

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Public Hearing Intent to Act Upon Regulations
Held at 1755 E Plumb Lane, Suite 258, Reno, NV 89102
on Thursday, March 14, 2024, at 9:45am

Board members participating were Chairman Angelo Spata, PE; Vice Chair Brent Wright, PE/SE; Thomas Matter, public member; Karen Purcell, PE; Michael Kidd, PLS; Robert Fyda, PE; Greg DeSart, PE; Jay Dixon, PE; and Matthew Gingerich, PLS.

Also participating were Patty Mamola, board staff; Chris MacKenzie, Board Legal Counsel; Murray Blaney, board staff; Jasmine Bailey, board staff; and Ed McGuire, board staff.

Twenty-six (26) members of the public also attended the hearing, two (2) in-person and twenty-four (24) joined virtually.

1. Open hearing for LCB file numbers R077-23, R79-23, R105-23, and R126-23 by Chair Angelo Spata.

Mr Spata called the hearing to order.

2. Public Comment.

Jeff Turnipseed - *Good morning, my name is Jeff Turnipseed. I'm a structural engineer on inactive status, and I was looking at the proposed change of the process of reinstating inactive to active license, and I realize this isn't Q&A, but I'll be sticking around to listen to your comments to see if, when it says reinstatement involves compliance, the same as active licensees. I don't know if that means. Is it accumulate your 30 hours or professional development hours on the same schedule, or if it's still 30 hours upon reinstatement only, after even after a five, ten years wait, or if it's paid the renewal fees during your inactive time, that type of thing. So, hopefully you can enlighten me because I haven't quite deciphered the change yet. Thank you.*

Mr Spata thanked Mr Turniseed for his comment and said hopefully it will be addressed during the discussion related to that regulation.

3. Presentation, discussion, and adoption of proposed changes to Nevada Administrative Code 625 as drafted by the Nevada Legislative Council Bureau, LCB file numbers R077-23, R79-23, R105-23, and R126-23.

Mr Spata said the regulations being considered at today's hearing are in response to Governor Lombardo's Executive Orders, 2023-03 and 2023-004. The Executive Orders directed updating of regulations to streamline licensing processes, provide clarifications, and reduce regulations including repeal or elimination of at least 10 regulations. He added this is something that we've been working on since those executive orders and it was quite a challenge for us because I think we've done a pretty good job of that in prior years, but nonetheless we complied with those and that's what this hearing is regarding.

LCB file number R077-23

Proposed edits to NAC 625.210

Mr Spata said at its July 14, 2021, regular board meeting, NVBPELS voted to waive application fees for active military and active military spouses, and military veterans and military veteran spouses. This proposed change amends the regulation to that effect.

Mr Spata asked for public comment related to changes to NAC 625.210.

There were none.

Proposed edits to NAC 625.240

Mr Spata said the proposed edits are to exempt applicants who are active members or veterans, or spouse of an active member or veteran, of the US Armed Forces from comity/endorsement license application fees; remove the requirement for professional engineering applicants to pass a short examination on NRS and NAC Chapters 625; and lastly, clarification is made to the Executive Director's role with profession land surveying applicants related to the Nevada state specific examination.

Mr Spata asked for public comment related to changes to NAC 625.240.

Art O'Connor - *Good morning, my name is Art O'Connor and I'm a PLS and a PE and I would like to make sure that we don't get rid of the test for the local regulations. I just had experience with an Oklahoma surveyor who came in here. I don't know how you survey all the way to Oklahoma in Nevada, but he just came in here and prepared an ALTA survey. There were numerous errors on this and numerous violations of the board regulations, particularly with the size of the markers he put down, most of which Mr Blaney and I could not find and lots of other mistakes in the map, all probably because he had no understanding of the Nevada regulation. I'd like to make sure we don't drop that requirement. I just heard you say if a member of the armed services you don't have to know Nevada regulations, I'd like to keep that test requirement. I went down to California and got my first license because the only two years down there. When I came to the reciprocity in Nevada, I had to take the test and so I think need to keep that requirement. I don't care about Lombardo's, and I voted for him. I know what he's trying to accomplish, but we're already lean and I heard you say that if you're in the armed services, you don't have to take that test.*

