



Nevada Association of Land Surveyors
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May 5, 2009

Nevada State Board of Professional Engineers and Land Surveyors
Attn: Ms. Noni Johnson, Executive Director
1755 East Plumb Lane, Suite 135
Reno, Nevada

Re: Amendments to Nevada Administrative Code 625

Dear Ms. Johnson:

The Nevada Association of Land Surveyors (NALS) has concerns with several of the changes to Nevada Administrative Code 625 that have recently been proposed by the State Board. Although we as representatives cannot express the individual view point of each of our members, we have been able to capture the general concerns and provide some suggested changes.

NAC 625.520 Proposes requiring written contracts before providing professional services.

NALS encourages its membership to make prudent business decisions. The creation of a written contract prior to performing surveying services certainly would be one of them. NALS also recognizes there are occasions when a verbal contract is sufficient. It should be the professional's option as to how and what type of contract they are willing to undertake. NALS believes the draft language should be amended to make it a recommendation, not a requirement that the professional enter into a written contract.

NAC 625.610 Clarifies and makes changes to stamping requirements, including allowing electronic seals and signatures.

The Board must be careful not to homogenize the language in this and other chapters and thereby fail to recognize important distinctions between engineering and land surveying when considering the results of their respective "final" products in mapping or document form. A digital signature is not appropriate for any work product of a surveyor that is intended to be entered into the public record by way of recordation with a county. Clause No. 13 should be revised to so indicate. NALS suggests that the wording be changed to exclude any recorded documents until such time that all applicable federal, state and local laws are conformed to allow for this, and it should be spelled out clearly that such documents, maps and legal descriptions continue to be conventionally stamped and signed.



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NAC 625.611 Adds stamping by discipline, maps and land surveyors.

Again this language may be entirely appropriate for those in the engineering disciplines, but it should be distinguished from the work prepared by a land surveyor. Stamping the subsequent sheets of a tract map, parcel map or record of survey is redundant, given that a surveyor's certificate is validated on the first sheet of each of these maps. NALS recommendation is that this proposed language specifically excludes land surveyors from stamping and sealing subsequent sheets of maps.

NAC 625.631 New regulation provides for firm registration.

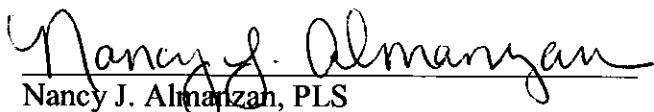
The proposed verbiage requiring firm registration should be abandoned altogether. As written it is ambiguous and contradictory. It appears to go beyond the purview of the Board of Registration's function. The Board qualifies, licenses, regulates and disciplines individuals, not businesses. To separately license/register an individual and his business (over and above a local governmental business license) is overburdening the licensee. The individual, not the business, was tested for competency to practice, and it is therefore the individual licensee who should be responsible.

A business and an individually licensed practitioner are two separate entities. NALS takes the position that the Board cannot legally make them one, via an administrative rule.

Further, the proposed language completely overlooks the scenario of a sole practitioner with only one office. At the very least, the language should address specifically this scenario, and not burden the individual practitioner with duplicate licensing/registration.

The Nevada Association of Land Surveyors would like to thank the State Board for the opportunity to comment on the proposed changes, and for your consideration of our comments.

Sincerely,


Nancy J. Almanzan, PLS
President
Nevada Association of Land Surveyors