Proposed amendments to update requirements for applications, licensing, contact information, and firm registration

Small Business Impact Statement

DRAFT
Small Business Impact Statement for proposed amendments to regulations relating to:

Applications – NAC 625.210; NAC 625.21X (proposed new regulation); NAC 625.220; NAC 625.230; NAC 625.240; NAC 625.310; NAC 625.320; NAC 625.330; NAC 625.340; NAC 625.350; NAC 625.360

Licensing – NAC 625.410

Firm Registration – NAC 625.425

Contact Information – NAC 625.615; NAC 625.625

Summary

The State Board of Professional Engineers and Land Surveyors has determined that the proposed amendments will not have a negative financial impact on a small business and in some circumstances will likely have a beneficial impact. The proposed regulations are not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

A small business in Nevada is defined in Nevada Revised Statute (NRS) 233B as a, “business conducted for profit which employs fewer than 150 full-time or part-time employees.”

This small business impact statement was created pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulations on a small business and provides the reasons for the conclusions of the agency followed by certification by the agency’s responsible person.

Background

The proposed amendments reduce regulations and simplify the application process and reduce costs for professionals seeking a license as a professional engineer or land surveyor in Nevada. The rationale for each of the proposed amendments is described in the following –

Applications

NAC 625.210

→ Recommending the removal of the limitation of the number of references that can be from the applicant’s organization. This requirement has proved to be burdensome to engineers and land surveyors who in their career to date have only worked for one company. In addition, the limitation could exclude input from those that have direct knowledge of the applicant’s work.

→ The use of a completed NCEES record as a Nevada application removes the requirement of transmitting education transcripts directly to the board (section 2).
→ The passage of AB 275 in 2019 removed the statutory requirement of citizenship for licensure. Since it is no longer required in statute, the requirement needs to also be removed from regulation (section 3) in the application process for licensing in Nevada.
→ Because a NCEES record is used as the Nevada application, Nevada’s effort to process an application is significantly reduced. NCEES collects all required documents—transcripts, references, experience—for a license application, and the record is transmitted to Nevada after all information is reviewed and verified. Therefore, we are proposing to reduce the application fee from $200 to $25 (section 4).

NAC 625.21X (proposed new regulation)
→ This is a new regulation to add clarity to NRS 625.183. Applicants have incorrectly interpreted the law to mean they could be granted 4-years’ experience credit during a 2-year calendar period, in instances where the applicant worked full-time while obtaining a Master’s degree during the same two-year period. The board’s intent is for applicants to have 4-years’ progressive experience. Up to two years working experience could be fulfilled by credit given for a Master’s degree, regardless of the time it took to obtain a Master’s degree. And, in no instance is the 4 years’ progressive experience to be reduced due to concurrent work or education.

NAC 625.220
→ Proposes aligning discipline names with the NCEES principles and practice examinations. MFGIE (Manufacturing), is no longer supported by an NCEES examination due to being absorbed by other disciplines, is being removed.

NAC 625.230
→ Text revised to include an NCEES record as the Nevada application for licensure process.

NAC 625.240
→ Change to section 1 codifies the board policy to allow endorsement licensure, enabled by passage of SB 69 in 2017, for those jurisdictions that are signatory to the International Engineering Alliance mobility agreements. The mobility agreements establish equivalency of credentials for non-US professionals. Text also revised to include an NCEES record is used as the Nevada application for licensure.
→ Several sections removed (former 2 – 6) as they are no longer applicable.
→ A new section (section 3) is added in response SB 69 enacted in the 2017 legislative session and to align with NCEES model law.

NAC 625.310
→ Text edited in section 1 as the board no longer hosts or proctors’ national examinations.
→ Sections 2 and 3 are edited as the board in no longer involved in hosting or proctoring national examinations. Also notes that the FE can be waived in accordance with NRS 625.193.
→ Added section 4 codifies board requirement of knowledge on Nevada laws and rules.
→ Section 5 text be edited to remove reference to hosting or proctoring national examinations.

