

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Professional Association Liaison Committee Meeting
Held in Las Vegas, Nevada, January 17, 2019

Board members present were Committee Chair Gregory DeSart, PE; Robert LaRiviere, PLS; and Patty Mamola, PE, Executive Director. Also present were Dr David James, representing UNLV; Trent Kenyon and Jason Higgins, representing NALS; David Alexander, representing CMAA; Brian Kalina and Jonathan Tull, representing NSPE; Debi Bohnet representing APWA; Murray Blaney, Compliance Officer; and Louisa Kern, Administrative Assistant for the board.

1. Call to Order

Chairman DeSart, declaring a quorum present, called the meeting to order at 10:00am,

2. Public Comment Period

There was no public comment

3. Introductions

Those present introduced themselves:

Jonathan Tull	National Society of Professional Engineers
Brian Kalina	National Society of Professional Engineers
Dr David James	University of Nevada, Las Vegas
Jason Higgins	Nevada Association of Land Surveyors
Trent Kenyon	Nevada Association of Land Surveyors
David Alexander	Construction Management Association of America
Debi Bohnet	American Public Works Association

4. Approval of November 8, 2018, Professional Association Liaison Committee Meeting minutes

PAL 19-1 A motion was made by Mr Higgins, seconded by Mr Kenyon to approve the meeting minutes. The motion passed.

5. Discussion of changes to Nevada Revised Statutes and Administrative Codes 625 to update laws and rules (Discussion Only)

a. Temporary regulation adopted December 10, 2018 – NAC 625.545 adds to update laws and rules

Mr DeSart reviewed the provision and said that it was adopted as a temporary regulation following a vote by the board, and would not become permanent until it was adopted by the Legislative Commission. Ms Mamola added that all the temporary regulations would be summarized in a newsletter coming out the first week of February and that the temporary regulations are posted on the board's website.

b. Consideration of future changes to update regulations including consideration to repealing existing regulations and replace with new update regulations

Mr DeSart said the board is also considering future changes to NRS and we will be discussing those items over the next months. He said if any organization has any proposed changes and would be interested in having the board consider, the board would be open to considerations. Mr DeSart said the board is mostly looking at revamping statutes to be consistent with current practice and make adjustments for items that may longer be relevant.

c. Bill draft Request #609 – revises provisions relating to professional engineers and professional land surveyors, sponsored by Senator Ratti

Ms Mamola reviewed the proposed amendments to NRS 329 and NRS 625 included in BDR # 609 (see attached). She added tthe decision to move forward in a single bill draft request came after consultation with our legal counsel and lobbyist, and Senator Ratti was gracious enough to sponsor this as a single bill draft request at the legislature.

Mr Higgins said regarding the changes to NRS 329, he was in agreement, but the NALS Legislative Committee had not yet reviewed the proposed language. He said he would take the proposed changes back to the committee for an official opinion from the organization.

Mr DeSart said the board would appreciate feedback from organizations – whether in opposition or support. He said one of the founding principles of the PAL committee was so we can work together on legislative issues, or if we disagree, we at least understand where our differences are and can even work towards compromise. Ms Mamola added that with the legislative session fast approaching, if organizations could get any comments back to her within the next two weeks.

d. Clark County bill draft request, Assembly Bill 2, related to NRS 625.530 that proposes increasing public works qualification based selection requirement from \$35,000 to \$100,000

Ms Mamola said she made calculations based on inflation; the \$35,000 value in 1983 is approximate to \$88,600 in 2019. She said the question for the board is how this proposed change impacts health, safety, and welfare, and are the public adequately protected with this amendment.

Mr Tull said that there can often be a significant variance in the inflation factor for local construction cost and national construction cost, opposed to general inflation cost, where the current \$ value may equate lower. Ms Mamola said that input from ACEC along with other organizations thoughts would be helpful. Mr DeSart commented that engineering fees too may have not kept pace with general inflation rate and that also may need to be considered.

Mr Higgins said the item was discussed briefly at the last NALS board meeting, but the Legislative Committee had not yet taken an official position.

Ms Mamola asked that any feedback regarding the proposed amendment be forwarded by the first week of February.

6. Discussion of January 15, 2019, NSPE meeting that hosted a panel discussion related to digital signatures and possible future joint professional association meeting in March for digital/electronic submittal workshop

Mr DeSart recapped the panel discussion hosted by NSPE of Southern Nevada. He said the discussion was to raise awareness and address the high level of confusion the licensees and public entities seem to have with what the law requires and what the law allows. He added currently a number of entities are allowing or requiring a submittal process that violates the regulation. Mr DeSart said future panel discussions are planned, with the next one being in March.

Mr Kalina said the goal is to get a lot of these key talking points out in the open and reach out to more agencies to understand the issues that are happening on the receiving end. Ultimately we would like to reach a consensus and produce language on recommended standard procedures – and circulate so all involved can have an understanding. Mr DeSart said that Clark County in particular was asking for the board to provide guidance on this issue, as technology is marching ahead and this will only become a more prevalent issue.

Ms Mamola said the board is looking for input from all stakeholders to understand all considerations in what may need to happen with the law moving forward. Questions as to whether we need to relax the regulation or do we need to tighten the regulation? What will work for licenses? What is going to work for agencies? What is going to work to best protect the welfare of the public? The board is looking for input on which direction to take. Mr DeSart stated that this is again why the PAL Council is very important because the board does not make its decisions in isolation. Input from the industry and agencies are needed to arrive at a consensus and then move forward if a regulation change is needed.

