

**MINUTES OF THE
SENATE COMMITTEE ON COMMERCE AND LABOR**

**Eighty-first Session
April 14, 2021**

The Senate Committee on Commerce and Labor was called to order by Chair Pat Spearman at 8:00 a.m. on Wednesday, April 14, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Pat Spearman, Chair
Senator Dina Neal, Vice Chair
Senator Melanie Scheible
Senator Roberta Lange
Senator Joseph P. Hardy
Senator James A. Settelmeyer
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblywoman Teresa Benitez-Thompson, Assembly District No. 27
Assemblywoman Sandra Jauregui, Assembly District No. 41

STAFF MEMBERS PRESENT:

Cesar Melgarejo, Policy Analyst
Wil Keane, Counsel
Kim Cadra-Nixon, Committee Secretary

OTHERS PRESENT:

Susan Fisher, State Board of Professional Engineers and Land Surveyors
Patty Mamola, Executive Director, State Board of Professional Engineers and
Land Surveyors
Michael Hillerby, State Board of Nursing
Cathy Dinauer, Executive Director, State Board of Nursing
Paige Barnes, Nevada Nurses Association
Cameron Duncan, Nevada Advanced Practice Nursing Association

CHAIR SPEARMAN:

We will open the hearing on Assembly Bill (A.B.) 173.

ASSEMBLY BILL 173: Revises provisions relating to professional engineers and land surveyors. (BDR 54-798)

ASSEMBLYWOMAN SANDRA JAUREGUI (Assembly District No. 41):

The need for A.B. 173 was brought to my attention during the 2019-2020 Interim by members of the State Board of Professional Engineers and Land Surveyors. Assembly Bill 173 provides for changes in licensing of licensed professional engineers (PEs) employed by certain public utility companies and in examinations relating to the licensing of professional land surveyors.

SUSAN FISHER (State Board of Professional Engineers and Land Surveyors):

You have the fact sheet ([Exhibit B](#)) on A.B. 173, a position paper from Southwest Gas Corporation ([Exhibit C](#)) and a letter of support from NV Energy Corporation ([Exhibit D](#)). The two changes in A.B. 173 were recommended by the National Transportation Safety Board (NTSB) to better protect the public and remove a barrier to licensure for some people who want to work as land surveyors.

As outlined in [Exhibit C](#), in October 2019, after a September 2018 accident involving overpressurization and an explosion of a natural gas distribution line in Merrimack Valley, Massachusetts, NTSB issued a safety recommendation. It covered all states with exemptions from licensure for engineers employed by public utilities supplying natural gas. The NTSB suggested removal of the exemptions, meaning all natural gas infrastructure projects would henceforth require PE approval and stamping.

If a private engineering company is contracted to work on a natural gas line, the plans must be reviewed and stamped by a PE. If the project is by a public utility that provides natural gas—like Southwest Gas, Sierra Pacific Power Corporation or NV Energy—even though the utility has staff engineers, plans do not have to be reviewed by a PE.

Assembly Bill 173 would remove that exemption. The NTSB Chair Robert L. Sumwalt III sent a letter to Governor Steve Sisolak ([Exhibit E](#)) urging him to endorse removal of the exemption.

Provisions removing the exemption are in section 1 and section 3 of A.B. 173. The Public Utilities Commission of Nevada (PUCN) adopts regulations identifying the type of projects requiring the use of PEs to approve and stamp plans. You have a letter of support ([Exhibit F](#)) for A.B. 173 from Stephanie Mullen, Executive Director, of the PUCN.

Nevada Revised Statutes (NRS) 625.270 provides applicants for land surveyor licenses must do certain things in a specified order. They must have at least four years of surveying experience under a licensed surveyor before they can take the two required examinations. Assembly Bill 173 would require the same components, but applicants will be able to take the exams whenever they feel ready. Applicants can put in the required four years of surveying or take the exams in any order.

SENATOR PICKARD:

Was the four years of surveying experienced required in the past? Are the two NTSB requirements common around the Country?

