

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Interim Board Meeting
Held virtually, Thursday, April 13, 2023, at 9:15AM

Board members participating were chairman Michael Kidd, PLS; Angelo Spata, PE; Matthew Gingerich, PLS; Brent Wright, PE/SE; Karen Purcell, PE; Robert Fyda, PE; and Greg DeSart, PE. Also joining were Patty Mamola, Executive Director; Chris MacKenzie, Board Counsel; Murray Blaney, Operations/Compliance; and Jasmine Bailey, Licensing Specialist. Board members Lynnette Russell, PE, and Thomas Matter, public member, were excused.

1. Meeting conducted by Chair Michael Kidd, call to order and roll call of board members to determine presence of quorum—board members Thomas Matter, Karen Purcell, Angelo Spata, Brent Wright, Matt Gingerich, Robert Fyda, Lynnette Russell, Greg DeSart.

It was determined a quorum was present.

2. Pledge of Allegiance.

3. Public comment.

There was no public comment.

4. Consideration of initial licensure applicant requests to waive certain requirements of Nevada Revised Statutes and Nevada Administrative Code Chapter 625.

Ms Purcell recommended approval of the request to waive NRS 625.183 (4)(b) made by Jadd Shelton applying for chemical engineering licensure.

23-25 A motion was made by Ms Purcell, seconded by Mr DeSart to approve the waiver request. The motion passed unanimously. Ms Russell and Mr Matter were absent for the vote.

Ms Mamola said an applicant requesting special consideration was sent to Mr Spata and it would be best to hear Mr Spata's review before the vote is taken.

Mr Spata said the applicant, Ian Meyer, applying for civil engineering licensure, requested consideration of his work experience prior to graduation. Mr Spata added that in this particular case, after reviewing all the records, the circumstances do not warrant the granting of an exception. To be considered for licensure, Mr Meyer will need to complete the required four years post-degree experience.

23-26 A motion was made by Mr Spata, seconded by Ms Purcell to deny the special consideration request. The motion passed unanimously. Ms Russell and Mr Matter were absent for the vote.

5. Board approval of non-appearance applications for initial licensure. Refer to Addendum A for list of applicants.

The Board reviewed sixteen applications in the board packet for initial licensure and recommendations were made.

23-27 A motion was made by Mr Spata, seconded by Mr Fyda to approve the initial license applications contained in the board packet with exception of Mr Meyer noted. The motion passed unanimously. Ms Russell and Mr Matter were absent for the vote.

6. Discussion and possible action on Governor Lombardo Executive Order 2023-003.

a. Consider March 27, 2023, Public Workshop minutes public comment/testimony and public comment received by email post workshop.

Ms Mamola said that all public comments have been received and provided to board members. She said that the workshop minutes were also contained in the board packet, including all public comments. She said Nevada professional land surveyors made considerable comments against changes to the regulation related to the state specific exam for land surveying, and those comments will also be included in the record and in the report sent to the governor.

Mr Kidd asked for public comment, but Mr DeSart said he wanted to summarize the process for attendees before public comment.

Mr DeSart assured everyone that the board responded to the governor's executive order and did not determine revisions or repeals on their own. He said the governor required the Board to eliminate 10 regulations, and the Board identified 11, including the amendment to the PLS regulation in question. He said there was disagreement among the Board on whether or not to move forward on removing the requirement for the land surveying state specific exam that is in regulation.

Mr DeSart continued, saying that the Board knew it would receive public comments, and if there was strong opposition, those comments would also be included in the report to the governor. He reminded everyone that the legislative session will pass before the report is sent to the governor, so it will be two years before the changes go into effect. He repeated that the Board is simply complying with the governor's executive order, and there is plenty of time to make a final decision on any proposed regulation changes.

Mr Kidd then asked for comment from Mr Gingerich.

Mr Gingerich said he agreed with Greg, but based on his discussions with professional land surveyors, he would like to make a motion to remove the state specific exam recommendation.

Mr Kidd asked Ms Mamola if this is part of NAC, and Ms Mamola replied, yes. She provided a brief summary of what the governor could possibly do after he receives the report and said it will likely be a 18-24 month process.

Mr MacKenzie agreed with Ms Mamola that it's not tied to the legislative session which is for statutory changes (NRS) and said that the Board cannot make regulatory changes anyway, because a stop has been put in place by the governor. He explained that since this is not a statutory change, but instead a regulatory change, the culmination will be different. He said it depends on how the governor processes it, but it will require further direction from the governor.

Mr Kidd asked for a second to Mr Gingerich's motion, and Mr Wright seconded the motion.