NAC 625.320
→ The regulation is no longer applicable. An individual can take the examination without the education and experience requirements, but they must satisfy the requirements prior to consideration for certification or licensure.

NAC 625.330
→ Section 3 to be deleted as the timeframe and the requirement of a reapplication fee to the board is no longer applicable, and exams are administered, hosted, and proctored by NCEES.

NAC 625.340
→ This regulation is to be removed as the board is no longer involved in the national examination process.

NAC 625.350
→ This regulation is to be removed as the board is no longer involved in the national examination process.

NAC 625.360
→ To be deleted as a timeframe pre-set in regulation is no longer applicable. Oral examinations are on an applicant by applicant basis, and if an applicant is deemed to have not passed an oral examination the board will prescribe a course of action for the individual to fulfil before re-appearing before the board.

Licensing

NAC 625.410
→ Text edit in section 3 is needed to use the correct term related to this regulation.

Firm Registration

NAC 625.425
→ Proposed edits remove the requirement for listing of branch offices, clarifies identifying the licensee in responsible charge, and adds Nevada business license number to firm registration application.

Contact Information

NAC 625.615
→ Edits proposed to update/modernize means of contacting licensees—email address/cellphone—
and lessening time burden of change notification.

NAC 625.625
→ Edits proposed to improve means of contacting licensees—email address/cellphone.

1 – Manner in which comments were solicited, response summary, and explanation of how interested parties may obtain a copy of summary

Referencing the requirements of NRS 233B.0608, the Nevada Board of Professional Engineers and Land Surveyors requested input via a survey link sent to all Nevada licensed engineers and land surveyors, 15,848 professionals.

The survey asked for input on adverse/beneficial economic effects on small businesses, and indirect adverse/beneficial effects – with space to elaborate on responses.

A summary of the survey results is available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website at https://nvbpels.org/business-impact-survey-2020

2 – Manner in which the analysis was conducted

Survey results were initially reviewed for general comments to gauge if the intent of the proposed regulation changes were adequately conveyed. The general comments provided a basis for refining revisions to the proposed amendments prior to holding public workshops.

Survey analysis then focused on “YES” responses – in the direct adverse economic effect and indirect adverse effect, and the associated comments and explanations to determine the individual concerns. The same was done with survey results for the direct and indirect beneficial impacts.

3 – Estimated economic impacts of the proposed regulation on small businesses

Based on the survey results, there are some perceived adverse economic impacts related to requiring a firm to have a Nevada Business License to offer and provide services in Nevada and using a NCEES record as the Nevada application.

For firm registrations, the reality is this change should have little adverse impact as most if not all public agencies currently require firms to include a copy of the firm’s Nevada Business License when submitting proposals on public projects. This change benefits firms as it will eliminate registering multiple offices of the same firm, thus saving the firm money.

Using a NCEES record simplifies the application process for applicants. NCEES collects the same information that states collect for licensure and is the source organization of several license requirements—fundamentals and practice exams. The effort to create a NCEES record is less burdensome and less costly than completing a Nevada application. After an applicant creates a NCEES record it is readily accepted by all states. This change benefits applicants by eliminating
duplicate efforts and costs in applying for licensure in multiple states.

4 – Considerations were made to reduce impact of proposed regulation
The proposed regulation amendments were made to reduce regulatory burdens.

5 – Cost estimate for agency enforcement
There would be no additional cost to the regulatory board to enforce the proposed amendments. Any issues related to compliance would be absorbed into the existing workload of the current staffing levels.

6 – New fees or increases in existing fees
The proposed amendments significantly reduce existing fees.

7 – Are any duplicative or more stringent provisions involved
There are no federal regulations associated with professional engineers and land surveyors. However, every state and US territory regulates the professions of engineering and land surveying. All states accept a NCEES record, which reduces duplicate efforts by applicants.

8 Summary of conclusions
The proposed amendments have no adverse impacts on small businesses.