

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Legislative Committee Meeting
Held virtually (zoom), Wednesday, March 2, 2022, at 1PM

Committee Chairman Angelo Spata, PE, called the meeting to order at 1:00pm. Committee members participating via video conferencing were Matt Gingerich, PLS; Karen Purcell, PE; and Michael Kidd, PLS. Also joining were Brent Wright, PE/SE; Patty Mamola, Executive Director; Chris MacKenzie, Board Legal Counsel; Susan Fisher, Board Government Affairs Liaison; and Murray Blaney, Operations/Compliance.

1. Meeting conducted by Committee Chair Angelo Spata, call to order and roll call to determine presence of quorum—committee members: Michael Kidd, Matt Gingerich, Karen Purcell.

Ms Mamola determined a quorum was present.

2. Public comment period.

There was no public comment.

3. Approval of June 17, 2021, Legislative Committee meeting minutes.

Mr Spata asked if there were any comments or input on the June 17, 2021, meeting minutes. Hearing none he asked for a motion to approve.

LGC 22-1 Ms Purcell made a motion, seconded by Mr Kidd, to approve the June 17, 2021, Legislative Committee meeting minutes. The motion passed unanimously.

4. Consider draft attestation for endorsement licensure applicants that acknowledges familiarity with Nevada Revised Statutes Chapter 625 and Nevada Administrative Code Chapter 625.

Ms Mamola said this item relates to an earlier discussion about replacing the short take home exam for endorsement applicants with an attestation. What is presented today is a draft attestation for the committee to consider.

Mr Wright said relating to the requirement that the applicants be fully qualified before a license can be granted, he proposed the draft be edited to remove, "...within 30 days" text, to where the candidate would have to attest to their familiarity with NRS and NAC 625 in the application stage before their completed application would be considered.

The committee agreed with Mr Wright's amended language.

Ms Mamola said the draft text would be revised and added to the March 10, 2022, agenda for board consideration. (ACTION Item)

5. Consider a bill draft request to amend Nevada Revised Statute 625.050 related to engineer in responsible charge of observation, inspection, and testing of construction and construction materials.

Mr Spata said this item is being re-presented to the committee following amendments suggested at a previous board meeting. He asked if the committee had any comments. There were none. Mr Spata said the proposed amendment would be presented to the board as written with the committee's recommendation at the next board meeting.

Ms Mamola said the item will be added to the March 10, 2022, board meeting agenda. (ACTION Item)

6. Consider possible changes to Nevada Administrative Code 625.260 related to structural limitations for civil engineers, including consideration of 625.260(2) related to designing component parts of a building that is more than 45 feet in height.

Mr Wright said this item relates to the issue of structures above 45 feet in height where there might be proprietary elements that require a high degree of specialization, and those elements are designed by engineers that are experts with those components, but are not licensed as structural engineers (SE) in Nevada. A proprietary element is critical to a building, and by the letter of the regulation, the design is outside the practice allowed on a building above 45 feet for a civil engineer (CE) in Nevada. He said the issue is a gray area, because in the case where it's a highly specialized component, a CE could be more qualified than the structural engineer of record for the overall building. Mr Wright said the thought was maybe there needs to be some clarification or consideration to allow specialized scope if it's also reviewed and approved by the SE of record on the project.

Mr Spata suggested that a small working group be formed to review the issue and recommend possible amendments to the regulation. He added that Mr Wright would be the best person to lead the group.

Mr Wright said he would be happy to lead the review and would coordinate with Ms Mamola about gathering other participants.

Ms Mamola said she would coordinate and schedule the working group with Mr Wright. (ACTION Item)

7. Discuss board purview of Nevada statutes and regulations, other than Chapter 625, related to the practice of engineering and land surveying as they relate to disciplinary action.

Ms Mamola said this item arose when staff was reviewing PLS regulations, form and contents of a map are stated in several statutes outside chapter 625 – for instance in NRS 278. We wanted clarification on whether we could pursue disciplinary action based on a violation of a practice statute outside of chapter 625.

Mr MacKenzie said in addition to NAC 625.655, NRS 625.410 (2) says any gross negligence, incompetency, or misconduct in the practice of professional engineering as a professional engineer or the practice of surveying being as a professional land surveyor. That is not limited just to chapter 625.

Mr Spata asked if the disciplinary action needed to start within 625 to open it up to other sections.

Mr MacKenzie said it does not. As long as the violation was related to misconduct, incompetency or gross negligence, then if that violation was of another statute, then it would fall under the board's jurisdiction.

8. Discuss whether previous discipline should be included as a consideration in the determination of appropriate discipline in a current matter and consider adding appropriate language to regulations.

After an introduction and overview by Mr MacKenzie, the committee had a brief deliberation and it was decided that there was no need for any action on the item.

9. Consideration of additional affidavit requirement for license renewal related to good character and dishonesty as related to Nevada Revised Statutes 625.183.2(a), 625.270.2 (a), and 625.410.4.

Mr Spata said this item relates to adding a question asked of initial and endorsement applicants for licensure to those who are renewing their Nevada professional licenses.

Ms Mamola said in a number of regulatory seminars we have attended have consistently recommended that any question relating to criminal conviction that is asked of applicants should also be asked of licensees renewing. Draft text has been proposed and screen shots of where it would be located in the renewal process were provided in your meeting materials.

Mr Wright said in his experience, renewing his licenses in various states across the country, this type of question is common in renewal applications. He added he would suggest an edit so the text would read, "...since your last renewal..." so any conviction doesn't need to be rehashed during subsequent renewals.

The other committee members agreed with Mr Wright and his proposed text edit.

Ms Mamola said the item with the suggested revision would be added to the March 10, 2022, board meeting agenda for consideration by the board. (ACTION Item)

10. Consider a bill draft request to update Nevada Revised Statute 338.173 related to certificates of eligibility.

Ms Mamola gave an update on the status of this item. She said the topic was discussed at the PAL committee with request from associations for letters of support for the proposed update. Ms Mamola said contact had been made with Russell Rowe, the government affairs liaison for ACEC, and he said he would bring the issue to the attention of the ACEC board to gauge the level of support. She added she would get back to the committee when more is known on each organization's stance. Ms Mamola also suggested "wargaming" any proposed language and our approach with the legislators with Mr MacKenzie and Ms Fisher before presenting to the board for consideration. (ACTION Item)

11. Discuss legislative matters with board's government liaison, Susan Fisher.

Ms Fisher said she was just waiting for the board's decision(s) on moving forward with the bill draft and then we'll work to secure a bill sponsor.

12. Discussion on status of committee and staff assignments.

Ms Mamola reviewed the list of assignments and asked the committee if they had any questions. There were none.

13. Public comment period.

In the public comment period, Ms Mamola gave an update on the status of the collateral supporting the BDRs. She said the draft is complete and just needed the final language approved by the board to be added.

There was no additional public comment.

14. Adjourn

Mr Spata thanked the committee for their participation and adjourned the meeting at 1:58pm.

Respectfully,

Patty Mamola
Executive Director