ACTION Item).

Ms Fischer said it would be good to set-up a pre-meeting with the Executive Director of the Architects Board to be aware of the items that they are presenting and just to improve any coordination with the event (ACTION Item).

10. Discuss possible written response to Governor's Finance Office Executive Branch Audit Committee report (Discussion Only)

Ms Mamola asked for an opinion as to whether a response should be provided. Ms Purcell said that silence may mean acceptance, and she believed that a response should be sent. Mr Kidd agreed, and said the letter should be courteous and to the point. Ms Mamola said she would draft a response with input from Mr MacKenzie, and with some input from Ms Fischer (ACTION Item).

11. Discuss response to Governor's Finance Office Executive Branch Audit Committee's request for information related to Governance structure and regulatory practices (Discussion Only)

Ms Mamola reviewed the request for information from the Governor's Finance Office as part 2 of their audit. Ms Mamola said the response was due by August 31, 2018 and that this was a priority for staff at the moment (ACTION Item). She added that because of the short time period, the information would be presented to the board after it was submitted. Mr MacKenzie added that it should not be an issue as it is just an information request and doesn't require any deliberation from the board.

12. Discuss California expedited licensure for military spouses and US Air Force Secretary Heather Wilson comments to National Governor's Association on military base funding to states committed to licensure reciprocity (Discussion Only)

Ms Mamola said this item is a discussion related to information that California is expediting licensure for military and military spouses. She added that the governor last session created an endorsement licensure bill which has considerably sped up our licensing processes, but it doesn't address our initial licensure applicants. Ms Mamola continued to say there may be pressure this legislative session, with particular interest to service members, to do something with that. She said that at the board training session that we had a few weeks ago that the executive director from the Federal Association of Regulatory Boards made the comment that if you are going to expedite comity licensure for military people then there is absolutely no reason you should not be expediting licensure for everybody. Ms Mamola said with the challenges we have with licensure, she wanted this committee to discuss how we can do better with our initial applicants. She added that she didn't think comity licensing could be done any faster.

Ms Mamola said that comity licensure is averaging 12 days and initial licensure is close to 75 days because we cut it off 2 weeks before the board meeting and the board meets every two months. She continued to say the fastest is 75 days and sometimes that is not fast enough. It is only 10 applications a month. Ms Mamola asked the question why we can't do our initial like we do our comity licensure.

She explained the current process for comity licensure and asked for consideration of adoption of a similar path for initial applicant review.

Mr Kidd suggested the item be presented at the next board meeting with military back up information as an agenda item for discussion with the full board (ACTION Item).

Ms Mamola said it would be good if there was a recommendation of support from the Legislative Committee going into the board meeting. Ms Purcell said she was agreeable to the concept. Mr Kidd concurred, and said it would be interesting to hear views of other board members at the next meeting.

13. **Public Comment Period (Discussion Only)**

Mr Spata said he had a request for a list of licensed mechanical engineers and that he did not see a listing on the website. Ms Mamola replied saying it can be requested via an email to board@boe.state.nv.us. She added that at some point we are going to update the website to where the public would be able to query and download licensee lists.

14. **Adjourned**

Ms Mamola: adjourned meeting at 10:51 am

Respectfully,

Patty Mamola
Executive Director