Mr Spata offered a clarification that even if the Board approved the motion, we would explain that we considered it and would say that we did our due diligence to meet the objective of the governor's order. He asked Mr Desart if he had explained it correctly.

Mr DeSart provided a more detailed explanation that the Board can retract the recommendation based on public comment and consider input from professionals while still protecting the public. He said he supports Mr Gingerich's motion with Mr Spata's caveat.

Mr Kidd said there is a motion and a second on the floor and asked if there was any other discussion.

Ms Mamola asked for clarification of the motion, she asked if the Board proposes to retain the language in NAC 625.310, item five. Previously, the board had proposed to remove that language related to the two-hour state exam for the practice of land surveying.

23-28 A motion was made by Mr Gingerich, seconded by Mr wright to retain NAC 625.310 (5.). The motion passed unanimously. Ms Russell and Mr Matter were absent for the vote.

Mr Kidd asked for public comment.

Mr Corkill introduced himself and said: *Hi, thank you. My name's Sean Corkill. I'm a land surveyor here in Nevada. And, I am with the Las Vegas Valley Water District, but I'm not speaking on behalf of the Las Vegas Valley Water District. I'm speaking on behalf of my profession, hearing the comments. Thank you very much for letting me attend this meeting. And I wanted to say that I appreciate what I just heard and I thought that the board acted very well. And, that was really the comment I wanted to make. Thank you all for being professional about this and making it work.*

Mr Wittie asked: *My questions on NAC 625.024. Since you just removed the state exam or changing the state exam on 625.024, you also proposed removing the state exam.*

Ms Mamola replied, no, we didn't make any changes there at this time.

Mr Wittie then asked if the Board moved forward with the 24 questions exam for the engineers, and Ms Mamola replied that the Board is proposing to eliminate the 24 question take home exam for professional engineers.

Mr Birch introduced himself and said: *This is Tim Birch. I'm the executive director of NSPS, I'd like to thank the board for talking through this. It's been a great conversation. I'm glad you were listening to the feedback because our fear is how specific these state laws are and how different surveying is in every state. And it's important that we protect the public that we keep that in place because it is very important that somebody coming into practice in Nevada understands what's going on there and shows competency through an exam. So thank you to the board for working through this diligently and ultimately I think you're making the right decision. Thank you.*

Mr Gardner introduced himself and said: *Sorry, I just want to say, thank you for having me. So I am a licensed land surveyor, I'm with Rick Engineering, what I know one of the points was brought up that it was in the interest of protecting the public and not the profession, and much to Tim's point, a lot of this exam would be in the best interest of the public and protecting the public because it proves that these people genuinely care about Nevada and the people within Nevada. Property lines are something that can be pretty tricky and based on state statutes and everything along those lines, I feel like it's critical that people know that and that they care enough to take the time to look into it, based on taking the exam, I think really the only difference between passing and not passing is the individual caring. And, it's about as straightforward as we can make it as it stands. So I think it's pretty important we keep it in place.*

Mr Spata added a clarifying comment based on some of the public comments, that the Board is keeping the state specific exam for land surveyors, but removing the 24 question exam for engineers.

Ms Mamola confirmed that was the intent of the motion.

Mr Enke introduced himself and said: *Hi, this is Todd Enke. I think it was an important step for us as surveyors to have you guys reconsider what you had, were planning on going through. Yes. I understand it would be a two year, roughly a two year or 18 month process for this to happen. But having this is one of the suggestions from you guys is something that was definitely troublesome for us, so we really appreciate you guys listening to us, hearing our voice, and, we respect that and we appreciate you guys giving us the opportunity to talk. That's all I have to say. Thank you.*

Mr CdeBaca introduced himself and said: *I just would like to express that, you know, I've been involved in a lot of conversation over the last three weeks on this topic with other members of the Nevada Association of Land Surveyors. And I think that we recognize the pressure that the board is under the governor's executive orders. And, it seems that maybe there is some additional streamlining that could be done. And, what better resource for you guys at the board than the Nevada Association of Conservators to kind of brainstorm and shop some ideas and maybe work on it. And, it's not my place to offer the services of the Nevada Association, but I see people that are on this call today that could take this hint from me and maybe, making a more official contact with the board to serve in that capacity. So I*

greatly appreciate what the decision that you guys did today but I also recognize that we have to evolve. There are things that could be done, and so let's get together and do them. Thanks.

