

**NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
**Minutes of the Legislative Committee Meeting**  
**Held virtually (zoom) Wednesday February 1, 2023, at 3:00pm**

Committee members participating via video conferencing were Chair Greg DeSart, PE, Matt Gingerich, PLS; Karen Purcell, PE; and Michael Kidd, PLS. Also joining were Patty Mamola, Executive Director; Christopher MacKenzie, Board Legal Counsel and Murray Blaney, Operations/Compliance.

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

A quorum was determined.

**2. Public comment period.**

There was no public comment.

**3. Approval of October 18, 2022, Legislative Committee meeting minutes.**

LGC 23-1 A motion was made by Ms Purcell to approve the October 18, 2022 minutes, Mr Gingerich seconded, and the motion passed.

**4. Discuss legislative matters with board’s government liaison, Susan Fisher.**

Ms Fisher said that she sent Ms Mamola a couple of bills yesterday and will be sending others weekly.

Mr DeSart asked about the bills sent to Patty, and Ms Fisher responded that your are just Bill Draft Requests (BDR) to date. One is related to licensure, but it’s for medical graduates, so it doesn’t apply to us.

There was a brief discussion about when the legislature starts and the process for delegating authority to Ms Mamola and how board members cannot testify as board members—only as private citizens.

**5. Discussion of Governor Lombardo Executive Order 2023-003.**

Ms Mamola summarized the executive orders and said that order number 3 calls for a moratorium on creating any new regulations and asks for recommendation of a minimum 10 regulations to be repealed. We also have to provide a report by May 1 that includes repeals and any other recommended updates to improve/clarify regulations. We have to go through a public process and obtain stakeholder input.

Mr DeSart asked Ms Mamola to provide a comparison between the executive orders (003 and 004).

## 6. Discussion of Governor Lombardo Executive Order 2023-004.

Ms Mamola commented that Executive Order 004 is similar to 003, but different. The report is due April 1, 2023, so it's due before 003. The governor wants to speed the time to get new workers to work in Nevada, so he asked us to review all our licensing regulations related and provide recommendations on any that can be repealed or improved.

Ms Mamola went on to say that the Board is in a unique position because we have continually reviewed our regulations since 2017, and we are intimately familiar with them and the public process. Staff has provided a draft report for the committee to consider.

Mr Desart asked if 003 is designed to reduce the amount of regulations, not to make it easier to get licensed.

Ms Mamola replied it is both. She said staff has provided a list of regulations proposed for repeal, in priority order, and three others to improve for clarify. She went on to say that we are recommending repealing NAC 625.230, NAC 625.330, and updating NAC 625.210, NAC 625.240 and NAC 625.310. She explained that the three that we're proposing to update related to licensing will be included in our response to executive order 003 because they also need to go through the public process.

There was a brief exchange of clarifying questions and answers, and Ms Mamola explained that we have to justify why we have these regulations, fees/costs and exams and explain any compacts we have and why or why not.

There was a brief question and answer exchange between Mr DeSart and Ms Mamola regarding reciprocity and whether or not it constitutes a compact. Ms Mamola explained that it is not a compact, it is an agreement, including the Wyoming agreement which is a memo of understanding.

Mr Gingerich said that the second order (004) does not include the health and safety language and asked if they intend for us to do this.

Ms Mamola replied that she doesn't think it would go over well if we said we don't need to make any changes because we protecting health, safety and welfare. She went on to say that boards need to have a better answer than health, safety and welfare to justify retaining a regulation. On one hand, boards in Nevada exist to protect public health, safety and welfare. On the other hand, if 26 boards or less in the US license a profession/occupation, the governor is stating the board will be eliminated.

There was a question and answer exchange between Mr Gingerich, Mr DeSart and Ms Mamola about the differences between orders 003 and 004 and whether or not they required separate reports. Ms Mamola clarified that both require a report, but 003 cannot be completed until the public process concludes and we receive board input.

Ms Mamola provided clarification for Mr DeSart on the PLS repeals. There are five PLS regulations that the PLS Subcommittee has recommended to repeal. They are outdated and not needed. They are independent of any other changes we're going to make to the PLS standards of practice. Those are not related to the state specific exams.

There was an exchange about a date discrepancy caught by Ms Purcell. Ms Mamola said she will fix the error.

There was a discussion about taking this information to the overall board for possible action. Ms Mamola said she wants to get the draft report to the board for the February 9 interim board meeting because we have a short timeframe to turn it around.

Mr Kidd asked for clarification of what is being asked in order 003 and 004. Mr DeSart responded that his understanding is that 004 is intended to make getting licensed and going to work faster and easier for people outside Nevada. Ms Mamola clarified further that it also includes people from within Nevada.

Mr Kidd then stated his opposition to eliminating the two-hour state specific exam until NCEES catches up with the PLSS module. Mr Gingerich said he also has concerns.

