

**NEVADA STATE BOARD OF
PROFESSIONAL ENGINEERS
AND
LAND SURVEYORS**



**Government Outreach Committee
Meeting
October 21, 2025
Virtual Meeting**

1. Meeting Call to Order

2. Public Comment

3. Update on Senate Bill 78

3.a. History Leading to SB431 and SB78

3.b. Overview of SB78 Provisions

3.c. Business & Industry White Paper and NVBPELS Response



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 Governors strategic plan, specifically board reform. This position paper has been provided to B&I in response 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 Governors' 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.

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.

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.

- 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?

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.



State of Nevada
DEPARTMENT OF BUSINESS AND INDUSTRY

REFORMING NEVADA'S BOARDS AND COMMISSIONS

Findings and Recommendations

Dr. Kristopher Sanchez, Director
Department of Business and Industry

Nikki Haag, Deputy Director
Office of Nevada Boards, Commissions and Councils Standards

ACKNOWLEDGEMENTS

The Department of Business and Industry would like to thank Nevada's occupational boards, Homa Woodrum, Cara Brown, Brett Harris, Dr. Dorian Stonebarger, the Department of Health and Human Services, and the fiscal section of the Department of Business and Industry for their assistance.

The authors benefited from background conversations with state legislators, former state officials, the Legislative Council Bureau, Nevada State Archives, UNLV-Lincy Institute and the Research Library of the Nevada Legislature.

The Department's leadership would like to thank Governor Joe Lombardo for his continued support and focus on modernizing and enhancing Nevada's state government.

POLICY REFORM GOALS

GOAL #1

Increase board and commission accountability and transparency

GOAL #2

Enhance operations and reduce redundancy

GOAL #3

Reduce administrative cost burdens to licensees

GOAL #4

Provide excellent service delivery

GOAL #5

Enhance Nevada's economic competitiveness

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	5
BACKGROUND.....	11
FINDINGS.....	20
<u>FINDING 1</u> : The growing number of boards and commissions in Nevada.....	20
<u>FINDING 2</u> : Term limits, appointment process, and legislative oversight.....	20
<u>FINDING 3</u> : Antitrust findings for boards and commissions.....	21
<u>FINDING 4</u> : Fiscal impacts of boards and commissions and requirements set in statute.....	21
<u>FINDING 5</u> : Staffing and oversight.....	22
<u>FINDING 6</u> : Accountability of centralizing occupational and licensing boards.....	23
<u>FINDING 7</u> : Advisory councils within Nevada executive branch departments.....	23
<u>FINDING 8</u> : Inconsistent and ineffective licensing standards.....	24
POLICY REFORM RECOMMENDATIONS.....	25
<u>RECOMMENDATION 1</u> : Regular reviews and sunset clauses for boards and commissions.....	25
<u>RECOMMENDATION 2</u> : Term limits, appointment provisions, and strengthening the legislative process.....	25
<u>RECOMMENDATION 3</u> : Eliminate the existing meeting requirements stipulated in each board's statute, and permit boards and commissions to convene only when necessary.....	25
<u>RECOMMENDATION 4</u> : Centralize the administrative operations of the occupational licensing boards.....	26
<u>RECOMMENDATION 5</u> : Consolidate, merge, and eliminate to allow the boards and commissions to better serve the citizens of Nevada.....	30
BIBLIOGRAPHY.....	33
APPENDIX A: Exempted Boards.....	36
APPENDIX B: Nevada Board Establishment 1899-2023.....	40
APPENDIX C: State of Nevada Boards and Commissions.....	46
APPENDIX D: Individual Board Reform Summaries.....	58

EXECUTIVE SUMMARY

Recognizing that Nevada must restructure its boards and commissions to better serve the public interest, Governor Joe Lombardo directed the Department of Business and Industry (“B&I”, “Department”) to develop a framework for reform and modernization.

Policy evolution pertaining to boards and commissions has a rich history with roots dating back centuries. For clarity of purpose, Department staff have focused on specific developmental points that are relevant to the policy discussion of Nevada reform. Many of the topics addressed in the brief are explored in comprehensive articles published over the previous 100 years. This policy brief is not intended to be all encompassing, rather, we have endeavored to blend historical data, economic data, state comparison data, administrative theory, and case law to present policy makers with suggested policy alternatives. Special emphasis was placed on oversight, accountability, enhancing operations, ensuring equity, and providing better service.

