

Joe Lombardo

Governor



Angelo Spata, PE

Board Chair

Mark J Fakler, PE

Executive Director

MEMORANDUM

February 27, 2025

To: Dr Kristopher Sanchez, Director of Nevada Department of Business and Industry
From: Mark Fakler, Executive Director and Angelo Spata, PE, Board Chair
Subject: Nevada State Board of Professional Engineers and Land Surveyors Response to Business and Industry Policy Paper Supporting SB78

The Nevada Board of Professional Engineers and Land Surveyors (NVBPELS) would like to start by thanking those within the State of Nevada Department of Business and Industry (B&I), and more specifically the Department Director of the Office of Nevada Boards, Nikki Hagg. We're grateful for the time Nikki has spent over the past couple of months through several calls to get the NVBPELS up to speed on the Governor's strategic plan, specifically board reform. This position paper has been provided to B&I in response to these communications, the subsequent Policy Paper "Reforming Nevada's Boards and Commissions – Findings and Recommendations", dated January 2025 (released on January 21, 2025) and the bill draft, Senate Bill 78 (SB78). NVBPELS hereby provides our position on this objective along with other considerations and recommendations and its commitment to work with B&I to find the appropriate resolution to meet the Governor's policy objectives and B&I's goals.

The following is outlined starting with a response summary, followed by a brief background and overview of NVBPELS, and responses to B&I's goals, findings and recommendations.

Response Summary

Based on the information contained within the referenced Policy Paper, and the bill draft for SB78, the NVBPELS position is that the Nevada Board of Professional Engineers and Land Surveyors should be classified in line with similar boards shown within the B&I policy paper under Recommendation #5 as "NO CHANGE to the following boards as currently titled, but subject to certain centralization and other changes referenced...". As you'll see throughout this response, and hopefully agree, combining of this board with other boards will dilute the diversity of the board and diminish the effectiveness of our legislated charge to protect Nevadans. As the policy paper and draft bill are written, we worry that the overall effectiveness of the Board in its current form will diminish if it is consolidated into a larger board with four fewer engineers, and the reduction or elimination of specialized staff and process that have allowed us to be a success for Nevada, our licensees and the community.

Independent of our position, NVBPELS fully supports board reform, and the Governor's objectives, provided that each board is thoroughly evaluated and weighed against goals and objectives of B&I's Policy Paper. B&I's willingness to work together with NVBPELS will allow us to better understand the details and intent of SB78, while providing B&I with an understanding of our concerns as we work to amend SB78, in a manner that meets the needs of all Nevadans. In addition to the input below, we look forward to providing B&I proposed edits to SB78 as requested.

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Background

Nevada's regulatory, advisory occupational boards date back to the infancy of Nevada. Since the first board, formed in 1899, the number of boards, commissions and advisory committees has grown to over 300.

One of Governor Joe Lombardo's administration priorities is the simplification of professional and occupational licensing and reduction of barriers for those entering into those occupations. At the direction of the Governor, the Department of Business and Industry, under the leadership of Dr. Kris Sanchez, Department Director and Nikki Haag, Deputy Director of the Office of Nevada Boards, Commissions and Council Standards conducted a comprehensive review and evaluation of existing entities and developed a framework that they believe will achieve the Governor's policy objectives and Department goals. The five reform goals of the proposed reorganization include: Increase board and commission accountability and transparency; Enhance operations and reduce redundancy; Reduce Administrative cost burdens to licensees; Provide excellent service delivery; and Enhance Nevada's economic competitiveness.

Early in October, B&I began to conduct outreach meetings with all boards and commissions to layout the plan for consolidation and provide an overview of SB78. On December 3, 2024, B&I conducted its first meeting with NVBPELS Board Chair and several other boards. It was at this first meeting, and through a couple of follow up calls directly with NVBPELS Board Chair and the Executive Director, where B&I provided its recommendations for reform and reiterated their plan to merge/consolidate the NVBPELS with three other boards, and roll the combined board under B&I. In addition, it was noted that SB78 was a skeleton bill, and that, if passed, specific details of this combined board would be worked out to accommodate all boards while reducing impacts to daily operations following its approval. It was recommended to reserve any concerns or judgement until the planned Policy Paper (referenced above) is released, as it will provide reasoning of this recommendation, and how it was derived.

