

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Legislative Committee Meeting, Monday, February 3, 2020
Held at 241 W Charleston Boulevard, Suite 130, Las Vegas, Nevada, 89102

Committee Chairman Angelo Spata, PE, called the meeting to order at 4:00pm. Committee members present were Karen Purcell, PE; Brent Wright, PE/SE; Michael Kidd, PLS; Matthew Gingerich, PLS; and Patty Mamola, Executive Director. Also present were Tracy Larkin-Thomason, PE; Christopher MacKenzie, Board Counsel; and Murray Blaney, Operations/Compliance.

1. Meeting conducted by Committee Chair Angelo Spata, call to order and roll call to determine presence of quorum

2. Public Comment Period

There was no public comment.

3. Approval of January 15, 2020, Legislative Committee meeting minutes

LGC 20-2 A motion was made by Mr Wright, seconded by Ms Purcell, to approve the meeting minutes. The motion passed unanimously.

4. Discuss potential changes to Nevada Administrative Code chapter 625 related to mandated ten-year review

Ms Mamola said that staff had created a spreadsheet and had started working through the regulations, and that each regulation was being matched with the associated law. Some changes have been recommended and further changes may be put forward as we review against NCEES model law. Ms Mamola said that the full listing with recommended changes will be presented to the committee to review ahead of the next scheduled meeting. (ACTION)

Ms Mamola reviewed the process and proposed timeframe involved with possible statute changes. She explained the Bill Draft Request (BDR) components and the pathway options that can be taken - either through the Governor's Office or with sponsorship by an individual Legislator.

Mr MacKenzie said that a statute amendment can be initiated by a vote of the board. He then explained the review process that BDRs go through – the various oversight committees, hearings, and the voting process. He added that there are limited number of BDRs available and suggested exploring options through the Governor's Office as a starting point.

Ms Mamola said she would contact the Governor's Office to get more information. (ACTION)

Ms Mamola gave an overview of the schedule for proposing amendments to regulations. She described the Small Business Impact study process, public workshops, submittals for initial review by the Legislative Counsel Bureau, public hearings and adoption by the board (by a majority vote) as a temporary regulation. Ms Mamola added that a regulation does not become permanent until it has been voted on by the Legislative Commission.

Ms Mamola said the timeline she had proposed was quite aggressive – but doable. Mr Spata agreed and said he would like to review the items on the agenda and prioritize those that could move on a faster track and those that would require more in-depth discussion and research.

Ms Mamola added, items that are similar can be grouped together – regulations related to applications or the removal of regulations that are no longer applicable – as examples, to streamline the vetting process.

5. Consider any other possible changes to Nevada Revised Statute and Nevada Administrative Code chapter 625 including the following

Mr Spata asked that committee members assigned to the listed agenda items give an update and indication of priority on their item.

NRS 625.500 - utility company exemption

Ms Mamola said she is waiting on the response to the NTSB letter by the Governor's Office. She said the item is not likely to move quickly and should be assigned a lower priority, and recommended that it not be put forward for a BDR at this stage. Ms Mamola said in the meantime she would reach out to the Public Utilities Commission to coordinate. (ACTION)

NRS 625.580, NAC 625.610(5)(6)(7) - responsible charge of work

Ms Mamola said that the statute would not be impacted by any proposed amendments to the regulations – so reference to the NRS 625.580 could be removed. (ACTION)

Mr Spata said he would schedule a time to connect with Ms Mamola to discuss possible changes to the regulations. He said the priority level should be assigned after the initial discussions. (ACTION)

NRS 625.040 - practice of land surveying, consider changes that may be needed for future national exam changes

Mr Kidd said draft language shouldn't be too difficult based on the outcome of the NCEES annual meeting. He added that he would have some broad draft language for consideration at the next committee meeting. (ACTION) Ms Mamola said she would review NCEES Model Rules to see if any related changes had been made. (ACTION)

NRS 625.398, NAC 625.430, NAC 625.470 - professional development hours

Mr Wright said any amendments to continuing education regulations would not impact the associated statute. He continued to say he had prepared some draft language to amend the regulations, with the focus being on professional ethics and Nevada laws and regulations. Mr Wright added that the quantity required at each renewal would be at least two hours on ethics and at least one hour on laws and regulations. Mr Wright said that his reasoning for the suggested amendments were two-fold; the first being the lack of evidence or documentation that requiring technical PDHs was effective in accomplishing the stated goal for continuing education, and the second, that the majority of the issues that come before the board relating to disciplinary action involve professional ethics and/or direct violations of the laws and rules.