Nevada’s regulatory, advisory, and occupational boards are a form of participatory state government where citizens can volunteer to serve their community and profession. Since the state’s founding in 1864, boards and commissions have expanded to over 315 executive department entities with over 1,700 appointees appointed by the Governor. Nevada’s government is comprised of an executive, legislative, and judicial branch. However, the size and scope of the state’s boards and commissions constitute a fourth branch of appointed representatives that have minimal oversight and wide-ranging authorities that impact the state’s economy and the livelihood of thousands of residents.

This policy brief is limited in scope to Nevada’s occupational (Title 54) and executive department advisory boards. B&I staff exempted regulatory boards, constitutional boards and boards nested within the Nevada System of Higher Education. As such, 315 boards were reviewed, 107 were deemed exempt while 203 were included in the analysis that follows. A full list of the exempted boards can be found in Appendix B.

The history and development of Nevada’s boards and commissions reflects national trends during the nineteenth and twentieth century as policy makers sought to balance the growth of industry with oversight and regulation. Nevada’s earliest occupational requirements instituted by the legislature were in 1875 and pertained to medical professionals. Subsequent initiatives during the period of 1899-1920 reflected the Progressive Era policy objectives and established a foundation for twentieth century board development. Policymakers in this period were primarily seeking to protect public health and ensure workplace safety. During the twentieth century, the number, size, and scope of Nevada’s boards grew to encompass over 30 percent of Nevada’s workforce, the highest in the country.¹ Growth in this era has continued: during the 2017 and 2019 legislative sessions, 30 new advisory boards were created, the most of any three-year period in the history of the state.

¹According to the 2015, White House Report on Occupational Licensing: A Framework for Policymakers, Nevada was second in the United States behind Iowa for the percent of the state’s workforce licensed by the state. Iowa reformed its boards and commissions in early 2024, thereby resulting in Nevada having the highest rate in the country.

Policy studies pertaining to the impact of occupational licensing cross the political spectrum as analysts identify challenges and seek solutions. The Obama era Department of the Treasury, Office of Economic Policy concluded that “current systems of licensure can also place burdens on workers, employers and consumers and too often are inconsistent, inefficient, and arbitrary.”² While a recent study conducted by the Federalist Society concluded that “today, occupational licensing requirements often fail to focus upon the goal of enhancing consumer outcomes and, instead, perversely seek to protect incumbents from competition.”³ Proponents of occupational licensing boards contend that they protect the health and safety of the public and if operating effectively, can reduce illegal behavior. Department staff sought to balance these perspectives when developing potential policy recommendations.

Nevada’s boards and commissions are a source of income for over 250 staff, contractors and executive directors, with an estimated cost of \$39 million dollars annually. Administratively, each board operates as an autonomous entity with minimal oversight even where law and regulation provide otherwise. Board appointments are generally facilitated through the executive and legislative branch however, neither has direct authority to intervene when issues arise. The Nevada State Legislature, through the Sunset Subcommittee of the Legislative Commission is authorized to conduct reviews of the state’s legislatively established boards and commissions and presents recommendations to the legislature pertaining to consolidation, modification, and improvements. This review process is woefully inadequate as the continued growth of the state’s boards has outpaced the committee’s ability to provide timely oversight.⁴ Often, the subcommittee’s recommendations never progress beyond the Commission as such policy reforms must compete with other more timely policy priorities.

Nevada’s comparatively high rate of occupational licensing adversely impacts entrepreneurship for minority and low-income citizens. According to the 2020 census, 30 percent of the state’s population is of Hispanic descent, 10 percent Black or African American, and nine percent Asian. In a study on entrepreneurship and low-income populations conducted by the Goldwater Institute, Nevada ranked 10th in the nation for entrepreneurship among low-income residents. The state’s rating is positive but could be better when considering that 55 percent of Nevada’s low-income residents are subject to occupational licensing. The Goldwater study concludes that, “the higher the rate of licensure of low-income occupations, the lower the rate of low-income entrepreneurship. The states that license more than 50 percent of the low-income occupations had an average entrepreneurship rate that was 11 percent lower than the average for all states.”⁵ The report also indicates that Hispanic popula-

²*supra* note 1, at 7

³Regulatory Transparency Project, State Licensing Boards, Antitrust and Innovation, November 13, 2017

⁴Nevada Revised Statutes 23B.220 - 23B.250. Responsibilities include: (1) conducting reviews of all boards, commissions, and similar entities in Nevada, created by statute, and determine whether each entity should be continued, modified, consolidated with another entity, or terminated; (2) recommending improvements to the entities that are to be conducted, modified, or consolidated; and (3) determining whether any tax exemptions, abatements, or money set aside for an entity should be continued, modified, or terminated.