Mr Enke added to his previous comment: *Sorry, Todd Enke again. Sorry, secretary for Nevada Associates of Land Surveyors. And following the vein of what Carl said, I believe our board would absolutely love the opportunity to work with the state on any changes that we can do to help streamline this or improve it. So that's our goals as a surveyors, and we would, our organization would love to work with the state given the opportunity.*

Ms Almanzan introduced herself and said: *Hi, this is Nancy Almanzan, I'm president of the Nevada Association of Land Surveyors. Thank you to Carl and Todd for bringing that up that, yes, the Nevada Association of Land Surveyors, we would certainly be open to working with the board, you know, on any streamlined process, we're here to help you. So if there's anything we can do, please reach out to me, to our executive office, and again, I would just like to thank the board for taking our comments and for having the motion of the vote today. Thank you.*

Mr Kidd thanked the participants and moved to agenda item 6.b. There was a brief exchange between Mr Kidd, Ms Mamola and Mr Spata and all agreed that no discussion was necessary.

Mr Kidd then moved to agenda item 6.c. Consider draft report in response to Executive Order 2023-003

Ms Mamola summarized the draft report in response to executive order 2023-003. She explained that the report conformed to a specific format prescribed by the executive order, including impacts to small businesses. She said that the Board will consider any feedback and that the public comments would be included in the report to the governor, the draft report starts on page 160 of the board packet.

Mr Gingerich and Ms Purcell both commented that the report and formatting look good.

Mr Kidd asked if Ms Mamola is looking for a motion to accept the report, and Ms Mamola replied, no. But she said that a public hearing is scheduled for April 20, 2023, and she hopes this will reduce the number of public comments that could be received at the hearing. She said the Board received 27 written comments, which will be incorporated into the report to the governor. She said the board will need to approve the report, finalize it, and deliver it to the governor by May 1, 2023.

Mr Spata suggested a final review, and Ms Mamola concurred.

Mr DeSart asked if an explanation that the Board's original recommendation has changed, will be summarized in the report.

Ms Mamola replied that draft language to that effect was already in the report because of the public comment received to date—including significant opposition to the proposed change to NAC 625.310 related to the state exam for land surveyors.

Mr Kidd asked if agenda item 6 was complete, and asked if there was any further discussion. There was none.

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

Ms Fisher introduced herself and gave an update on bill draft requests this legislative session.

Ms Fisher began with AB 312 from Assemblywoman, Sarah Peters, which would establish an environmental justice commission. She described those in favor as being the "usual" supporters and the opposition as "interesting". She explained that amendments would ensure that individuals on the commission come from various regions of the state. She said it also allows the commission to accept grants and awards and gifts in order to provide sub-grants to organizations through a competitive process to help address some of the environmental issues that they find in various communities.

Ms Mamola expressed her concern about how the bill would impact the board for any new regulations, as they would have to go through this commission and be approved. She said the Board would have to do an environmental justice study. She also expressed concern about other parts of the bill that address underrepresented groups, such as women and people of color—she wasn't sure what an environmental justice study would like as it relates to licensure of professional engineers and land surveyors.

Ms Fisher then provided an update on Senate Bill 399 by Senator Jeffrey Stone, which revises professional and occupational licensing. She explained that she has spoken with Senator Stone, and he believes it is the most important bill of the session. She said the bill also includes a residency requirement and that conflicts with the desire to speed licensing. She explained that establishing residency takes six weeks, which increases the time for licensure. She said she drafted an amendment for Stone, but she believes the bill will probably die.

Mr Kidd asked for clarification on the bill, and Ms Fisher replied that the goal of the bill is to get a better trained workforce in Nevada and make it faster and easier to get licensed.

Ms Fisher continued. The other bill is Senate Bill 431, introduced on behalf of the office of the Governor and assigned to Senate Government Affairs. She explained that it's a huge bill that creates a new cabinet under the governor's office with cabinet secretaries for different business sectors. She said it would separate boards under different cabinet secretaries and it's a holdover from the previous administration. She said it is also likely to die if it doesn't get a hearing before midnight tomorrow.

Ms Mamola asked if a bill draft was sponsored by the Southern Nevada Home Builders Association about copyright laws for engineer/architectural drawings.

Ms Fisher replied no.

Mr Kidd asked if there was any further discussion. There was none.

Mr Kidd then opened the meeting to a second public comment period on any general items related to the Board. There was no public comment.

Mr Kidd then asked about the special meeting to approve the final report to the governor related to executive order 2023-003, and Ms Mamola suggested the Board meet April 21, 24th or 25th.

There was an exchange between Board members and legal counsel on dates and times, and they all agreed to April 25, 2023, at 2:00 PM.

Ms Purcell asked when the draft report would be available and Ms Mamola replied, Friday, April 21.

8. Public comment.

There was no public comment.

9. Adjournment.

Mr Kidd thanked the board and members of the public for their participation and adjourned the meeting at 10:10 am.

Respectfully,

Patty Mamola
Executive Director