The Policy Paper provides an executive summary and background of why board reform is desired, the history of boards and commission in Nevada, along with the findings through the research and surveys conducted with occupational licensing boards, department boards, commissions, and consultations with other states and national organizations. It's evident that B&I put a lot of effort into this research, however we were unable to understand what set some regulatory boards apart with a recommendation for "NO CHANGE" versus those that are recommended for "merge/consolidate". The best we can conclude as it relates to the NVBPELS, is that we haven't had the opportunity or time to articulate to B&I the value of our board, our organization, how we differ from other regulatory boards, and what we offer to Nevada and how we currently meet the goals of B&I. Therefore, we see this response to B&I's Policy Paper as an opportunity to provide an overview of NVBPELS while opening the door for further discussions on how NVBPELS can work with B&I to meet the Policy Paper findings and goals while being categorized as "NO CHANGE". In absence of these more specific discussions to work through the details and allowing for edits to SB 78, it puts the NVBPELS in the current position of providing this written response to B&I's Policy Paper. We are hopeful the following could open the door and start these discussions with a mutual understanding of each other's needs and goals.

NVBPELS Overview

The NVBPELS, established in 1919, serves the public interest by regulating and providing leadership to the engineering and land surveying professions - individuals and companies that practice engineering and land surveying in Nevada. The standards set by NVBPELS for ethical, professional, and technical competency ensure that Nevadans are protected in their workplaces and communities; all the while contributing to the growth and vibrancy of Nevada.

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To ensure accountability and transparency NVBPELS convenes 12 board meetings a year and has established four committees that conduct public meetings and encourage outside stakeholder participation.

NVBPELS regulates over 28,000 professional engineers and land surveyors. Actively practicing professionals total over 16,000 and of those, about 3,500 are Nevada residents. NVBPELS oversees the licensure and regulation of these professionals practicing in 16 engineering disciplines and land surveying through its staff and board members who have diversified engineering/surveying background and knowledge. In addition, NVBPELS is an active member of the National Council of Examiners for Engineering and Surveying (NCEES) advocating for common-sense model laws and sharing best practices for improved mobility both nationally and internationally.

As a self-funded board that relies on \$0 taxpayer dollars, the board has adopted efficiencies not typically found in the government sector, while also being sensitive to Nevada's executive branch goals and objectives. NVBPELS operates like a small business and continuously strives for elimination of unnecessary administrative functions and barriers to the profession. With four full time staff and two part time staff, NVBPELS has processed 695 licensure applications in the first half of the 2024/2025 fiscal year (with an average of 1,200 applicants annually). The efficient licensing process, yet still ensuring due process throughout, allows professionals the ability to start working quickly in Nevada and supports skills sharing to diversify Nevada's industries, while safeguarding life, health, and property. Our staff also handles all complaints, investigations, administration and public outreach as a self-sufficient organization under the leadership of our Executive Director and Board members.

Over the past several years NVBPELS has worked diligently to minimize administrative functions to reduce costs and increase efficiencies. This has enabled us to reduce the fees for initial and comity licensure and keep biennial license renewal fees the same for over thirty years and firm registration fees have remained unchanged since their inception over twenty years ago.

NVBPELS operates with a customer-centric culture with a customer first philosophy. Our performance record speaks to our commitment to the public, state, and licensees.

Our forward-thinking leadership, one that embraces a future focused mindset and will continue to align with Nevada's economic goals. NVBPELS pioneered the international comity pathways, opening doors for globally recognized professionals. We were the first state to establish an international pathway to professional licensure.

The Nevada State Board of Professional Engineers and Land Surveyor functions at a very high level, with a keen focus on the Board's purpose and mission. Board members and staff understand and appreciate the responsibility bestowed upon us, by the Governor, to protect the life, safety and welfare of the citizens of Nevada. We do this by providing for the licensure of qualified and competent professional engineers and professional land surveyors. Nevada, by legislative action, regulates professional engineers in 16 distinct areas of practice, or disciplines along with regulating professional land surveyors. In recognition of this broad regulatory diversity of engineering, the 2005 Nevada legislature increased the number of engineers on the NVBPELS board from 4 to 6.