Mr DeSart said that along with the information going out in the newsletter, that perhaps a fact sheet outlining the requirements of digital signatures and electronic submissions relating to the current law could be put together that can be posted on the website or distributed when someone has questions. Ms Mamola said she would have staff work on it after the newsletter. (ACTION)

7. Discussion of October 10, 2019, Reconnect, continuing education event in Reno

Ms Mamola said that a Northern Nevada version of the 2018 Las Vegas event was being planned. She said the proposed date was Thursday, October 10, 2019, in Reno, with four quality speakers planned and that the event would award 8 PDH's for licensees attending. Ms Mamola added that the registration fee would be \$99.00 and would include lunch.

8. Nevada State Board of Professional Engineers and Land Surveyors activities (Discussion Only)

Ms Mamola said that the board had under-gone audits by the Governor's Finance Office and a Sunset Review Sub-Committee of the Legislature. Ms Mamola added that she and the board were appreciative of the support from the professional associations during the audit process. She said phase 2 of the Governor's Finance Office audit is still ongoing.

Ms Mamola said that a recommendation had been made to the board from the APOC to lower our application fees for licensure. APOC is recommending the fee be reduced to \$150 with the possibility of it being further reduced in the future. The board will discuss it later this morning.

Ms Mamola stated that approval was received from the board of examiners for a new lease on our office space relocation in Reno. She said the new office will be upstairs and on the south side in the same building in Reno.

9. Professional Association / Industry Activities (Discussion Only)

Mr DeSart asked that those present give a brief update on the activities of their organizations.

Mr Kalina said the highlight for NSPE was the recent luncheon with the digital signature/electronic submission panel discussion. He also said that the national organization has a committee formed that is looking into providing more value to the members in NSPE and are reaching out for any ideas.

Mr Higgins reported that NALS had its first statewide board meeting last week in Reno. He said the education committee was working in support of the Great Basin College surveying program. The NALS Legislative Committee are tracking bills that may impact the profession and the committee will be interested in working with the board as the 2021 legislative session approaches to update language in NRS 327 related to the new datum that is going to be coming out for the national standard; the committee has an initial draft for that already. Mr Higgins added that NALS has an upcoming strategic planning summit to be held in Reno over two days at the beginning of next month, and a conference in the 3rd week of March.

Mr Alexander said that CMAA now has a new president and new officers seated and that their monthly breakfast meetings have been moved to the 3rd Wednesday of the month at 6:30am. He asked that the meeting be added to the NVBPELS master calendar along with the CMAA golf tournament coming up on April 5, 2019. Ms Mamola asked Mr Alexander to email details on the events so they could be added. **(ACTION)**

Ms Bohnet said she was the new president of APWA Nevada and that new officers had been elected as well. She said that the APWA focus this year was not just growth but also retention and adding value through education for members to aid retention. Ms Bohnet said of the advocacy front, APWA now has a government affairs committee that may be a little helpful in terms of interface with the board. She added that from a national perspective, APWA in Washington DC, is looking for feedback from those that are impacted by the shutdown, primarily those who work for agencies, to aid the national

association in its high level discussions. Ms Bohnet said if anyone could help to get the word out that feedback is being requested it would be appreciated.

9. Open discussion topics (Discussion Only)

Mr DeSart introduced Dr James, and said that he was representing UNLV instead of NSPE, and had the suggestion that UNLV and UNR should be regular participants at future PAL Council meetings. Mr DeSart added that it would very much help the connection between the board and the tertiary engineering programs in the state.

Dr James said that he was on a 3 year assignment to be civil engineering design instructor, where each semester we try to engage students in a project that motivates them and provides some real world context - a bridge out there to the real world of engineering.

[Dr James passed out some examples of what the students generate for their senior design project]

Dr James said that because these are real world projects the students are working on, he asked for guidance from the PAL Council on what possible boundaries should be put on our work so it is not considered unlicensed practice of engineering or the unqualified practice of engineering. Dr James said each project involves background research of alternatives, recommendations, plus a preliminary plan and report. They then produce cost estimates and schedules. He said he believes that the students may be operating in a gray zone. The client is provided with a work product they can use to help them develop a scope for their professional services contract, but it is not intended to replace the professional services contract. Dr James said that is made very clear to the client.

Mr LaRiviere asked if the students were working under the direction of a licensed person.

Dr James said that he was licensed and the course instructor, and he reviews the work as do other mentors who may or may not be licensed. He added that even though it is being reviewed, he would consider that the person doing that would meet the criteria of being in responsible charge.

Mr DeSart asked if it could be made a requirement that each group have a PE as part of their team who could provide the supervision required of responsible charge. Dr James said he didn't think that would be realistically possible.

Ms Mamola said she believed there is so much value in having these students doing the real world projects as a progression from theory to practice and that the program must continue to do that. Mr Tull and Mr DeSart agreed that the experienced gained in these projects is valuable.

Mr Alexander suggested that the work product be watermarked or include a notation of "for educational purposes only - not an engineering document".

Mr DeSart said that if disclaimers and/or watermarks were added, something beyond just some fine print on the bottom, it could be a reasonable solution. He added that if the program could strive toward getting more PE mentors so the engineering students could get some more real world feedback from somebody besides faculty.

Mr DeSart suggested that Dr James draft a watermark and disclaimer template and forward to Ms Mamola for her to review. Dr James said he would. (ACTION)

10. Next meeting date and location

Ms Mamola said the next meeting would be held on the morning of March 14 at 8:00am, and that a Zoom meeting invite to the PAL meeting members would be sent for those who may want to join virtually.

11. Public Comment (Discussion Only)

There was no public comment.

12. Adjournment

Mr DeSart adjourned meeting at 11:10 PM, January 17, 2019.

Respectfully,
Patty Mamola – Executive Director