PATTY MAMOLA (Executive Director, State Board of Professional Engineers and Land Surveyors):

The NRS requirement is national exams must be taken after four years of surveying experience. The bill would change the time when applicants may take the national exam.

MS. FISHER:

The four years of experience is required before the exams.

SENATOR PICKARD:

I see that we are moving the experience requirement from section 3 to section 2, subsection 2, paragraph (d). Why is that being decoupled from the time of the exams? Typically, apprentices must have two to four years' experience before becoming journeymen.

MS. FISHER:

Often, potential licensees' careers are interrupted due to family obligations and other factors. A lot of classroom information may be forgotten by the time they take the national exam. Assembly Bill 173 would allow applicants to take the exam when that information is fresh but before their apprenticeships.

MS. MAMOLA:

If an applicant's career is interrupted and it takes four to six years to get the field experience, it is much more difficult to become licensed. Instead of having a restriction in NRS, we want to allow people to determine what is best for them to pursue licensing.

SENATOR PICKARD:

If we are discussing a public safety element and PUCN PEs must be licensed, must they have Nevada licenses? Some public utilities are interstate and honor licenses in other states. Is there licensure by endorsement in Nevada? How do we deal with PEs doing reviews with out-of-state licenses? Would the bill require them to obtain Nevada licenses?

MS. MAMOLA:

There is no exemption for out-of-state engineers working in Nevada, except for at public utilities for which no license is required. We have licensure by endorsement in less than five days if applicants are licensed in other states. If an engineer works for Southwest Gas in Arizona and needs to be licensed in Nevada, it only takes a couple of days.

MS. FISHER:

Nevada utilities have licensed PEs on staff. The change in A.B. 173 is they were not required to review and stamp project plans.

SENATOR NEAL:

On page 2 of the NV Energy letter of support, [Exhibit D](#), Jesse Murray states, "requiring a PE stamp on these designs will be utilized as a complementary and additional step in our engineering, design process review and approval process to further mitigate risk." The letter also says, "Criteria for elevated risk should include changes to the systems that result in an increase of the maximum allowable operating pressure of a system." It sounds like NV Energy agrees with the bill's provisions, but there may be other considerations besides the licensed PE stamp.

MS. FISHER:

That is a good catch and where the PUCN comes in. The PUCN will identify when a project needs to be reviewed and stamped by a licensed PE. The PUCN will promulgate the regulations in that part of A.B. 173.

SENATOR HARDY:

Is continuing education required before or after PEs get licenses?

MS. MAMOLA:

Yes, PEs and land surveyors must complete 30 hours of professional development hours within their two-year licensing periods.

SENATOR HARDY:

I appreciate they are not just cut off from book learning and have a requirement to add to their professional skills.

CHAIR SPEARMAN:

As far as license reciprocity between states, where do veterans fit into that equation? If not, is there a system for people to know why their license applications were rejected?

MS. MAMOLA:

Yes, the State Board of Professional Engineers and Land Surveyors tracks veterans and their spouses seeking licenses. We license them by endorsement as soon as the application is received. Over the past five years, no military personnel have been denied licenses.

MS. FISHER:

Page 2 of [Exhibit B](#) lists details of our licensing procedures, including waiving application fees and priority processing for military members.

CHAIR SPEARMAN:

Interruptions in applicants' careers is a reason for the changes sought in A.B. 173. Do you know what the most prevalent interruption reason might be?

MS. MAMOLA:

We struggle to have an adequate number of female licensed PEs. After graduating engineering or surveying school, women tend to marry and start families. If they stop working within the four years after graduation, it is difficult for them to come back and take the national exam.

CHAIR SPEARMAN:

I ask my question in light of the recent announcement that U.S. troops will be withdrawn from Afghanistan before September 11. There are several active

duty engineers who could be called up because the Army Corps of Engineers has a chronic shortage of engineers. You need to ask applicants if they served in the military because not all veterans think they have served until they retire. As we end troop engagement, there will be downsizing.