Ms Mamola said for clarification, one of the items under NAC 625.240 is to remove the requirement for professional engineering applicants to pass a short exam on NRS NAC chapter 625. So, we are deleting that requirement for professional engineers. There is no proposal to remove the two-hour state specific exam for land surveyors.

Proposed edits to NAC 625.310

Mr Spata said the proposed edits clarify the examinations required for structural engineering licensing and removes the requirement for professional engineering applicants to pass a short examination on NRS and NAC Chapters 625.

Mr Spata asked for public comment related to changes to NAC 625.310.

Art O'Connor - *Art O'Connor again, I don't think you should remove the requirement for them to know the local laws. I think that's a mistake. Thank you.*

Proposed repeal of NAC 625.230

Mr Spata said this regulation is outdated and does not conform to board practices. An NCEES Record details all experience of an applicant and a single record can be used for multiple disciplines. Also, several engineering disciplines overlap such as Electrical Engineering and Control System Engineering or Mechanical Engineering and Fire Protection Engineering. It is not uncommon for an applicant to seek licensure in two similar disciplines. It is an unnecessary barrier to require a separate application/NCEES Record for a secondary discipline.

Mr Spata asked for public comment related to the repeal of NAC 625.230.

There was none.

Proposed repeal of NAC 625.330

Mr Spata said NVBPELS proposes that this regulation be considered for repeal. If an applicant chooses not to appear for an examination scheduled by the Board, the only harm is to the applicant. This regulation is not necessary. It is common sense and does need to be stated in a regulation.

Mr Spata asked for public comment related to the repeal of NAC 625.330.

There was none.

LCB file number R077-23**Proposed edits to NAC 625.420**

Mr Spata said this regulation is amended for clarification related to retired and inactive status of a license, and the requirements to change a license status from inactive to active status.

Ms Mamola addressed Mr Turnipseed's comment. A licensee wishing to reinstate only needs to fulfill the required 30 professional development hours, not a cumulative amount related to the number of renewal periods a licensee may have been inactive.

Mr Spata asked for public comment related to changes to NAC 625.420.

There was none.

Proposed repeal of NAC 625.460

Mr Spata said this regulation is outdated and proposed to be repealed. The Board's online license renewal system (put into operation in 2015) clearly states the license expiration date, whether a licensee chooses active or inactive status at time of license renewal. The second sentence is already covered by NAC 625.420.

Mr Spata asked for public comment on the repeal of NAC 625.460.

There was none.

Proposed repeal of NAC 625.620

Mr Spata said this regulation is not part of current practice, and it is proposed to be repealed. The Board's process of firm registration does not include the requirement of a "certificate of fictitious name" to complete a registration application.

Mr Spata asked for public comment on the repeal of NAC 625.620.

There was none.

Proposed repeal of NAC 625.625

Mr Spata said this regulation is not current practice and recommended for repeal. The intent of 1. (a), contact information, is already addressed in NAC 625.615, and any change relating to discipline of engineering or land surveying is information that is collected at the time of license renewal and no additional notification is required.

Mr Spata asked for public comment on the repeal of NAC 625.625.

There was none.

Proposed repeal of NAC 625.635

Mr Spata said it is proposed that this regulation be repealed. The regulation states the obvious and it does not need to be in regulation, especially in consideration, as stated in item 1, a party can be represented by any person he/she designates.

Mr Spata asked for public comment on the repeal of NAC 625.635.

There was none.

LCB file number R0105-23

Proposed repeal of NAC 625.765

Mr Spata said it does not need to be re-stated in regulation that positional certainties are to be used in construction surveys.

