Committee members present were Chair Angelo Spata, PE; Karen Purcell, PE; Brent Wright, PE/SE; Michael Kidd, PLS (was excused and arrived at 10:45am); Patty Mamola, Executive Director; and Christopher MacKenzie, Board Counsel. Murray Blaney, Operations/Compliance was also present.

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

Mr Spata called the meeting to order at 9:30 am.

2. **Public Comment Period (Discussion Only)**

Mr Spata opened the meeting for public comment.

Mr Gene Frodsham had the following comment:

_I am Gene Frodsham, I sent in some information on the professional development requirements when you first did them some years ago. There was a study back in the midwest from Nursing Association that showed that there was no correlation between professional development hours and patient outcome. The stuff I sent you, one of the studies, 1,300, they looked at 1,300 different studies. Most of them were poorly done, they took a look at all the effects and came to the conclusion that 14 to 17 hours per year had no effect whatsoever. The things that do have an impact is if you, if it’s something you need, if you are researching it, that you are collaborating with someone in the firm and that is what will make you learn and understand it. _

_We did a project, was supposed to be the Dubai Eye in Staten Island, it wasn’t my fault it didn’t get built. The tolerances at the axels at the top affected the locations of the foundations at the bottom, so I had to research tolerancing in mechanical joints, I had to research baring loads because they had baring pads across the top, how do we model in three dimensional finite element analysis the loads of bearings. So, I had to research that, I had to research fatigue, we didn’t know where in the world this would be built or with what steals, but I had to go through not on the American standards, the European standards the British standards, and the International Institute of Welding Standards for fatigue. So, all of this is done, I’ve got a stack the literature about three and some odd feet high. Which should give me about 50 years’ worth of professional development hours, but what we learned has been used on a project a swing in Colorado with an amusement park that swings kids out over 300 foot drop it’s being used now for a roller coaster and people in the firm have learned from it. _

_I got an email from one guy, there was an advertisement for $249 you can take these classes online and get your development hours and he went through them and they were classes not needed, they were classes of low level. There is no quality control, there really is no reason for_
professional development hours.

What would have a far greater effect was when one of my professors told me decades ago is that, “An engineer is no better than his library.” I need to know where to find stuff. I need to be able to go online right to the place, well AISC has their series of manuals. For tubular steel the European Side act is good, but if we know where that stuff is. If there was a list out somewhere, library, engineering library that would be far more effective than any professional development hours because, I need to know what I need to know at that time.

So, my position is they should be done away with. Now maybe ethics, most people are ethical, I have to I’m on the Nevada task Force One Urban Search and Rescue, my first deployment was World Trade Center, I got to stand on the top of the North tower, well what was left. Every year they have requirements for training that takes 2 days and one of them is ethics, it is like, I don’t have anything to do with hiring. I don’t interact with anyone. I don’t need this class, so before any requirement is introduced it should be validated, mathematical studies and professional development hours just don’t pass that test, so I say get rid of them.

There was no further public comment.

3. Approval of February 4, 2019, Legislative Committee meeting minutes (For possible action)

LGC 20-1 A motion was made by Ms Mamola, seconded by Ms Purcell, to approve the meeting minutes. The motion passed unanimously (Mr Kidd was not present for this vote).

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

Mr Spata said he would first like to remind the committee of our goals as to what this committee is to serve and then we will jump into the agenda. He said the legislative committee has two primary functions, the first is related to biannual legislative matters, the committee assists staff with monitoring legislative activities during Nevada's legislative session, it also advises the board on legislative matters during the legislative session. The second function is to periodically review and suggest changes to the Nevada Revised Statutes 625 and then Nevada Administrative Code 625. By law the board is required to review its regulations every ten years and file its review findings with the Legislative Counsel Bureau. The board has an obligation to update our laws and regulations to reflect current professional practices. These updates can occur more frequently then the mandated ten years. The committee recommends law and regulation changes to the board and assists staff with administrative process and making the changes.

Mr Spata said since the committee last met a number of specific items, in addition to the 10 (ten) year review, have been forwarded to the committee for specific review. Mr Spata added he will list those items for the record and then revisit each for a more in-depth discussion later in the meeting to assign a committee member to review and develop an action for each.
acknowledged that the full review process can be lengthy and that prioritizing of issues may be required.

