



# Proposed amendments to regulations relating to code of conduct

Small Business Impact Statement

**DRAFT**

## **Small Business Impact Statement for proposed amendments to regulations relating to Code of Conduct:**

NAC 625.510; NAC 625.520; NAC 625.530; NAC 625.540; and NAC 625.550

### **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. The proposed regulations have no negative impact on 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 to the regulation include the following –

NAC 625.510

→ Edits to add clarity and use more definitive terms or phrases.

NAC 625.520

→ Edits to add degree of clarity to sections and remove areas that are difficult to define and possible infringements on free speech.

NAC 625.530

→ “Gratuities” is added to section 2 to align with typical language for industry/professional code of conduct.

NAC 625.540

→ Proposed edits remove sections of the regulation that are best left between the individual and firm; areas that are addressed elsewhere in regulation; and a section related to outreach that is almost universally done by companies and professional organizations for goodwill, public relations and recruitment (without the need for inclusion in a regulation).

NAC 625.550

→ Edits to focus intent of regulation on lack of competency and acknowledge that some projects may require more than three review cycles.

### **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 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 no adverse economic impacts related to updating code of conduct regulations.

### **4 – Considerations were made to reduce impact of proposed regulation**

Consideration was to reduce ambiguity and provide clarity in code of conduct for engineers and land surveyors. In doing so, the proposed regulation reduces regulatory burden.

### **5 – Cost estimate for agency enforcement**

At this time 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 do not involve an increase to existing fees or create any new 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 and proposed changes to code of conduct align with NCEES Model Rules that all states work to align with in making changes to state regulations.

#### **8 – Summary of conclusions**

The proposed amendments to code of conduct for professional engineers and land surveyors will have no adverse impacts on small businesses.

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