

Chapter 625 of NAC

LCB File No. T050-09

**ADOPTED TEMPORARY REGULATION OF THE STATE BOARD
OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

(Filed with the Secretary of State on July 16, 2009)

[H] - Delete
***Italics* - Add**

NAC 625.631 Firm Registration (NRS 625.177, 625.179)

1. A firm wishing to offer professional services in this state shall file with the board an application on a form provided by the Board and accompanied by the appropriate application fee. Firms shall also comply with NAC 625.630

2. A licensee or firm, partnership, corporation, limited liability company or other organization shall not engage in the practice of engineering or land surveying unless it is registered with the board.

3. A firm shall not engage in the practice of any Board regulated profession or occupation unless the firm is registered with the Board and the professional services are conducted under the full authority and responsible charge of a Nevada licensee.

4. The firm shall file a registration application for each branch office located in this state. The branch office application shall list the designated licensees having full authority and responsible charge of the professional services at that branch office. The designated licensee in a branch office need not be a principal of the firm. The firm shall identify responsible licensees by the licensees' license number. Each firm shall list a description of the services the firm is offering to the public. The Board shall be notified in writing within 30 days of any change occurring in the registered principals, or any change in the firm's name or address or any change in a branch office address or designated licensee. An application for renewal with appropriate fee shall be filed each year by the firm within 30 days of the anniversary date of the firm's original registration.

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T050-09

The State Board of Professional Engineers and Land Surveyors adopted temporary regulations assigned LCB File No. T050-09 which pertain to chapter 625 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

The Nevada State Board of Professional Engineers and Land Surveyors (the “State Board”) presents this informational statement to the Legislative Counsel Bureau in accordance with NRS 233B.066 and presents the required information with respect to the State Board’s adoption of temporary Regulation NAC 625.631 pursuant to NRS 625.140. This Informational Statement is submitted together with additional Informational Statements of the State Board concerning the adoption of temporary amendments to other existing Regulations.

1. A description of how public comment was solicited, a summary of the public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the Temporary Regulation, Notices of Workshops and Notice of Intent to Act Upon the Regulation were sent via U.S. Mail and e-mail to persons who are known to have an interest in the temporary amendments to Regulations of the State Board as well as to those persons who had specifically requested such notice. Those documents were also made available at the website of the State Board at <http://www.boe.state.nv.us> and at the office of the State Board located at 1755 E. Plumb Lane, Suite 135, Reno, NV 89502. Copies of the temporary Regulations were e-mailed to the main public libraries in all Nevada counties and were posted at the following locations:

Nevada State Board of Professional
Engineers and Land Surveyors
1755 East Plumb Lane
Suite 135
Reno, Nevada 89502

City of Sparks, Engineering Division
431 Prater Way
Sparks, Nevada 89431

Nevada State Board of Professional
Engineers and Land Surveyors
7251 West Lake Mead Blvd.
Suite 520
Las Vegas, Nevada 89128

Clark County Building Department
500 S. Grand Central Parkway
Las Vegas, Nevada 89155-3530

City of Las Vegas, Building and Safety
400 E. Stewart Street
Las Vegas, Nevada 89101

City of Reno, Engineering Division
450 Sinclair, 3rd Floor
Reno, Nevada 89501

Elko County Recorder
571 Idaho Street
Elko, Nevada 89801

Public comment was solicited by holding two (2) workshops on the temporary amendments to the Regulations. The first workshop was held on April 14, 2009 at the State Board's office at 1755 E. Plumb Lane, Suite 135, in Reno, Nevada. The second workshop was held on April 16, 2009 at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. The comments received at the workshops were discussed at the May 14, 2009 public meeting of the State Board held at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. Thereafter, on or about May 21, 2009, the Executive Director of the State Board issued Notices of Intent to Act upon Regulations. On June 24, 2009, a public hearing was held at the State Board's office at 1755 E. Plumb Lane, Suite 135, in Reno, Nevada, at which time the State Board adopted the temporary Regulations.

