

STATE OF NEVADA
BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Legislative Committee Meeting via Telephone Conference
held in Reno, Nevada, October 16, 2017

Committee Chairman Michael G. Kidd, PLS, called the meeting to order at 1:35 p.m. in the Ed and Mary Alice Pine Boardroom, Suite 130, 1755 E. Plumb Lane, Reno, Nevada. Committee members present were Karen D. Purcell, PE; Patty Mamola, PE, Executive Director; Murray Blaney, Compliance Officer; and Christopher MacKenzie, Board Counsel. Also present was Kay Smith, Administrative Assistant. Committee member L. Brent Wright, PE/SE, participated via telephone conference. Committee member Bud A. Cranor, Public, joined the meeting via telephone conference at 1:45 p.m.

1. **Public Comment Period**

There were no public comments.

2. **Discuss Scope of Work for Legislative Outreach and NRS/NAC Updates and Possible Amendment to McDonald Carano Contract**

The committee agreed to support the proposal submitted by McDonald Carano to expand its lobbying efforts and outreach to legislators during the next legislative session. Chairman Kidd will make a recommendation at the November 2017 Board meeting for approval of the amendment to the contract.

3. **Review of Nevada Administrative Code Chapter 625 for Potential Changes**

a. **Draft Changes to Stamping Regulation – NAC 625.610 and 625.611**

The words “stamp” or “stamped” will be updated with “seal” and “sealed”, since electronic seals and signatures are the norm in submissions to public agencies.

The committee recommended clarifying language concerning electronic submittals. Added language is proposed stating, “The licensee shall take reasonable steps to ensure the security of his or her seals and signature files. In the event of loss or compromise of seal and signature files, the licensee shall give written notifications to the board within 30 days of discovery.”

The committee also recommended omitting subsection 10, which requires secure encryption methods of electronic files and adequate protections to prevent fraud or misuse of the electronic signature. Electronic seals and signatures are the norm in submissions to public agencies, and computer assisted design (CAD) files are, as standard practice, transmitted locked to prevent unauthorized alternations.

b. **Draft Changes to Advertising and Offering Services – NAC 625.630 (1) – (3)**

It is proposed to remove subsection 3. (b), which states that a full-time employee means a person who is generally present, during normal business hours, in the local office of the employer for which he or she is employed.

Ms. Mamola said that at the recent meeting of the Professional Association Liaison (PAL) Council, the American Council of Engineering Companies (ACEC) indicated it may have a concern about removing the language. She said it is not the Board’s place to be protectionist towards this issue. She said the reality is that engineers can and do work

anywhere in the world on projects located anywhere. Ms. Mamola said the Board's law is very restrictive and requires a firm to have an office in Nevada in order to perform professional engineering and/or land surveying work.

Chairman Kidd suggested an outreach to ACEC to discuss their concerns and explain the benefits that Nevada firms will have if they wish to operate other offices in the state without employing a full time licensed employee.

c. Draft Changes to Application for Licensure – NAC 625.210 (3) – US Citizen or Right to Work

It is proposed to omit subsection 3, which states that each applicant who was born in a foreign country must supply documentary proof of his or her naturalization as a citizen of the US or his or her right to work in the US. Ms. Mamola said that with respect to the globalization of professional engineering, requirements for citizenship, residency or employment eligibility are unnecessary barriers in the application process.

Ms. Mamola said the Board has been contacted by several people outside the US who want a US license but who have no intention to work here. She questioned why the Board requires citizenship or right to work status in this situation. She said that currently applicants are asked to submit this information to the Board but it is not verified.

Mr. MacKenzie said that in terms of legal action it is much more difficult to serve someone outside the country. He said that perhaps an applicant could be required to sign a verification to subject themselves to the jurisdiction of Nevada courts.

Ms. Mamola said that the International Engineering Alliance has mutual recognition agreements with 14 countries. She said if a person is on its register then he or she has met certain competencies to be licensed as a professional, including having met continuing education requirements. She said that being a part of the IEA could be a way a viable path for a country who wishes to have licensure in the US. She noted that Germany is not part of the IEA and a German company that does work with Tesla previously asked to register its company with the Board.

d. Coordinate Possible Changes by Nevada Association of Land Surveyors to NAC 625.651 – 625.795

Chairman Kidd said there were no updates or comments regarding this item.

e. Coordinate with Structural Engineering Professional Societies for Possible Changes to Structural Limits – NAC 625.260

Ms. Mamola said the 45-foot height limit for civil engineers to perform work on structures is muddy and needs clarification. She said that bridge engineering appears to be exempt from this regulation even if a bridge is over 45 feet in height and perhaps it should not be exempt. She said discussion should also be held on whether the Board should return to requiring both civil and structural licenses to perform structural engineering work.

Mr. Wright suggested obtaining feedback from the Structural Engineers Association of Southern Nevada (SEASoN) on the height limit issues. He said discussion should also include someone who works in bridges. Ms. Mamola said she and Mr. Wright will contact the president of SEASoN and perhaps that person will know of an engineer who works in bridges.

Ms. Purcell suggested also contacting someone from HDR or Atkins since those firms have done bridge work. Ms. Mamola said that bringing Ruedy Edgington into the discussion would be good since he did bridge work during his employment at the Nevada Department of Transportation and he currently works for HDR. Chairman Kidd said former Board member and chairman, Chris Roper, can also be asked to join the discussion.

f. Coordinate with Professional Societies for Possible Changes to NAC to Add Requirements for Errors and Omissions Insurance – NAC 625.545

Ms. Mamola said that at the recent PAL Council meeting she brought up requiring firms to have errors and omissions insurance and the attendees liked the idea. She said this requirement could be inserted into NAC 625.545 that requires licensees to have written contracts. She said requiring errors and omissions insurance would help homeowners who encounter problems with negligent licensees. Ms. Mamola said a minimum dollar amount might be included, such as one million dollars that is the industry standard. Mr. Wright agreed with requiring this amount.

4. Review of Nevada Revised Statutes Chapter 625 for Potential Changes

a. Draft Changes to Qualifications for Licensure – NRS 625.183 (1)(b) and NRS 625.390 (6), US Citizen or Right-to-Work

This ties in with the changes discussed in item 3. c. Ms. Mamola asked Mr. MacKenzie to research the statutes' history and why US citizenship or having the legal right to work is required of applicants.

b. Draft Changes to Waiving Requirements for Licensure – NRS 625.203 and NRS 625.285

Ms. Mamola said these statutes need removal since they pertain to applicants without engineering or land surveying degrees who wished to sit for the professional exam after the deadline of July 1, 2010, which requires all applicants for licensure to have a degree. The applicants were given an extension to take the examination for licensure.

c. Draft Changes to Qualifications for Land Surveyor Intern and Engineer Intern – NRS 625.386 (1)(b) and (2)(b)

It is proposed to remove these subsections that allow for certification as an engineer intern or land surveyor intern with four years of experience and passage of the applicable fundamentals exam. The Board currently requires an engineering or land surveying degree and passage of the exam for certification.

d. Draft Changes to Full-time Engineer or Land Surveyor in Nevada Office – NRS 625.407 (1) – (5)

This item relates to the previous discussion in item 3. b.

e. Consider Removing Protection of Term “Engineer”

It is proposed to protect the term “professional engineer” instead of “engineer”. Ms. Mamola said this will assist the Board with considering business name requests for businesses that have “engineering” in their company names.

5. Public Comment Period

There were no public comments.

6. Adjourn

There being no further discussion, Chairman Kidd adjourned the meeting at 2:30 p.m. on Monday, October 16, 2017.

Respectfully,

Patty Mamola
Executive Director