Mr Spata listed the following regulations for specific review:

- NAC 625.210(1): professional reference requirements - references from the same firm
- NAC 625.210(3): requiring proof of US citizenship
- NAC 625.220: PE state vs discipline specific state
- NAC 625.310(4): authority to charge for Nevada specific survey exam
- NAC 625.430 and NAC 625.470: regarding professional development hours
- NAC 625.610(5)(6)(7): relating to responsible charge work
- NAC 625.610(10): related to digital signatures
- NAC 625.610(13): relating to original plans and successor engineer

Ms Mamola said that staff will be tasked with doing the comprehensive review. She said the initial step is creating a spreadsheet that matches regulations to the associated laws, then each item will be reviewed against NCEES model law. Any areas identified will be brought to the committee’s attention with draft language for consideration. Ms Mamola added that particular attention will be paid to qualifications for licensure for both initial and comity.

Mr Spata asked that as part of the overall review, specific focus be paid to defining the experience requirements for licensure in the regulations to add clarification.

Mr MacKenzie suggested that the relevance of previous discipline be included as a consideration in the determination of appropriate discipline in a current matter be added as a specific item for the committee to address. He said there’s references in policy – the disciplinary matrix – but not currently in regulation.

Mr MacKenzie said he would draft text for consideration by the committee. (ACTION)

Mr Spata said he would like to run through the list and assign a committee member or staff to review further and draft any changes to text. He added that if anyone had a particular interest or expertise on an item that they feel free to volunteer. Mr Spata continued that if someone is assigned to a regulation, they also be assigned to review the associated statute(s). The committee members agreed. He said he would like each person to familiarize themselves with their charge and develop a plan of action on how to approach any amendment, along with any relevant research as support, for presentation at the next committee meeting if possible. Mr Spata added that the timeframe for change is relatively short and prioritizing items to move forward may well be required.

Mr Spata began reading through the listing of specific areas to be addressed to assign a lead.
- NAC 625.210(1): professional reference requirements - references from the same firm

Ms Mamola suggested staff be tasked with this item. Staff was designated lead. (ACTION)

- NAC 625.210(3): requiring proof of US citizenship

Ms Mamola suggested staff be tasked with this item. Staff was designated lead. (ACTION)

- NAC 625.220: PE state vs discipline specific state

Mr Spata asked for some background on this item.

Ms Mamola said that Nevada was in the minority of states that are discipline specific. She said the number is 11 or 12, with the balance being PE states. The original question arose when the board was considering whether to add architectural engineering as a discipline and continued when the discussions moved to how to license emerging technologies that combine a number of traditional disciplines of engineering.

Ms Purcell said she would volunteer to research this item. Ms Purcell was designated lead. (ACTION)

- NAC 625.310(4): authority to charge for Nevada specific survey exams

Ms Mamola said that this item is from feedback from the Governor’s Finance Office, where they are requiring any fees of the board be codified – not just stated in board policy.

Ms Mamola suggested staff be tasked with this item. Staff was designated lead. (ACTION)

- NAC 625.430 and NAC 625.470: regarding professional development hours.

Mr Wright said that he would volunteer to look at the item in depth. He said that he had reviewed the legislative history and the premise of the NCEES Model Law. He said his concern lies in whether the intention of the regulation is achievable, and with a measurable impact, through submitting proof of attendance for webinars, conference attendance etc. Mr Wright added that most of the compliance issues that come before the board relate to ethics, not proficiency with current technologies, and that ethical conduct may be a more impactful area to address in professional development.

Mr Wright asked about the adoption process required to amend and adopt a regulation.
Mr MacKenzie outlined what is required and Ms Mamola said she would prepare an outline of the procedure and a proposed timeline for the next committee meeting. (ACTION)

Mr Wright was designated lead. (ACTION)

- NAC 625.610(5)(6)(7): relating to responsible charge work

Ms Mamola said she had been tasked by the board to look into this issue through discussions at an earlier board meeting. Mr Spata said he would also like to participate in the review of the listed items. Ms Mamola was designated lead with input from Mr Spata. (ACTION)

- NAC 625.610(10): related to digital signatures

Ms Mamola said that a Nevada taskforce had been formed involving public agencies and professionals in private practice to explore ways forward and to try to develop a uniform process for all electronic submissions in the state. She added that it is an issue all states are going to be dealing with and that Nevada is leading the way in a statewide approach. Ms Mamola suggested that Ms Purcell lead this review as she serves on the NCEES technology taskforce and has personal familiarity with digital signatures and electronic submissions to a variety of planning entities.

Ms Purcell said there is currently no uniform standard across jurisdictions regarding e-submissions and the digital signature process. She said it is important that the task force come up with some good recommendations to the board in a way that we can move forward to protect the public, to protect the entities and as well as licensees.