The following outlines the goals as set by B&I in its policy paper and press release, with additional information on how NVBPELS meets these goals, with considerations of impacts if the board was reformed as proposed in the B&I Policy Paper. Following B&I stated goals, we've outlined each of B&I's findings and recommendations with a NVBPELS response.

B&I Goals w/ NVBPELS responses

GOAL #1: Increase board and commission accountability and transparency.

NVBPELS had been subject to review by the Sunset Committee in 2017/2018 – and was one of only a few boards to receive the “Recommendation for Continuation”. The board members individually and collectively understand they are serving all Nevadans i.e., service over self.

NVBPELS has/is considering moving to utilizing an Administrative Law Judge for compliance cases, but there are concerns with the technical and standard of care aspects that require specialist knowledge.

NVBPELS provides accountability and transparency through:

- Convening 12 Board meetings per annum, conducted meeting public meeting requirements.
- Utilizing 4 Committees that also hold public meetings.
 - Administrative Procedures Oversight Committee
 - Public Outreach Committee
 - Professional Association Liaison Committee
 - Legislative Committee
- Inviting initial applicants to virtually attend a board meeting to hear their application deliberations.
- Publishing a newsletter at least three times a year to communicate board highlights.
- Encouraging public/licensee contact with board office to obtain information pertinent to NVBPELS.
- Maintaining office hours 8-5pm, Monday thru Friday, except state holidays, as required by statute.
- Submitting financial audit every December for the previous fiscal year (July 1 – June 30), as required by statute
- Instituting weekly staff meetings attended by a board member serving as a liaison.
- Cooperating with legislative sunset reviews, and any other government audits requested.
- Our nine board members, appointed by the Governor, are diverse in the industry between northern and southern Nevada, in a variety of engineering disciplines—six professional engineers, two professional land surveyors, and one public member.

Potential Action: Regular audits or reviews by B&I.

GOAL #2: Enhance operations and reduce redundancy.

NVBPELS operates like a small business and has created an environment of continuous improvement including elimination of rote administrative functions. NVBPELS has developed a Strategic Plan that establishes the goals and measures performance.

Key highlights are:

- 80% of comity applicants receive same-day license approval, and the other 20% of comity applicants are licensed within three days.
- Initial applications are reviewed and presented to the board within an average of 20 days (to fit monthly board meeting schedules), with most applicants licensed on the same day as a board meeting.
- Automating manual task like licensing and firm registration.
- Serving over 28,000 professionals, with 16,000 actively providing services in Nevada.
- NVBPELS has registered 1,500 firms, typically on the same day as receiving application, enabling public identification of professional in charge for firms offering services in Nevada.

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- Board staff understands and can assist enquiries related to statutes and regulations under the NVBPELS Nevada Revised Statutes chapters 625, 329 and 327 and Nevada Administrative Code chapters 625 and 329; and regular reviews of staff and roles/responsibilities are conducted on an annual basis.

GOAL #3: Reduce administrative cost burdens to licensees.

NVBPELS has minimized administrative functions to reduce costs and increase efficiencies. Annual license fees have not increased in 30 years. Application costs have significantly decreased, and fees for active military/veterans and their spouses have been eliminated.

NVBPELS Fees:

- Initial application fees were reduced from \$200.00 to \$25.00 in 2021.
- Comity application fees were reduced from \$200.00 to \$125.00 in 2021.
- License Renewal fees – have remained at \$100.00 per biennium for over 30 years (license period is for 2 Years with an annual cost of \$50.00).
- Firm registration fee has remained at \$50.00 per year since its inception over 20 years ago.

Potential Action: Administrative functions could be supported or led by B&I, such as procurement and IT to name a few examples.

GOAL #4: Provide excellent service delivery.

