

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

LCB File No. R074-09

Effective October 15, 2010

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 625.140 and 625.175.

A REGULATION relating to engineering; revising provisions which require a professional engineer to be licensed in a particular discipline of engineering to perform certain activities; and providing other matters properly relating thereto.

Section 1. NAC 625.260 is hereby amended to read as follows:

625.260 **1.** Only *professional* engineers licensed as structural engineers pursuant to this chapter may structurally design:

~~[1-]~~ **(a)** A structure requiring special expertise, including, but not limited to, a radio tower and a sign over 100 feet ~~[1-]~~ *in height, using the bottom of the lowest footing or the top of the pile cap as the point of reference.* Dynamic machinery and related equipment within the scope of mechanical engineering are not included.

~~[2-]~~ **(b)** A building more than three stories in height.

~~[3-]~~ **(c)** A building more than 45 feet in height, using the bottom of the lowest footing *or the top of the pile cap* as the point of reference.

2. *Any professional engineer may design a component part of a building that is more than 45 feet in height if the professional engineer is otherwise qualified to do so pursuant to the particular discipline in which the professional engineer is licensed. If the professional*

engineer is not licensed as a structural engineer, the design must be reviewed by an engineer of record who is licensed as a structural engineer.

3. A professional engineer licensed as a civil engineer pursuant to this chapter may structurally design a structure, including, without limitation, a bridge, unless the structure is described in subsection 1.

4. As used in this section, “pile cap” means a thick concrete mat which is used as part of the foundation of a building or structure and which rests on piles.

INFORMATIONAL STATEMENT TO LEGISLATIVE COUNSEL BUREAU

NRS 233B.066
Amendments to NAC 625.260
LCB File No. R074-09

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 amendments to Regulation NAC 625.260 pursuant to NRS 625.140. This Informational Statement is submitted together with additional Informational Statements of the State Board concerning the adoption of 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.

The amendments to NAC 625.260 were initially adopted by the State Board as temporary Regulations.

Copies of the Temporary Regulations, Notices of Workshops and Notices of Intent to Act Upon the Regulations 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

Nevada State Board of Professional
Engineers and Land Surveyors
7251 West Lake Mead Blvd.
Suite 520
Las Vegas, Nevada 89128

City of Reno, Engineering Division
450 Sinclair, 3rd Floor
Reno, Nevada 89501

City of Sparks, Engineering Division
431 Prater Way
Sparks, Nevada 89431

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

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 a Regulation. 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 625.260. 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 board@boe.state.nv.us.

The State Board then moved to make permanent the temporary amendments to the regulations. Public comment was solicited by holding two (2) public hearings and two (2) workshops on the permanent amendments to the regulations. Notices of the workshops and the public hearings were posted at the locations referenced above. In addition, the notices were posted on the State Board's website, were mailed to those persons who had requested notice of amendments to Regulations of the State Board and were e-mailed to the main public libraries in all Nevada counties. The workshops were held on September 15, 2009 and June 17, 2010. The public hearings were held on October 22, 2009 and July 15, 2010.

As noted above, the State Board moved to make the temporary amendments to NAC 625.260 permanent. No adverse comments were received at the workshops held on September 15, 2009 and June 17, 2010. Additionally, no adverse comments were received at the hearings held on October 22, 2009 and July 22, 2010. A summary of the State Board's discussion of the permanent amendments to NAC 625.260 at the October 22, 2009 and July 15, 2010 hearings may be obtained by calling the State Board at (772) 688-1231, by writing to the State Board at 1755 E. Plumb Lane, Suite 135, Reno, Nevada 89502, or by e-mailing the State Board at board@boe.state.nv.us.

2. The number of persons who:

- (a) attended each workshop:** April 14, 2009 - 13; April 16, 2009 - 19; September 15, 2009 - 5; June 17, 2010 - 10
- (b) testified at each workshop:** April 14, 2009 - 9; April 16, 2009 - 10; September 15, 2009 - 2; June 17, 2010 - 0
- (c) submitted written comments to the State Board concerning the temporary amendments to Regulation NAC 625.260 - 9;**

- (d) attended the State Board's meeting May 14, 2009 - 14;
- (e) attended the State Board's hearing on June 24, 2009 - 16;
- (f) attended the State Board's hearing on October 22, 2009 - 9;
- (g) attended the State Board's hearing on July 15, 2010 - 12;
- (h) submitted to the State Board written comments at the State Board's May 14, 2009 meeting, the June 24, 2009 hearing, the October 22, 2009 hearing or the July 22, 2010 hearing concerning the amendments to NAC 625.260 - 4.

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 profession. A copy of the State Board's minutes concerning the 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 amendments to the Regulation were adopted without changing any part of the amendments, a summary of the reasons for adopting the amendments to the Regulation without change.

The amendments to the Regulation were drafted by the State Board which subsequently held four (4) workshops and three (3) public hearings concerning the 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 amendments to NAC 625.260 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. Several changes were made to the proposed amendments to NAC 625.260 before they were adopted as temporary amendments on June 24, 2009.

As noted above, the State Board moved to make the temporary amendments to NAC 625.260 permanent. No adverse comments were received at the workshops held on September 15, 2009 and June 17, 2010. Additionally, no adverse comments were received at the hearings held on October 22, 2009 and July 15, 2010 at which the amendments to NAC 625.260 were adopted.

5. The estimated economic effect of the adopted 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 amendments are not expected to have either an adverse or a beneficial economic effect upon the regulated professions or on the public. NAC 625.260 was amended to clarify the types of buildings and structures which may only be designed by a Nevada licensed structural engineer. The amendments further clarify that except as specifically provided in NAC 625.260, all other structural and bridge designs may be designed by qualified civil engineers.

(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 amended Regulation.

There is no additional cost to the agency for enforcement of the adopted amendments to NAC 625.260.

7. A description of any Regulations of other state or government agencies that the adopted amendments to Regulation NAC 625.260 overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary. If the adopted amendments to the Regulation duplicates a federal regulation, the name of the regulating federal agency.

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

8. If the amendments to the Regulation include provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There is no federal regulation that regulates the same activity.

9. If the amendments to the Regulation provide for a new fee or increase an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The amendments provide for no new fees. Nor, do they increase an existing fee.

10. Are the amendments to the Regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the amendments to the Regulation on a small business?

The State Board determined that the amendments to Regulation NAC 625.260 do not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination, the State Board considered that the amendments to NAC 625.260

simply clarify which structures and buildings must be designed by a Nevada licensed structural engineer. The adopted amendments impose no direct or significant burdens on any private businesses.

DATED: This 11th day of August, 2010.

State of Nevada Board of Professional
Engineers and Land Surveyors

By: 
NONI JOHNSON