Ms Mamola said she was not aware of documentation in support of PDH effectiveness, but knew of a Colorado study making an argument against – although it did receive some criticism in methodology. She said she would research and try to have the information for review by the committee at the next meeting. (ACTION)

Ms Mamola said she would share Mr Wright's draft language with the committee members for them to comment on at the next committee meeting.

Ms Mamola said there had been some discussion about holding a workshop with licensees to gauge opinion on professional development hours and the direction of any changes. She suggested in lieu of workshop, that an online survey be conducted to expand the reach and get a larger sample size for feedback. The committee members agreed. Ms Mamola said she would work with Mr Wright to draft survey questions. Ms Mamola said she hoped to get the survey out and results compiled for consideration at the next committee meeting. (ACTION)

NRS 625.530 - public works exemption from using a licensed professional engineer

Ms Mamola said that language had already been drafted but should be held unless a bill draft comes forward from others and the board decides to try to negotiate a change.

NRS 625.390 - using a NCEES Record in lieu of a Nevada application

Ms Mamola said she did not think an NRS change would be needed and adjustments could be made in the regulations that would achieve the same result.

NRS 625.175, NAC 625.220 - discipline specific vs PE state

Ms Purcell asked if Mr MacKenzie could research the legislative history behind moving to discipline specific. Mr MacKenzie said he would. (ACTION)

Ms Mamola said this item also relates to emerging technologies and how they would fit into the traditional licensing model. She said universities are now offering hybrid engineering degrees that fall into the realm of two or three current disciplines. She added that it really is a wider question that may need to be addressed on a national level first - as it is seen as an interstate commerce issue - before it comes down to the public protection by individual states. Ms Mamola said the item is open to a timely philosophical discussion before it becomes an immediate issue.

Mr Spata said, in summary of the statutes listed, the only item that requires priority attention is NRS 625.040 relating to the definition of land surveying.

Mr Spata asked that committee members assigned to the listed NAC agenda items, that were not discussed with associated statutes, to give an update and indication of priority of their item.

NAC 625.610.10 - digital signatures

Ms Purcell said digital signatures was a work in progress and may take some time. She said the taskforce will help the board develop a path forward, and is meeting again on February 18, 2020.

NAC 625.610.13 - original plans/successor engineer

Ms Mamola said this item had yet to be reviewed and she would schedule a meeting with Mr Spata to discuss the need for any changes. (ACTION)

NAC 625.210 1+3 – application references + citizenship

Ms Mamola said staff had reviewed the regulation and suggested edits. She said the revisions would be presented for consideration by the committee at its next meeting.

NAC 625.310 - authority to charge a fee for the Nevada specific land surveyor exam

Ms Mamola said she had discussed this item with Mr MacKenzie and would present any recommendations for the committees consideration before the next meeting.

Consideration of adding a regulation relating to prior disciplinary action

Mr MacKenzie said he was still in the process of drafting language relating to the consideration of prior disciplinary action in matters before the board.

Consideration of codifying business name requests for non-regulated disciplines that don't offer engineering services

Ms Mamola said with some of the challenges we've had with business name requests we may want to consider codifying some of that discussion. She added this would need to be done in a way to provide clarity without removing flexibility. Ms Mamola said staff will review and discuss in more detail with Mr MacKenzie and report back. (ACTION)

6. Discuss potential changes to Nevada Revised Statute 327 and 329:

NRS 327 - datum update

Mr Kidd said that there are number of different groups in the state that are discussing how to move forward with the datum update. He said NGS (National Geodetic Survey) was seeking input from NDOT, NALS and the GIS community. Mr Kidd added that he should know more following the NALS convention in March as to what the overall opinion is on adopting the NGS proposed update.

Mr Gingerich said he was concerned about who will lead the statewide effort to come to a consensus. Mr Kidd said that NALS is aware of the timeline and sensitivity of the issue. Mr Kidd and Mr Gingerich offered to work through Ms Mamola to help keep the various groups moving forward with their discussions and to arrive at a decision. (ACTION)

Ms Mamola said that it would also need to be determined who would lead the bill draft request for any proposed amendments. Whether it is NALS, NDOT or the board.

Mr Spata said he would note that an update would be provided in the spring following the state surveyors convention.

NAC 329 - update to regulations

Mr Kidd said that the regulations are posted online but are not currently included in the board's published paper version. Ms Mamola said she would include them in the revised paper publication when we have the updated versions printed. (ACTION)

Mr Kidd said any revisions to NRS 329 would need to wait until the decision regarding the datum update.

7. Public Comment Period

There was no public comment

8. Adjourn

Mr Spata adjourned the meeting at 5:25pm

Respectfully,

Patty Mamola
Executive Director