Mr Spata asked for public comment on the repeal of NAC 625.765.

There was none.

LCB file number R0126-23

Proposed edits to NAC 625.651

Mr Spata said this regulation is amended to remove reference to NAC 625.795 as it is proposed for repeal.

Mr Spata asked for public comment on edits to NAC 625.651.

There was none.

Proposed edits to NAC 625.655

Mr Spata said this regulation is amended to remove reference to NAC 625.795 as it is proposed for repeal.

Mr Spata asked for public comment on edits to NAC 625.655.

There was none.

Proposed edits to NAC 625.664

Mr Spata said this regulation is amended to remove reference to NAC 625.795 as it is proposed for repeal.

Mr Spata asked for public comment on edits to NAC 625.664.

There was none.

Proposed repeal of NAC 625.660

Mr Spata said a licensed professional should not need to be reminded in regulation that being in responsible charge of work means adhering to the statutes and regulations relating to their profession and the work performed.

Mr Spata asked for public comment on the repeal of NAC 625.660.

There was none.

Proposed repeal of NAC 625.668

Mr Spata said this regulation essentially restates what is written in NAC 625.666 – which is redundant/unnecessary.

Mr Spata asked for public comment on the repeal of NAC 625.668.

There was none.

Proposed repeal of NAC 625.690

Mr Spata said it is not necessary for section 1 to be stated in regulation, and section 2 is already stated in NRS 625.380.

Mr Spata asked for public comment on the repeal of NAC 625.690.

There was none.

Proposed repeal of NAC 625.795

Mr Spata said this regulation is outdated and no longer necessary.

Mr Spata asked for public comment on the repeal of NAC 625.795.

There was none.

Mr Spata asked if there was a motion relating to the adoption of the proposed changes and repeal to the regulations reviewed.

24-14 A motion was made by Mr DeSart, seconded by Mr Kidd to adopt the regulations changes and repeal as presented. The motion passed unanimously.

Mr Spata said with the passing of the motion and before closing the hearing he would open up for any additional public comment.

4. Public Comment.

Art O'Connor - *Art O'Connor again, and I just don't know how you can practice any profession in the state of Nevada and not be familiar with the regulations of the state. And this is not just land surveying and that encounter that I had with the guy that did a terrible ALTA, but even in engineering, for instance, you might think that if you're designing a building, that you would go to the, say, if you're doing it in Reno, you'd go to the Reno website and they'd tell you what codes they're using. And you would start using those codes, but if you use the energy code that's on the City of Reno website, you'd be wrong, because in the state of Nevada, the state is number one, and they can make regulations that do not, that override local jurisdiction regulations. And in this case, the state has adopted the 21 version of the energy code and not the 2018 that's indicated on the City of Reno website. And it makes a major difference in the amount of insulation you've got to put in a building. And it's things like this that an out of state practitioner needs to be aware of. And you could just get rid of all the all the things that assure that when they get a license in the state of Nevada, they actually know something about Nevada. So, I am sorry to see you guys do that. I've been practicing engineering and land surveying in the state for 50 years. And it's just it's really sad how people from out of state can come in. And that little seminar that Patty had about a month or two ago, there are far more people out of state registered to practice in Nevada than there are people who actually live in Nevada. And you need to make sure all those people actually know what they have to do in Nevada, that's different from Oklahoma or Alabama or, you know, Massachusetts or what have you or even California. And you just got rid of that. I'm sad to see that. Thank you. I don't think you should remove the requirement for them to know the local laws. I think that's a mistake. Thank you.*

5. Close hearing for LCB file number sR077-23, R79-23, R105-23, and R126-23.

Mr Spata thanked Mr O'Connor for his comment, and seeing no additional public comment, closed the hearing.

6. Adjournment.

Mr Spata thanked all who attended the hearing and adjourned at 10:10am

Respectfully submitted,

Murray Blaney
Board Staff