NVBPELS operates with a customer-centric culture with a customer first philosophy. Our performance record speaks to our commitment to the public, state, and licensees.

Website revision in 2020 has eliminated significant phone traffic, where staff can focus on stakeholders with technical questions, non-standard applicant situations, or compliance issues.

A live person answers the phone, emails are returned – but most importantly, a knowledgeable staff member can answer questions at first point of contact.

In Jan 2023 when severe storms caused land slips closing Wilson Canyon between Yerington/Smith Valley, out of state PEs with the special expertise required, applied, and were licensed the same day --- and not through special process, that was our regular approval time. A couple of the PEs called in disbelief at how quick it was, to thank staff for expediting their applications – but were more shocked to learn that it was our regular process timeframe.

- Phone calls are answered by a live person.
- 98 percent of emails received are answered the same day.
- NVBPELS processed 1,233 license applications in the 2022-2023 fiscal year.
- NVBPELS processed 1,440 license applications in the 2023-2024 fiscal year.
- NVBPELS has processed 695 license applications in the first half of the 2024-2025 fiscal year

GOAL #5: Enhance Nevada’s economic competitiveness.

Our forward-thinking leadership, one that embraces a future focused mindset and will continue to align with Nevada’s economic goals. NVBPELS pioneered the international comity pathways, opening doors for globally recognized professionals. We were the first state to establish an international pathway to professional licensure.

An example of our alignment with economic development is how we assisted in expediting the Nevada Business License process to Tesla and Panasonic.

Tesla and Panasonic required the expertise of subcontractor (many foreign) engineering firms to complete the construction and fit out of the Giga-factory in Northern Nevada. These firms were required by the state to have Nevada State Business Licenses prior to delivering services in the state. Many had “engineering” in their name, which at the time, required approval by the board. Part of that requirement for those offering engineering services is that they have a Nevada licensed engineer on staff. The board recognized the importance of the Giga-factory build timelines (and its importance to the Northern Nevada economy) and developed an immediate approval process with a 90-day grace period for the subcontracted firms to retain a Nevada licensed engineer or have their foreign engineering staff seek Nevada licensure.

Efficiency and speed in reviewing and processing applications – keeps Nevada’s economy moving forward.

B&I Findings w/ NVBPELS responses

FINDING #1: THE GROWING NUMBER OF BOARDS AND COMMISSIONS IN NEVADA

Boards are created by the legislature and should undergo sunset review to determine if their continuation is appropriate.

This board understands and supports the concept of board reform. However, as noted within the findings, Boards and Commissions should undergo evaluations to ensure they are serving their intended purpose and effectively addressing the needs of their constituents. NVBPELS has undergone sunset reviews and has been recognized as a model board, including an acknowledgement by B&I. Continuous improvement should always be the objective, as we strive for, however each board should be evaluated based on its merits while addressing the concerns specific to that board so as not to impact its successes.

NVBPELS was one of the first formed in 1919 as the need for public protection to regulate engineers was recognized.

As a self-funded board that relies on zero taxpayer dollars, the board has adopted efficiencies not typically found in the government sector, while also being sensitive to Nevada’s executive branch goals and objectives.

FINDING #2: TERM LIMITS, APPOINTMENT PROCESS, AND LEGISLATIVE OVERSIGHT

In accordance with NRS 622, current board member terms are three years, with a limit of four terms. NVBPELS board members are selected by the Governor.

Diversity, transparency, and uniform criteria have been cornerstone of our board appointment recommendations to the Governor. The number of board members compiled with that diversity allows us to oversee 16 engineering disciplines and land surveying while being efficient and responsive. The current term limits allow for more continuous rotation of board members, leaving a good overlap of on-going experience, with always a mix of new diverse input. Although our integrity and effectiveness of NVBPELS will not see improvement with legislative oversight, we have no concerns with this finding or recommendation.

FINDING #3: ANTITRUST FINDINGS FOR BOARDS AND COMMISSIONS

We understand the concerns but trust the process of the Governor appointing members with integrity and ethics understand their duty of self, and also the collective integrity of the board as a whole to deliver its mission and purpose of serving all Nevadans, not self.