Do we have enough PEs in Nevada?

MS. MAMOLA:

With impacts related to Covid-19 and funding of public works infrastructure, we are probably short of engineers. We have not fully recovered from the 2008 recession when we lost 60 percent of our engineering workforce. Active military duty is an example of career interruption. If you graduate from engineering school, there is an opportunity to take the national exam before being called up.

CHAIR SPEARMAN:

I ask that question because of Senator Hardy's question about the timeline for licensing. I have concerns about how long it takes for many State boards to license workers. Boards such as yours have figured out how to verify the experience level and veracity of an applicant's information. Mr. Keane, can you comment on *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S.Ct. 1101 (2015)?

WIL KEANE (Counsel):

North Carolina State Board of Dental Examiners v. Federal Trade Commission involved unlicensed practitioners who wanted to perform teeth whitening. The Board of Dental Examiners sought to prevent it so licensed dentists could potentially own the market. The Court ruled against the Board, deciding it was engaging in anti- and unfair competition.

CHAIR SPEARMAN:

We will close the hearing on A.B. 173 and open the hearing on A.B. 91.

ASSEMBLY BILL 91: Revises provisions relating to the State Board of Nursing.
(BDR 54-60)

ASSEMBLYWOMAN TERESA BENITEZ-THOMPSON (Assembly District No. 27):
You have my written testimony ([Exhibit G](#)) and summary of legislative history of the Nevada advanced practicing registered nurse (APRN) profession ([Exhibit H](#)). Assembly Bill 91 seeks to add an APRN to the State Board of Nursing.

The APRN licensing designation was added in 1987. It allows APRNs to provide certain diagnostic and treatment work under the supervision of a physician. By 1991, there were 91 licensed APRNs in the State. Interest in increased responsibilities for the profession grew; many but not all efforts were successful. In 1991, an attempt to allow APRNs to prescribe controlled substances failed. The measure was finally advanced in the Seventy-first Session.

Senate Bill No. 205 of the 76th Session allowed APNRs to practice independently of collaborating physicians. The profession grew from 760 licensees to 3,300 licensees. Assembly Bill No. 292 of the 78th Session allowed APRNs to offer services via telehealth; in the Seventy-ninth and Eightieth Sessions, their scope of work further increased. They can now sign death certificates, write provider orders for life-sustaining treatment and write orders of home health care. Assembly Bill 91 would add an APRN to the seven-member State Board of Nursing.

MICHAEL HILLERBY (State Board of Nursing):
The Board decided to add an official APRN position to its membership after licensing 63,000-plus nurses—the bulk of whom are registered nurses (RNs)—including 3,300 APRNs.

Section 1, subsection 1, paragraph (a) of A.B. 91 would decrease the number of RNs on the Board from three to two. Section 1, subsection 1, paragraph (b) adds one APRN to the Board, and paragraph (e) adds an RN who represents agencies that provide health care to the indigent and uninsured population or others who cannot afford health care.

In section 1, subsection 4, paragraph (c), the reference to APNRs is removed. It is no longer necessary for the Governor to consider the qualifications of RNs when appointing them to the Board. In section 1, subsection 6, language concerning consecutive Board member terms is removed. In the Seventy-ninth Session, Legislators added language to NRS 622.207 that State

Board members are subject to 12-year term limits, depending on how many licensees they have. The change in A.B. 91 is one of compliance.

SENATOR SETTELMAYER:

My question as to why the Board wants to change its term limits was addressed by Mr. Hillerby.

CATHY DINAUER (Executive Director, State Board of Nursing):

You have my licensure information fact sheet ([Exhibit I](#)). Senator Settlemeyer, the Board wanted to address the term limit in statute because we thought there could be some confusion if people thought our standard was different from other State boards. The aforementioned paragraph is simply conforming language.

SENATOR HARDY:

Could you explain how the Board has reciprocity with other states in licensing certified nurses in Nevada?

MS. DINAUER:

We try to issue licenses in a prompt manner. We issue temporary licenses within three to four days while waiting for fingerprint results.

