

STATE OF NEVADA
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Legislative Committee Meeting
held in Reno, Nevada, March 21, 2018

Committee Chairman Michael G Kidd, PLS, called the meeting to order at 11:00 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 and L Brent Wright, PE/SE. Also present were Sarah Wiley, Administrative Assistant; Murray Blaney, Compliance Officer and Christopher MacKenzie, Board Counsel

1. Public Comment Period

There were no public comments.

2. Review of Nevada Administrative Code chapter 625 for potential changes including review of draft Small Business Impact Study

a. Draft changes to stamping regulation – NAC 625.610

Ms Mamola asked the committee for comments on the small business impact report and survey results. She reviewed proposed language changes to the regulation based on comments received from the survey. Ms Mamola stated the proposed change for item one would remove “is required to” and replace with “may”. Mr Blaney added that there was an “X” section under item one that was deemed the language was unnecessary and removed based on feedback stating that the licensee felt notifying the board would be an extra unneeded step. Ms Mamola stated that for item two the change was to include “approximately” in reference to the size of the stamp or seal and removed “and us Helvetica font” to be used. The feedback from the survey showed that many engineers did not have the Helvetica font and depending on where you measured the stamp, the measurement was different.

Mr MacKenzie asked about a wording change in the stamp and seal language. Mr Blaney responded that there was discussion about changing the language from “and/or seal” to a hard “and” due to the NRS only referencing “stamp.” Mr Wright commented that he wondered why the language has to say both “stamp” and “seal” if they’re one and the same. Ms Mamola said that isn’t necessarily the case according to how the NRS is written, and that the meaning of “stamp” and “seal” will have to be defined. Mr Wright and Mr Blaney commented that it shouldn’t be a problem as the language includes the word “may.”

Ms Mamola reviewed the small business impact survey results. Nearly 92 percent of the respondents said there would be no adverse economic impact on their business. Mr Blaney added that those who responded that “there would be an impact” were referring to the cost of purchasing a new stamp to conform to the design requirements, but with the language changes mentioned, that should not be an issue. Ms Mamola added that 93.4 percent of respondents answered “no” when asked if there were any anticipated indirect adverse effects to their business. She asked for comments or concerns on the small business impact statement draft, noting that the small business impact statements are scheduled to be published by 9:00 am on March 26th.

Ms Purcell suggested a correction to the fourth bullet point on the small business impact statement for proposed amendments to NAC 625.610, stating “The removal of item 10 (a)”, it should be “10 (c)”. Mr Blaney confirmed it should be 10 (c) not 10 (a). There were no other comments or concerns.

b. Draft changes to advertising and offering services – NAC 625.630(1)-(3)

Ms Mamola said there were no proposed language changes based on the survey results. She reviewed the small business impact survey results. 89.4 percent of the survey respondents said there would be no adverse economic impact on their business. She said the “yes” comments were mostly related to competition concerns. She went on to review the second survey question, in which 88.7 percent said “there would be no indirect adverse effects on their business”. Those that answered “yes”, again, were concerned with competition.

Ms Mamola commented, for the record, that those concerned with additional competition missed the benefit allowing them to open another office in Nevada without having to hire another full time engineer as well as the competitive advantage of being a local Nevada firm. There were no additional questions or comments.

c. Draft changes to structural engineering limits of practice - NAC 625.260

Ms Mamola said there were no edits to the language based on the survey results. She reviewed the small business impact survey results, in which 94.4 percent said “there would be no adverse economic impact on their business”. Those answering “yes” were related to those firms that don’t have a structural engineer on staff. She went on to review question eight, in which 94 percent said “there would be no indirect adverse effects on their business”. The “yes” comments expressed the same concern as those from the previous question. These issues were addressed in the small business impact statements, as those firms that perform structural engineering as civil engineers, those engineers could obtain their license as a structural engineer or hire a structural engineer. There were no additional questions or comments.

d. Draft changes to contract requirements to add errors and omissions insurance disclosure - NAC 625.545

Ms Mamola said there was a change to the language based on a comment from the National Society of Professional Engineers (NSPE). She stated the change adds the language “available limits of coverage” in reference to professional liability insurance. Mr Kidd said he felt this was a good change and that there were many interesting comments in the survey from this question. Ms Mamola said she received a call from board member Greg DeSart, who was surprised by the negative comments. She said surveys allow people to vent their frustrations, which bring negative comments. However, she said the results show 77 percent said “there would be no adverse economic effect to their business”. The negative survey comments related to having to disclose available limits of coverage. Ms Mamola suggested waiting for the outcome of the workshops to determine the way forward.

Ms Mamola continued, reviewing the responses to the next question, where 74 percent said “there would be no adverse indirect economic effect on their business”. Mr Wright said many of the comments were people expressing fear that by disclosing they have insurance and its limits, this might invite lawsuits.

Ms Mamola asked for questions or concerns about the small business impact statement draft based on the results from the survey. Ms Purcell commented that she likes how it reads and that it allows the public to make a more informed decision, to which Mr Wright agreed. There were no additional questions or comments.

e. Consider other possible changes to NAC 625

There were no additional comments or concerns.

3. Discuss strategy and schedule for moving forward with potential changes to NRS 625 and NAC 625

Ms Mamola gave an overview of the workshop schedules: Reno’s workshop will be on April 11 at 9 am. Las Vegas’ workshop will be on April 12 at 10 am in Henderson’s City Council Chambers Conference Room. She said the

meetings will be posted 15 days prior to the workshops. Mr Kidd stated he will not be able to make the Reno workshop. Ms Mamola said it's not required for Board members to be in attendance, but it is helpful in case of questions. Mr Kidd said he would be available for the Henderson meeting. Mr Wright said he would be unavailable for both workshops.

Ms Mamola said after receiving comments from the workshops, there would likely be another Committee meeting to discuss possible changes to the draft regulations. She said the goal is to review the changes at the regular May Board meeting, and then submit the draft regulations to LCB for revision. Mr Kidd asked if professional organizations are being notified of the workshop dates and times. Ms Mamola answered yes, and that every licensee who received a survey will receive a notice of the public workshops as well as the board's professional association liaison committee members.

4. Public Comment Period

There were no public comments.

5. Adjourn

There being no further discussion, Chairman Kidd adjourned the meeting at 11:29 am, on Wednesday, March 21, 2018.

Respectfully,

Patty Mamola
Executive Director