The board and staff have been fully advised and made aware of the concerns expressed by the US Judiciary regarding professional boards and commissions, and the Board has taken steps way beyond other professional boards to allow comity/reciprocal licensure in Nevada.

An ethical cornerstone of the engineering and land surveying professions is the public good over self-interest.

Boards that regulate professional licenses should require members with experience and training in those specific areas of practice. It seems only natural that most members would be licensees. We understand and appreciate the antitrust aspect but think it could be better addressed in the selection and onboarding process for potential board members. Antitrust concerns can also be addressed by having board members appointed from government agencies or institutions of higher education, so that representation is not solely from private practitioners.

Currently, NVBPELS board members go through onboarding training to highlight potential conflicts of interest and ethical issues, with periodic refresher training also conducted along with training of Nevada Open Meeting Laws and requirements.

NVBPELS regulates 16 engineering disciplines and land surveyors, which require technical engineering competence and diversity. We work diligently to return emails, process license applications in a timely manner, hold monthly board meetings and make our board and staff available to the public and conduct regular audits of our statutes, regulations, and processes. We operate on eliminating and reducing barriers while looking out for the safety of the public.

This board has and continues to be a leader nationally in the reform of license mobility and is the pioneer in the development of a framework for implementing international comity licensure.

NVBPELS processed over 1,400 license applications in fiscal year 2023-2024. We investigate all complaints in a judicious manner, and when a complaint ends with a disciplinary action, we work diligently to get to stipulated agreements but always allow the right to a formal hearing in front of the board. The overwhelming majority of these stipulated agreements include a license suspension with a stay of suspension so that these licenses can continue to practice their profession under our supervisory authority during their probationary period.

There are alternative solutions to address this finding, including further oversight and auditing, without eliminating the diversity of professional representation of the board.

FINDING #4: FISCAL IMPACTS OF BOARDS AND COMMISSIONS, AND REQUIREMENTS SET IN STATUTE

NVBPELS is solvent and fiscally conservative, and it operates at zero cost to the State. Our licensees are the ones who bear this cost, and our fees continue to be evaluated and adjusted as necessary to maintain our solvency with a recognition that we are a “not for profit” quasi-state organization. In 2021 NVBPELS lowered or eliminated fees. Initial licensure application fees were reduced from \$200 to \$25.00 in April 2021, and fees for military members and their spouses, including veterans and veteran spouses, were eliminated. The largest expense for our professionals is the initial licensing exam, which is a national exam administered by the NCEES. We also use the NCEES Record as the application form, which enables applicants to provide required licensing documents—transcripts, references, work history, exams—to a single repository that creates a NCEES Record that is recognized by all US licensing jurisdictions.

This said, we agree that throughout all boards and commissions, consolidating administrative functions could streamline and reduce overall costs. It is important to note that NVBPLES has limited administrative personnel and functions outside of the technical knowledge our staff possess. Although we are efficient in addressing these limited administrative functions with the same staff, there could be some efficiencies when looking at accounting, payroll, IT, or other services which could be consolidated under B&I with detailed review/discussion.

The NVBPELS board meets more frequently than the statutory requirements – to speed the approval of initial license applications. The initial licensing process that once took an average of 75 days to complete now takes less than 25-days.

FINDING #5: STAFFING AND OVERSIGHT

The NVBPELS office has a customer-centric culture that prioritizes its stakeholders by fostering a customer first philosophy. Calls are answered by a live person, and 98 percent of emails are addressed on the same day.

We understand the proposed make-up for the combined board, but do not have a good understanding of how this new office would be staffed, if we were able to retain current staffing expertise, where we would be located, and what roles staff would fulfill if any versus those to be provided by B&I.

As noted within Finding #4 above, NVBPELS has streamlined our staff. Each staff member has specific roles but is also cross trained to add value and immediate support to the public, the board and its licensees. This includes our investigative staff, which are part-time, administrative staff responsible for processing license applications and renewals, and general operations of the board, its meetings and outreach to the public and local agencies. The board staff is managed by an executive director, who understands the technical aspects of engineering and surveying and is responsible for executing NVBPELS’s strategic goals. Oversight of the executive director by the B&I, with input from the NVBPELS board, could also address this finding.