MR. HILLERBY:

Our Board is part of the National Council of State Boards of Nursing, which maintains a comprehensive database. It is easy to ascertain if disciplinary actions against licensees have been taken. A standard licensing exam is administered by the National Council, so there is nationwide uniformity of skills and knowledge.

CHAIR SPEARMAN:

I see in A.B. 91, section 1, subsection 4 Board members must "provide the broadest representation" of nursing experience. Does that also include demographic diversity?

MR. HILLERBY:

The Legislature sets policy about State board qualifications, and the Office of the Governor must implement it. It is challenging to find applicants who fit the criteria of a large number of boards and commissions. Governor Sisolak has shown a commitment to diversity by his board and commission appointments

and office staff selection. There is a broad range of qualifications in the bill to ensure different types of nurses and the settings in which they practice are represented.

CHAIR SPEARMAN:

In conversations with people who may be qualified to serve on a State board, they may be entirely unaware of that opportunity and how to apply. How do we increase outreach to people of different demographics and communities? Are Board applicants asked if they are veterans or have served in the military?

MS. DINAUER:

Yes, that is included in our application questions.

PAIGE BARNES (Nevada Nurses Association):

The Nevada Nurses Association supports A.B. 91. The bill will formalize the practices of and provide a balanced representation on the State Board of Nursing.

CAMERON DUNCAN (Nevada Advanced Practice Nursing Association):

The Nevada Advanced Practice Nursing Association supports A.B. 91. You have our letter of support ([Exhibit J](#)). Since 2013, when full practice authority was authorized, the number of State APRNs has increased. The Board should be required to have an APRN member to provide the profession's perspective and concerns. The National Council of State Boards of Nursing implements policies and standards all members, including Nevada, must comply with. Nevada was one of the first states to implement full practicing authority and other improvements to healthcare delivery by recognizing APNRs. Without an APRN on the Board, we will be unable to fully showcase the accomplishments and lessons learned in the State that might benefit policies created by the Council and to disseminate our experiences in healthcare delivery to other states.

CHAIR SPEARMAN:

When my year-old niece was visiting me, she fell off the bed and I took her to the hospital. She was treated by an APRN. When I asked the nurse about professional changes implemented in the Seventy-ninth and Eightieth Sessions, the APRN was overjoyed. They could do the job, and Legislators had finally given them additional scope of practice.

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I am glad to see the addition of a member of the general public to the Board. Sometimes Legislators do not otherwise know if policies we have established are working until we hear from those for whom it should be working.

CHAIR SPEARMAN:

We will close the hearing on A.B. 91. Seeing no more business before the Senate Committee on Commerce and Labor, this meeting is adjourned at 9:00 a.m.

RESPECTFULLY SUBMITTED:

Pat Devereux,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
A.B. 173	B	1	Susan Fisher / State Board of Professional Engineers and Land Surveyors	Bill Fact Sheet
A.B. 173	C	1	Susan Fisher / State Board of Professional Engineers and Land Surveyors	Southwest Gas Corporation Position Paper
A.B. 173	D	1	Susan Fisher / State Board of Professional Engineers and Land Surveyors	Letter of Support, NV Energy
A.B. 173	E	1	Susan Fisher / State Board of Professional Engineers and Land Surveyors	Letter from NTSB Chair to Governor Steve Sisolak
A.B. 173	F	1	Susan Fisher / State Board of Professional Engineers and Land Surveyors	Letter of Support, Public Utilities Commission
A.B. 91	G	1	Assemblywoman Teresa Benitez-Thompson	Written Testimony
A.B. 91	H	1	Assemblywoman Teresa Benitez-Thompson	Summary of Legislative History of Advanced Practice Registered Nurses
A.B. 91	I	1	Cathy Dinauer / State Board of Nursing	Licensure Information Fact Sheet
A.B. 91	J	1	Cameron Duncan / Nevada Advanced Practice Nursing Association	Letter of Support