Committee Chairman Angelo Spata, PE, called the meeting to order at 10:02am, virtually. Committee members that participated via video conferencing were Karen Purcell, PE; Brent Wright, PE/SE; Greg DeSart, PE; and Patty Mamola, Executive Director. Also connected were Christopher MacKenzie, Board Legal Counsel; Murray Blaney, Operations/Compliance; and Louisa Kern, Administrative Assistant.

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 April 16, 2020, Legislative Committee meeting minutes**

   LGC 20-06  Mr Wright made a motion to approve the April 16, 2020 Legislative Committee meeting minutes. Motion was seconded by Ms Purcell. Motion passed unanimously.

4. **Discuss potential changes to Nevada Administrative Code chapter 625 related to mandated ten-year review, refer to attached addendum A**

   Mr Spata said Addendum A, attached to the agenda, is the matrix that we've been using to track all the changes and their status. He said there are several items that still require committee review and recommendation today before going forward to the board.

   → NAC 625.430

   Mr Wright said following extensive discussions, the initial proposal had been pared back we are proposing adding two hours related to ethics and one hour related to law and rules of NRS 625 and NAC 625, but remaining at a total 30 professional development hours.

   → NAC 625.470

   Mr Wright said it is proposed that participating in self-study be added to the listing of acceptable professional development activities.

   Mr Wright: *So, this seems to address the concern about reducing the number of hours, while still focusing on the ethics and Nevada laws and rules what we thought were important and also*
acknowledging that there are other methods to get professional development, that don't necessarily involve a webinar or a live meeting but can include someone doing self-study.

Mr Spata: I guess the discussion on the number of hours we kept at 30 and sounded like at least with this group, we will leave it for the board discussion. Maybe there is a range as little as 24, but probably if I remember right certainly nothing less and we can have that discussion if need be, but certainly I like bolstering it with those three hours. Any other discussion from anybody on the call on this?

Ms Purcell: I just want to comment, I really like this. I think this definitely hits the mark with respect to requiring at least three hours being related to ethics and Nevada laws.

Mr DeSart: So the essence of the change is adding in Nevada laws and ethics which is what we were arguing or you were arguing and I was agreeing, that are primary issues and those will be the only required PDHs and then other things, basically relaxing the standards on what could be considered a PDH, so that if somebody wanted to count self-study that would be good. The only question that I have, I guess, is how that relates to audits? I don't know if you guys have talked about that.

Mr Wright: There has been long discussions regarding the uphill battle there would be trying to get reduced number of hours of PDHs passed through the legislature and all the ratifications, and in my opinion what we have proposed is probably the wisest course of action and probably the most feasible thing to get passed.

Mr Spata: The other thing we talked about was we'll have to still define what that, I guess how we will validate the laws and regulations as well as the ethics and what we will do, but if we agree to move forward with the change then we can start to define what shape that takes.

Ms Mamola: Yes, and as far as the audits, it's going to be up to the professional to determine how best to document. If I was going to view a YouTube, I'd do a screenshot of that YouTube and put it in my PDH file and say, okay I did this YouTube or you know, if I read some article online about something maybe take a screenshot of that with a URL of the article and the date. So, professionals are going to have to provide some sort of documentation, but we're not going to tell them how to do that. They're going to have to figure that out.

Mr Spata: For me, the self-study, I guess was a new thing. I didn't remember discussing that, because we talked about maybe making it, I thought maybe making it not any looser than it already is but I like that the 3 hours are added and it sounds like we could still have that discussion if 30 is the right number. I think in our minds we could justify for some of us as little as maybe going down to 24, which I think is the smallest state or the lowest in any other state. We can talk about that amongst the board if we decide to push this forward to the overall board.

Mr Spata: So, we got input from Ms Purcell and Mr Wright, is there any further discussion?

Mr DeSart: No, I guess I at least understand what you guys are thinking. I just wanted to, when I read the documents it kind of puzzled me because obviously, I didn't participate in that long extensive conversation, where how we went from where we were to this proposal. So now I at least have a better understanding of that.
Mr Spata: Some of that was based on our last board meeting too Greg and I think you were part of the last board meeting where we all kind of gave our input and it was a little bit of a mixed bag between all of the board members.

