

Chapter 625 of NAC

LCB File No. T049-09

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

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

[] - Delete
Italics - Add

GENERAL PROVISIONS

NAC 625.630 “firm” defined (NRS 625.140) means firm, partnership, corporation, organization or any other person who is not a natural person.

MISCELLANEOUS PROVISIONS

NAC 625.630 Advertising for or offering to perform *land surveying or* engineering in discipline in which licensee or organization is not licensed. (NRS 625.140)

1. A licensee or firm, ~~[partnership, corporation, joint-stock association limited liability company or other organization]~~ shall not advertise for or offer to perform *land surveying or* engineering in a discipline of professional engineering in which the licensee or a member of the ~~[organization]~~ *firm* has not been licensed by the Board, unless the licensee or ~~[organization]~~ *firm* has a full-time partner, associate, officer or employee licensed to practice *land surveying or* in a discipline of engineering.

2. Licensees and ~~[organizations]~~ *firm* shall not advertise for *land surveying or* work in a discipline of engineering in which they are not licensed and thereafter seek to employ persons qualified to do the work only after the work has been obtained. Professional engineers and ~~[organizations]~~ *firm* may solicit work only in those disciplines of engineering in which they are licensed.

3. As used in this section, “full-time employee” means a person who:

(a) Devotes ~~[more than one-half of]~~ his *or her* working time in the actual employ of the licensee or ~~[organization]~~ *firm* and not merely as a consultant; and

(b) Is *normally* present in the *local* office~~[s]~~ of his employer during normal business hours.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T049-09**

The State Board of Professional Engineers and Land Surveyors adopted temporary regulations assigned LCB File No. T049-09 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 amendments to Regulation NAC 625.630 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 amendment to Regulation NAC 625.630. 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 625.630 - 4**
- (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 - 0**

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 amendment to the Regulation and the subsequent adoption of the amended 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 amendments to the Regulation were adopted without changing any part of the temporary amendments, a summary of the reasons for adopting the temporary amendments to the Regulation without change.

The temporary amendments to the Regulation were drafted by the State Board which subsequently held two (2) workshops and a public hearing concerning the temporary amendments. Additionally, the temporary amendments were 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 amendment to NAC 625.630 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. The adopted temporary regulation includes several of the suggested changes.

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 amendments are not expected to have either an adverse or a beneficial economic effect upon the regulated professions or on the public. NAC 625.630 was amended to require firms advertizing professional engineering or professional land surveying services to the public to have a full time Nevada licensed professional present in the office during normal business hours.

(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 is no additional cost to the agency for enforcement of the adopted temporary amendments to the existing Regulation referenced in this Informational Statement.

7. A description of any Regulations of other state or government agencies that the adopted temporary amendments to Regulation NAC 625.630 overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the adopted temporary amendments to Regulation duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the temporary amendments to the Regulation duplicate.