Ms Mamola then explained that even though we process comity license applications on average in one day, there is a lag time of nine days for engineers between license approval and licensing, and 140 days (4.79 months) for land surveyors between license approval and licensing due to the state specific exams. For engineers it is the 24 question take-home open-book exam on Nevada laws and regulations and for land surveyors it is the 2-hour open-book proctored exam on land surveying practices and Nevada laws and regulations.

The conversation continued, and Mr Gingerich said that he is comfortable removing the open book exam for comity applicants, but not for initial applicants.

Mr DeSart and Mr Gingerich were confused about edits to NAC 625.310 and if the structural exam is being eliminated. Ms Mamola responded that the exam is NOT being removed—just adding verbiage for clarification and to accommodate upcoming changes from NCEES (they are making the structural exam 4-part).

There was continued discussion about the procedures of this committee. Ms Mamola clarified that these are for discussion only. Mr MacKenzie confirmed that the committee cannot take action, only makes recommendations to the board.

The discussion shifted back to removing the state specific exam for land surveyors. There was a general agreement that it might be ok to not require land surveyors from western states to take the state specific exam because they are already familiar with the PLSS system as licensed professionals practicing in the western states. Surveyors from eastern states may not be as familiar with the PLSS system.

Ms Mamola commented that it will be challenging to segregate reciprocity for the western zone states. She reminds everyone that a licensee must work under a PLS, and consequently they should know Nevada laws. Is it fair to make new surveyors take another test, when the standard is “minimally competent” not “proficient”, not “expert”.

Mr Kidd responded that he thinks this is a good discussion to have with the full board.

Ms Mamola then reminded the group that just because we're having this discussion and it is in the report doesn't mean the recommendations will be codified. Who knows what will happen during the stakeholder process and small business impact study.

There was a brief discussion about pushback from professional organizations, such as NALS. Mr Desart said that if NALS comes out against our recommendations, the board can say we made a good faith effort to comply with the governor's order.

Mr Kidd said that NALS is talking about sending a letter to the governor in response the executive orders, and he suggested NALS coordinate with Ms Mamola.

**7. Consider proposed updated regulations from the PLS Regulation Subcommittee, see list of regulations, Addendum A.**

Ms Mamola summarized the process and explained that she is not going to go through all the regulations in detail. Instead, we will solicit feedback from NALS. She also recommended keeping them separate from the other regulations related to executive orders. She also explained that we won't be able to put forward any new regulations until the governor lifts his order stopping changes to any new regulations.

There was a brief exchange and it was agreed that this committee would also recommend eliminating the five PLS regulations. Procedurally, it was agreed that the committee will go to the board and recommend we continue to move forward and get input on the PLS standards of practice proposed regulation updates.

Mr DeSart was satisfied with the update.

**8. Consider proposed updated regulations identified by board members and staff, see list of regulations, Addendum A.**

There was a brief discussion about NAC 625.545. It was agreed that it would be set aside because it is not related to the executive orders.

**9. Consider schedule for proposed changes to regulations to comply with Governor Lombardo Executive Orders.**

There was a discussion about the schedule of the executive orders. Ms Mamola said that the only concern is that we may not have the survey result and small business impact study done in time for the March board meeting.

Mr Gingerich asked Ms Mamola what the workshop looks like, and Ms Mamola said that it includes a published agenda, the regulation changes are sent to all licensees and include with the meeting agenda and copies are also available at the workshop and on the board's website. She then explained

that we do hold a workshop in both northern and southern Nevada, the Reno office and the Las Vegas office, and also enable participation virtually with Zoom.

**10. Consider any bill draft requests proposed by the Legislature to amend Nevada Revised Statutes related to regulatory boards and/or changes to Nevada Revised Statutes chapter 625, 329, and 327.**

There were no bill draft requests to discuss.

**11. Discussion of federal bill S. 1084/HR 2650 signed by President Biden January 5, 2023.**

Ms Mamola provided a brief update on the federal bill S 1084/HR2650 signed by President Biden on January 5th, 2023. She said we already expedite licensure for military and we are proposing to waive fees in our proposed regulation update. She also said there was discussion at the MBA committee meeting about eliminating the NCEES record for active military applicants, but she didn't know where that discussion would end up, just something to monitor.

Mr DeSart proposed that the discussion be tabled until more information is available.

**12. Discussion on status of committee and staff assignments.**

Ms Purcell asked that licensing by discipline be tabled until after the executive orders have been complied with and we reassess the action items. (ACTION)

**13. Open discussion of items related to the Legislative Committee**

There was no open discussion.

**14. Public comment period.**

There were no public comments.

**15. Adjourn**

Mr DeSart thanked the committee members for their participation and adjourned the meeting at 3:20pm.

Respectfully,

Patty Mamola  
Executive Director