Ms Mamola said that based on the taskforce recommendations, the regulations may need to be amended to facilitate best practice. She added that after meeting with Nevada Secretary of State’s Office, consideration of regulations proposed for e-notaries and e-notary submissions will also need to be considered.

Ms Purcell was designated lead. (ACTION)

- NAC 625.610 (13): relating to original plans and successor engineer

Ms Mamola said this item was put forward by board members at a previous board meeting. She said the issues of first right of refusal when it comes to making changes to original plans – whether it be the engineer as an individual or the firm in the title block that ultimately is liable insurance wise. Ms Mamola added that other issues arise if client v engineer/firm relations break down in some stage of a project. She said the regulation needs a review to see if clarification can be added.

Mr Spata said he would be willing to review this item. Mr Spata was designated lead. (ACTION)
5. Consider any other possible changes to Nevada Revised Statute and Nevada Administrative Code chapter 625 (Discussion Only)

Mr Spata said outside of the overall review of statutes, the following have been identified as specific areas to address:

- NRS 625.040: consideration of adjustments to the definition of the practice of land surveying
- NRS 625.175: PE state vs discipline specific state
- NRS 625.390: adding NCEES Record to replace the long-from Nevada application
- NRS 625.398: regarding professional development hours.
- NRS 625.500: public utility company exemption
- NRS 625.530: public works exemption from using a licensed professional engineer

Mr Spata read through the listing of specific areas to be addressed to assign a lead.

- NRS 625.040: consideration of adjustments to the definition of the practice of land surveying

Ms Spata said that Mr Kidd would be best to review this item. Mr Kidd was designated lead. (ACTION)

- NRS 625.080: further defining responsible charge of work

Mr Spata said that this item is directly related to the regulation (NAC 625.610) discussed earlier and would be assigned to the same members. Ms Mamola was designated lead with input from Mr Spata. (ACTION)

- NRS 625.175: PE state vs discipline specific state

As above, Mr Spata said that this item is directly related to the regulation (NAC 625.220) discussed earlier and would be assigned to the same member. Ms Purcell was designated lead. (ACTION)

- NRS 625.390: adding NCEES Record to replace the long-from Nevada application

Ms Mamola suggested staff be tasked with this item. Staff was designated lead. (ACTION)

- NRS 625.398: regarding professional development hours
Mr Spata said that this item is directly related to the regulations (NAC 625.430 and NAC 625.470) discussed earlier and would be assigned to the same member. Mr Wright was designated lead. (ACTION)

- NRS 625.500: public utility company exemption

Ms Mamola said that the Governor received a letter from NTSB (the National Transportation Safety board) about removing the current exemption from our law – with a reply requested by today. Ms Mamola said she will be working the PUC (Public Utilities Commission) on this issue.

Ms Mamola said she would work on this item with help from Mr MacKenzie. Ms Mamola was designated lead with input from Mr MacKenzie. (ACTION)

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

Ms Mamola said this item is a continuation from the last legislative session and involves two parts. One is the cleaning up of the language related to Qualifications Based Selection (QBS) that is being interpreted by some as an exemption from using a licensed profession for works undertaken below a stated monetary threshold. The other is the amount of that monetary threshold and what costs are included determining that amount.

Ms Mamola said she would work on this item with help from Mr MacKenzie. Ms Mamola was designated lead with input from Mr MacKenzie. (ACTION)

6. Discuss potential changes to Nevada Revised Statute 327 and 329 (Discussion Only)

Mr Kidd said any review of NRS 327 relates to the 2022 NGS (National Geodetic Survey) proposed update to the national datum. Some states are going to adopt the changes and others are going to stay as is. Discussions in Nevada between the NALS (Nevada Association of Land Surveyors) and the NGS relating to the impacts on the state plane coordinate system seem to indicate that Nevada will likely adopt the changes. Mr Kidd added that if/when that happens a review of NRS 327 will be required.

Mr Kidd said he would volunteer to review NRS 327. Mr Kidd was designated lead. (ACTION)

Ms Mamola said that the updates to NRS 329 from the last legislative session have been updated online and that no current updates were being considered. She added that it may need to be reviewed to determine if the statute was in need of any supporting regulations.

Mr Kidd said he would review this item (NRS 329) as well. Mr Kidd was designated lead. (ACTION)

7. Public Comment Period (Discussion Only)
There was no additional public comment

8. **Adjourn**

Mr Spata adjourned the committee meeting at 11:00am

Respectfully, 

Patty Mamola 
Executive Director