Mr DeSart: I didn't get any sense of any kind of consensus or direction at the last board meeting. I took that some people supported reducing PDHs and some people didn't, that's what I got out that conversation. I guess I didn't get anything out of that said that we were going to go back to 30 and go that route, so obviously it must have happened in your legislative meeting that happened after the board meeting.

Mr Spata said the intent in this meeting is that we agree to take this to the board meeting so that the board can discuss, make suggestions, and vote on the proposal. But first we need to determine what the consensus is from the committee. He suggested that each be voted on individually.

LGC 20-07  Ms Purcell made a motion to move the amendments to NAC 625.430 as presented to the board for consideration. Motion was seconded by Mr Wright. Motion passed unanimously.

LGC 20-08  Ms Purcell made a motion to move the amendments to NAC 625.470 as presented to the board for consideration. Motion was seconded by Mr Wright. Motion passed unanimously.

→ NAC 625.510, NAC 625.520, NAC 625.530, and NAC 625.540

Mr Spata asked Ms Mamola to review the proposed amendments to the regulations relating to code of conduct.

Ms Mamola said that following the last meeting, the committee had agreed that Ms Purcell lead the group reviewing proposed amendments. She said board counsel, staff, and Ms Purcell had met to discuss changes and the amendments presented were a result of that meeting. Ms Mamola reviewed the proposed edits and asked for any questions/comments from the committee.

→ NAC 625.550

Ms Mamola said that the board counsel had proposed two options for amended language for consideration by the committee.

Mr Spata asked for comments from the committee members.

Mr Purcell: I agree with the second one. I like that one. That seems a bit more realistic.

Mr Wright: My only concern is that the government entity is making a judgment as to the competency of a licensee when they may or may not be competent to make that judgment. The first one where it says when they have, when they believe the life, health and safety the public is to be a risk, I don’t know. I mean the second one, I guess if they do have a concern with the competency of a licensee and they submitted to the board that the board has people that are competent to determine whether or not their concern is valid, so I don’t know. I don’t know what an improvement would be.
Ms Mamola: We have looked at it from the licensee’s and the entity’s perspective. The challenges that some of the public entities are dealing with when they get low-level drawings submitted and they have to wait until they get drawings three times. As staff we really do review any potential complaint thoroughly with an agency before we move forward. We need hard evidence to support the allegation of incompetence, staff quickly screens out those complaints that originate from a personality conflict.

Mr DeSart: I like the second option better, but I also share Brent’s concern. I do have a suggestion, and I would go back to “should” instead of “shall” as a suggestion and then I also have a little bit of concern about one or more sets. You know, sometimes the first set is intentionally preliminary, or you know, 30% or something like that or maybe even a 10% conceptual drawing. You know, you hate to see that being used as evidence of somebody is incompetent, and I’m just wondering if we could just say more than one set. So, you know you kind of get a first strike. What do you think of that Brent?

Mr Wright: I totally agree with that, the practice more and more is becoming just what you said that we’re pressured to submit some plans that are not yet ready for construction and yet there they are and if you were just to look at that you would say the licensee is incompetent because it’s not coordinated but it’s because it wasn’t made possible to coordinate it because no one else has plans that went in with that set, so I agree, instead of one or more sets maybe it's more than one set or I don’t know what it would be like a subsequent.

Ms Mamola: No, I think that's good wording, more than one set because then that means maybe it's not just that one project maybe it's a pattern of bad sets. So, I think more than one set is probably a good change.

Mr Wright: I do you like Greg’s suggestion that instead of shall it’s should, because there still may be circumstances why more than one set is not complete and then they should be able to use their judgment rather than be compelled to do it.

Mr Spata: I support that.

Ms Purcell: I like it as well. I think that's better.

Mr Spata said in summary, the committee is in favor of the second option with the following edits: changing shall back to should, and in section 1 adjust the text to more than one set of plans. (ACTION item)

LGC 20-09  Mr Wright made a motion to move the amendments to NAC 625.510 – 625.540, and NAC 625.550 with edits suggested to the board for consideration. Motion was seconded by Ms Purcell. Motion passed unanimously.