FINDING 6#: ACCOUNTABILITY OF CENTRALIZING OCCUPATIONAL AND LICENSING BOARDS

NVBPELS board members are appointed by and accountable to the Governor.

All Board meetings and committee meetings are open to the public and are posted in accordance with Nevada Open Meeting Law. All public meetings solicit public comment at the beginning and end of each meeting. Between staff, board members, and engagement with board counsel, everyone is held accountable by each other, our licensees, other stakeholders and the public. Having a level of oversight and auditing function by B&I to review processes, business and strategic plans, and a final stop for any elevated issues is something that could be worked out while leaving the current autonomy of the board as is.

Centralizing this board could be detrimental to transparency, in that it appears our current sub-committee structure could be dissolved by absorption into a combined board under the umbrella of B&I which would eliminate a process that allows for stakeholder participation and engagement.

FINDING #7: ADVISORY COUNCILS WITHIN NEVADA EXECUTIVE BRANCH DEPARTMENTS

NVBPELS is a regulatory board that will, when deemed necessary, convene an advisory committee (*Refer to NAC 625.646 through NAC 625.6475*). Advisory committees are established by the Executive Director, in conjunction with the Board Liaison, to provide specialized assistance in three key areas:

1. Technical assistance during investigations into complaints involving licensees.
2. Evaluation of applicants seeking licensure by comity (endorsement).
3. Other tasks deemed necessary by the Executive Director or Board Liaison.

FINDING #8: INCONSISTENT AND INEFFECTIVE LICENSING STANDARDS

Since 2016, the Nevada Board of Professional Engineers and Land Surveyors (NVBPELS) has implemented a continuous improvement process, initiated and evaluated by our Legislative Committee. This process ensures regular review and updating of regulations and statutes, exceeding the statutory 10-year review requirement to align with Nevada's economic strategies and industry trends.

To date, NVBPELS has amended 49 regulations, repealed 16, and added one. Additionally, 13 statutes have been updated, and one has been repealed. Looking ahead, we have submitted a bill draft request for the 2025 legislative session to further refine our statutes and reduce regulatory barriers.

Licensure innovation is a prime example. Nevada was one of the first states to decouple the PE/PLS exams from experience requirements, enabling applicants to take exams earlier in their career, this is especially helpful to younger applicants that might have interrupted careers, such as leaving the work force to start a family.

NVBPELS oversees the licensure and regulation of engineering professionals in 16 engineering disciplines, in addition to land surveying, and is being compared to other licensing boards that operate in states that are Professional Engineer (PE) states. PE states do not deal with the same rigors of licensure as those states that regulate engineering by discipline of engineering practiced. PE states allow engineers to practice in any area the engineer believes themselves to be competent. This approach can be problematic for building departments and can also be detrimental to public health, safety, and welfare. These states tend to see considerably higher numbers of complaints and disciplinary actions.

This is further standardized and improved upon at a national level as part of the NCEES, in efforts to standardize regulations and statutes across the country for the profession.

NVBPELS Recommendations

This board understands and supports the concept of board reform and as stated in B&I's findings and agrees that boards and commissions should undergo evaluations to ensure they are serving their intended purpose and effectively addressing the needs of their constituents. To that end, we would ask that you consider and support the recommendations enumerated below.

B&I RECOMMENDATION 1: CONDUCT REGULAR REVIEWS AND ESTABLISH SUNSET CLAUSES FOR BOARDS AND COMMISSIONS

We agree that all boards must undergo regular reviews and that each board is able to demonstrate their necessity; it is vital to transparency. With respect to legislative changes, this board is constantly looking at statutes and regulations to ensure that its statutes and regulations remain current with technology and continue to protect the public and align with Nevada's economic strategies.

