

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

LCB File No. R152-09

Effective October 15, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 625.140.

A REGULATION relating to professional engineers and professional land surveyors; requiring a person who is licensed as a professional engineer or professional land surveyor to enter into a written contract with a client specifying certain details of the work to be performed by the professional engineer or professional land surveyor; and providing other matters properly relating thereto.

Section 1. Chapter 625 of NAC is hereby amended by adding thereto a new section to read as follows:

Before performing any work, a licensee shall enter into a written contract with each client for whom the licensee will perform work. The written contract must include, without limitation, provisions specifying:

- 1. The scope of the work;*
- 2. The cost for completion of the work; and*
- 3. The anticipated date for completion of the work.*

INFORMATIONAL STATEMENT TO LEGISLATIVE COUNSEL BUREAU

NRS 233B.066

Amendments to Chapter 625 of NAC

LCB File No. R152-09

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 a new regulation to be included in Chapter 625 of NAC pursuant to NRS 625.140. This Informational Statement is submitted together with additional Informational Statements of the State Board concerning the adoption of 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.

The new regulation was initially proposed by the State Board as a temporary Regulation.

Copies of the proposed Temporary Regulations, Notices of Workshops and Notices of Intent to Act Upon the Regulations 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 proposed 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

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

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

Elko County Recorder
571 Idaho Street
Elko, Nevada 89801

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

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

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 a Regulation. 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 amendment to Chapter 625 of the NAC which is discussed in this Informational Statement. 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 proposed temporary amendment was not 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 board@boe.state.nv.us.

The State Board then moved to make permanent the proposed temporary regulation which had been rejected as a temporary regulation at the June 24, 2009 hearing. Public comment was solicited by holding two (2) public hearings and two (2) workshops on the permanent amendments to the regulations. Notices of the workshops and the public hearings were posted at the locations referenced above. In addition, the notices were posted on the State Board's website, were mailed to those persons who had requested notice of amendments to Regulations of the State Board and were e-mailed to the main public libraries in all Nevada counties. The workshops were held on September 15, 2009 and June 17, 2010. The public hearings were held on October 22, 2009 and July 15, 2010.

As noted above, the State Board moved to make the proposed regulation permanent. No adverse comments were received at the workshops held on September 15, 2009 and June 17, 2010. Additionally, no adverse comments were received at the hearings held on October 22, 2009 and July 15, 2010. A summary of the State Board's discussion of the proposed new regulation at the October 22, 2009 and July 15, 2010 hearings may be obtained by calling the State Board at (772) 688-1231, by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502, or by e-mailing the State Board at board@boe.state.nv.us.

2. The number of persons who:

- (a) attended each workshop:** April 14, 2009 - 13; April 16, 2009 - 19; September 15, 2009 - 5; June 17, 2010 - 10
- (b) testified at each workshop:** April 14, 2009 - 9; April 16, 2009 - 10; September 15, 2009 - 2; June 17, 2010 - 0
- (c) submitted written comments to the State Board concerning the new proposed Regulation referenced in this Informational Statement:** - 4;
- (d) attended the State Board's meeting May 14, 2009 - 14;**

- (e) attended the State Board's hearing on June 24, 2009 - 16;
- (f) attended the State Board's hearing on October 22, 2009 - 9;
- (g) attended the State Board's hearing on July 15, 2010 - 12;
- (h) submitted to the State Board written comments at the State Board's May 14, 2009 meeting, the June 24, 2009 hearing, the October 22, 2009 hearing or the July 15, 2010 hearing concerning the amendments to the Regulations referenced in this Informational Statement: 0. No written comments were submitted.

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 new Regulation and the subsequent adoption of the new 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 new Regulation was adopted without changing any part of the Regulation, a summary of the reasons for adopting the Regulation without change.

The Regulation was drafted by the State Board which subsequently held four (4) workshops and three (3) public hearings concerning the amendments. Additionally, the proposed 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 rejected the proposed temporary amendment to NAC 625.611 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 professionals believed it was not necessary to have a written contract with their clients. A majority of the State Board agreed that the proposed regulation should not be adopted as a temporary regulation.

As noted above, the State Board moved to make the rejected temporary regulation a permanent regulation and to simplify the terms of the required written contract. No adverse comments were received at the workshops held on September 15, 2009 and June 17, 2010. Additionally, no adverse comments were received at the hearings held on October 22, 2009 and July 15, 2010 at which the regulation in this Informational Statement was adopted.

5. The estimated economic effect of the new 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 regulation is not expected to have either an adverse or a beneficial

economic effect upon the regulated professions or on the public. Chapter 625 of the NAC was amended to require both professional engineers and professional land surveyors to have a written contract with their respective clients.

(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 Regulation.

There is estimated cost to the agency for enforcement of the new regulation is not expected to exceed \$10,000.00 annually.

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

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

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


The regulation provides for no new fees. Nor, does it increase an existing fee.

10. Is 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 Regulation on a small business?

The State Board determined that the Regulation discussed in this Informational Statement 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 regulation simply requires Nevada licensees to have a written contract with their respective clients. The adopted regulation imposes no direct or significant burdens on any private businesses.

DATED: This 11th day of August, 2010.

State of Nevada Board of Professional
Engineers and Land Surveyors

By: 
NONI JOHNSON