→ NAC 625.610

Ms Mamola said the item came back to the committee following input from the City of Henderson to section 13. Edits have been proposed for consideration at today’s meeting to provide clarity, if it is agreed that a firm owns its design, and with that, if the design engineer leaves a firm then another engineer at that firm can assume responsibility for the design.
Mr Spata suggested that the wording of 13.a.i be changed from “obtains consent of” to “notifies” to avoid a project design being held hostage by the original engineer. He said many changes are minor and can get held up time wise and monetarily by the original design engineer.

Mr Wright said he was concerned about moving from “consent” to “notify” where situations could arise when the original engineer may be opposed to the design change, but because the modifying engineer has fulfilled the obligation to notify – goes ahead and makes the change, questions of liability for the original design arise.

Mr Spata said he believed that notification gives the original engineer the opportunity to express concern and respond that they disagree with the modification, and remind the modifying engineer that they are taking ownership of the impacts of the changes.

Mr Wright said he recommends leaving the wording as consent. It protects the firm and the licensee more than just notifying them.

Mr MacKenzie suggested edits to 13.a.2 to remove redundant text. Ms Mamola agreed. (ACTION item)

LGC 20-10  Mr Wright made a motion to move the amendments to NAC 625.610 with the edits suggested by Mr MacKenzie to the board for consideration. Motion was seconded by Ms Purcell. Motion passed unanimously.

→ NAC 625.640, NAC 625.642, and NAC 625.645

Mr MacKenzie reviewed the proposed amendments to disciplinary action regulations. He said what was presented was an initial draft but he wanted to get feedback from the committee before finalizing the draft for board consideration. (ACTION item)

Ms Mamola said most of the proposed edits were to align the regulations with the board’s rules of practice.

LGC 20-11  Ms Purcell made a motion to move the amendments to NAC 625.640 – 625.645 with Mr MacKenzie’s final edits to the board for consideration. Motion was seconded by Mr Spata. Motion passed unanimously.

→ NAC 625.646, NAC 625.6465, NAC 625.647, NAC 625.6475, and NAC 625.648

Mr MacKenzie reported that edits for the section relating to advisory committees is in progress and is close to being finalized.

Ms Mamola asked if the committee would be agreeable if staff and counsel can finalize the
amendments that they be forwarded to the board for consideration instead of coming to the committee first. The committee agreed. *(ACTION item)*

5. **Discuss potential changes to Nevada Administrative Code chapter 329 related to perpetuation of corners**

Mr Spata said there were no changes to discuss related to NAC chapter 329.

6. **Consider the following changes to Nevada Revised Statute 625, 327:**

Mr Spata said this section is to give a brief update on some of the longer-term items that we agreed we would be considering. He asked that those leading the research give a brief update.

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

Mr Spata said with Mr Kidd being excused from today's meeting, he would likely give an update at the board meeting or next committee meeting.

   - **NRS 625.270—qualifications of applicant for licensure as a professional land surveyor**

Ms Mamola said with Mr Kidd unavailable it would be best to discuss this item at the May 14, 2020, board meeting.

   - **NRS 625.500—utility company exemption**

Ms Mamola said she was working with the PUC and Mr MacKenzie on this item.

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

Ms Mamola said there was nothing new to report. We are ready if an agency wants to do consider changes to the language.

   - **NRS 625.398—professional development hours**
Ms Mamola said this item can be removed as the proposed amendments only relate to the administrative code. (ACTION item)

• **NRS 625.175—discipline specific vs PE state (discipline specific language added in 1975, AB 604—Committee on Judiciary)**

Ms Purcell said with the cancellation of the NCEES zone meeting board members have not been able to connect with other state delegates to discuss in-person to get a broader perspective.

• **NRS 327—Nevada Coordinate System; Geographic Names**

Mr Spata said with Mr Kidd not in attendance, he would likely give an update at our next meeting.

7. **Public Comment Period**

There was no public comment.

8. **Adjourn**

Mr Spata adjourned the meeting at 10:58am.

Respectfully,  

Patty Mamola  
Executive Director