Substantial public comment was received on the proposed temporary Regulation NAC 625.631. A summary of the discussion of the temporary amendment at the May 14, 2009 State Board meeting and at the June 24, 2009 hearing at which the temporary amendment was adopted may be obtained by calling the State Board at (772) 688-1231 or by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502, or by e-mailing the State Board at <http://www.boe.state.nv.us>.

2. The number of persons who:

- (a) attended each workshop:** April 14, 2009 - 13; April 16, 2009 - 19;
- (b) testified at each workshop:** April 14, 2009 - 9; April 16, 2009 - 10;
- (c) submitted written comments to the State Board concerning the temporary amendment to the Regulation, NAC 625.631 - 1**
- (d) attended the State Board's May 14, 2009 meeting in Las Vegas, Nevada - 0;**
- (e) attended the State Board's June 24, 2009 hearing in Reno, Nevada - 16;**
- (f) submitted to the State Board written comments at either the State Board's May 14, 2009 meeting or the June 24, 2009 hearing concerning the temporary amendments to the Regulation referenced in this Informational Statement - 9**

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses and members of the engineering and land surveying professions as outlined in number 1 above. The State Board received several comments from the engineering and land surveying professions. A copy of the State Board's minutes concerning the temporary Regulation and the subsequent adoption of the Regulation can be obtained by calling the Nevada State Board of Professional Engineers and Land Surveyors at (775) 688-1231 or by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502.

4. If the temporary Regulation was adopted without changing any part of the temporary Regulation, a summary of the reasons for adopting the temporary Regulation without change.

The temporary Regulation was drafted by the State Board which subsequently held two (2) workshops and a public hearing concerning the temporary Regulation. Additionally, the temporary Regulation was discussed at the State Board's May 14, 2009 meeting at the State Board's office at 7251 W. Lake Mead Blvd., Suite 520, Las Vegas, Nevada. The State Board adopted the temporary Regulation NAC 625.631 at the public meeting held on June 24, 2009 and gave serious consideration to the changes suggested at both Workshops and at the June 24, 2009 hearing. Many professional land surveyors and engineers believed it was inappropriate to require them to register firms. However, the majority of the State Board believed that firms offering to perform professional engineering or land surveying services should be registered by the State Board. See NRS 625.177 and NRS 625.179.

5. The estimated economic effect of the adopted temporary amendments to the Regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long term effects.**

(a) The temporary Regulation is not expected to have either an adverse or a beneficial economic effect upon the regulated professions or on the public. NAC 625.631 was adopted to require firms offering to perform professional engineering or professional land surveying to register with the State Board at a cost of \$50.00 per year. The \$50.00 per year fee is authorized by statute. See NRS 625.177 and NRS 625.179.

(b) There will be no economic effect either immediate or long term on the public or on the engineering or land surveying professions. See item 5(a) above.

6. The estimated cost to the Agency for enforcement of the temporary amended Regulation.

There will be additional cost to the State Board for enforcement of the temporary Regulation referenced in this Informational Statement. The estimated cost of enforcement is \$20,000.00 per year over and above the estimated revenue to be received from the firms required to register with the State Board.

7. A description of any Regulations of other state or government agencies that the adopted temporary Regulation NAC 625.631 overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the adopted temporary Regulation duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the temporary Regulation duplicates.

8. If the temporary Regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There is no federal regulation that regulates the same activity.

9. If the temporary Regulation provides for a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

NRS 625.177 and NRS 625.179 authorize the State Board to charge a fee of \$50.00 to register. The State Board had not previously registered firms. The State Board anticipates it will receive \$15,000.00 in registration fees and will expend substantially more than \$15,000.00 in implementing and enforcing the temporary Regulation.

10. Are the temporary amendments to the Regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the temporary amendments to the Regulation on a small business?

The State Board determined that the temporary Regulation NAC 625.631 does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the State Board considered that the temporary Regulation NAC 625.631 only imposes an annual fee of \$50.00 for registration. The adopted temporary Regulation imposes no direct burdens on any private businesses.

DATED: This 14th day of July, 2009.

State of Nevada Board of Professional
Engineers and Land Surveyors

By: _____/s/_____
NONI JOHNSON