B&I RECOMMENDATION 2: ESTABLISH TERM LIMITS AND CRITERIA FOR NEW BOARDS AND COMMISSIONS

Currently our board members serve a maximum of four – three-year terms in accordance with NRS 622. The department director's assistance and procedural training is appreciated and appropriate. It is our recommendation that this board be left intact with nine members comprised of engineers, land surveyors and a public member. Additionally, we would not recommend repealing any licensing or professional board that is responsible for public health and safety. However, although not anticipated to improve how NVBPELS operates, we support the term limits as proposed.

B&I RECOMMENDATION 3: PERMIT BOARDS AND COMMISSIONS TO CONVENE ONLY WHEN NECESSARY

NVBPELS convenes twelve meetings per year. Six meetings are in person to discuss and act on board matters and initial licensure. Six meetings are virtual to discuss and act on initial licensure. Reducing the number of meetings will increase the time for approval of initial applications as the board must review and approve all initial licenses due to statutory and regulatory requirements. We recommend the current board meeting schedule to ensure efficient processing of initial licensure applications.

Board Member engagement is not an issue with NVBPELS. Board members are not entitled to compensation and are limited by statute to per diem not to exceed \$150 per day.

B&I RECOMMENDATION 4: CENTRALIZE THE ADMINISTRATION OPERATIONS OF THE OCCUPATIONAL LICENSING BOARDS

A centralized website seems logical and efficient. Can we assume that you will transfer our website in its current form to this centralized website? Our concern would be a stripping out of key information that we have found helpful in providing the details related to license applications and processing to reduce repetitive phone and email communications.

Centralized staffing for the administrative functions should eliminate redundancy, but we are not clear on B&I's plan for operational staff or processes or if/how existing staff would be utilized. How will application processing and licensing functions be performed? Who will perform accounting functions? How would NVBPELS pay B&I invoices without the ability to retain staff or vendors?

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Our board counsel attends our board meetings and on an as needed basis, our committee meetings. Dedicated board counsel provides continuity and consistency. We have utilized the Nevada Attorney General's office and will continue to do so as necessary. Due to turnover in the AG's office, there is a considerable time lapse in getting assigned an AG and it is a process to get each AG up to speed, and there are challenges with the AG needing to become familiar with chapter 625 of statutes and regulations.

Complaints received by the board are investigated by CLEAR-trained staff. Case findings and summaries are reviewed by our board counsel, sent to a board liaison for review and comment and when complete, sent to a respondent in the form of a stipulated agreement for review and action. Respondents have the right to accept the stipulated agreement or request a formal hearing before the board. The board will act upon the receipt of a signed stipulated agreement; or if a formal hearing is held will, upon hearing all relevant evidence, render a decision.

We recommend a board comprised of licensed engineers and professional land surveyors to adjudicate fair and reasonable rulings.

CLOSING STATEMENT

The role of NVBPELS is to safeguard life, health, and property and to promote public welfare by providing for the licensure of qualified and competent professional engineers and professional land surveyors. Engineers safeguard the life, health, and welfare of the public by providing safe responsible design of critical infrastructure and construction oversight. Nevada, by legislative rule, is a discipline specific state with 16 engineering disciplines that require regulatory oversight by NVBPELS. The combined board, the Nevada Board of Professional Design and Environmental Specialists, as currently proposed by B&I, would dilute the engineering diversity of NVBPELS and could have a negative impact on the welfare of the public in Nevada. The regulatory board models referenced in the process of drafting the B&I Policy Paper are states that license Professional Engineers generically, as Professional Engineers. Those states do not license by engineering discipline as Nevada is required to do by statute and regulation. From the experiential aspect of licensure, PE states need only confirm that the applicant has engineering experience. In Nevada, we must determine whether an applicant's engineering experience matches with the engineering discipline for which the applicant seeks licensure.

A combined board cannot operate with the same efficiency that the current NVBPELS board operates. Ultimately public health, safety, and welfare could be compromised.

Over the past few years, NVBPELS has been instrumental in the economic growth of Nevada. One example is the Tesla – Panasonic giga-factory business licensing of specialty engineering firms coming from out of state and internationally.

NVBPELS looks forward to continued discussions regarding board reform to ensure the best possible outcome as we all work together to meet the needs of Nevada.