⁵Bootstraps Tangled in Red Tape: How State Occupational Licensing Hinders Low-Income Entrepreneurship, Goldwater Institute, 2015

tions are more adversely impacted by occupational licensing than other ethnic or racial categories.

Another area of concern pertaining to Nevada's current occupational licensing board framework is potential violations of the Sherman Antitrust Act. In 2014, the United States Supreme Court in *North Carolina State Board of Dental Examiners v. Federal Trade Commission* held that "in order to obtain antitrust immunity, a state agency must be actively supervised by the state if a controlling number of [its] decisionmakers are active market participants in the occupation the board regulates."⁶ Nevada's occupational boards are comprised of board members that are often licensed by the board in which they hold a position. Potential antitrust issues arise when such a board is comprised of a majority (or "dominance") of the very licenses being regulated. According to a study published by the *California Law Review* in 2017, of the 40 occupational boards surveyed in Nevada, 83 percent had dominance issues.⁷

While seeking to identify policy alternatives that would address oversight and accountability while providing a framework for more efficient operations, ensure equity and enhanced service, Department staff sought guidance from several states that have undergone similar reform with a focus on Iowa, Texas, Utah, Missouri, Wyoming, New Hampshire and Florida. Iowa's experience is worth noting as it is the only state in the nation to have undergone comprehensive boards and commissions reform. B&I leadership traveled to Iowa and met with Governor Reynolds' policy team to discuss their methodology and policy reform goals. Department staff also conducted surveys, held roundtable discussions, interviewed multiple boards' staff, and met with legislators while developing the policy recommendations contained in this report.

Understanding that Nevada's occupational licensing and advisory boards perform an essential function, B&I staff have sought to preserve the operational integrity of the boards while reforming their administrative functions. B&I is a fee-based Department comprised of eleven regulatory agencies with only 1.3 percent of its \$700 million budget derived from the general fund. It is therefore uniquely positioned to understand the similar frameworks of licensing and advisory boards. The statutory authorities granted to the Department along with its cost allocated budget philosophy provide a road map for administrative board restructuring.

The Director of B&I ("Director") is an appointed member of the Governor's cabinet with administrative authority over the functions of regulatory agencies within the Department to include budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, acceptance of gifts or donations, management of records, coordination in adopting and enforcing regulations, executing agreements, purchasing goods, services or equip-

⁶Harvard Law Review, vol 129, no. 1 (2015), *North Carolina State Board of Dental Examiners v. FTC*. 135S.Ct.1101 (2015)

⁷Allensworth, Rebecca Haw. "Foxes at the Henhouse: Occupational Licensing Boards Up Close." *California Law Review*, vol. 105 no. 6 2017, pp. 1567-1610.

ment, preparing legislative requests, and leasing or using office space.⁸ While the Director is granted administrative and coordinating authority, the agencies function as independent entities under the Department umbrella.

Department staff propose that the administrative functions of Nevada's occupational licensing boards be aggregated under the authorities vested in the Director's Office. Such an approach would eliminate redundancy, reduce costs to licensees, ensure consistency across all occupational licensing and advisory boards, mitigate antitrust exposure through adequate supervision, and allow board members to focus on essential functions instead of duplicative administrative activities. The Department will streamline all processes pertaining to board audits, compliance with Nevada Revised Statutes, Nevada Administrative Code, with Nevada's open meeting laws, and will develop one fully integrated website. Initial estimates indicate that this proposed structure is projected to save Nevada's licensees \$19 million dollars annually.

The Office of Nevada Boards, Commissions and Councils Standards ("Office") was established within the Director's Office of B&I during the 82nd session of the Nevada Legislature in 2023. The Office is tasked with the centralized administration of the state's occupational and professional boards and commissions, and for establishing a uniform set of standards for internal controls, legal representation, structural standards, transparency and consumer protection with the objective of enhanced efficacy and efficiency.⁹ The statutory language serves as a foundation for a more robust policy that will provide B&I and the Office with the necessary authority and resources to achieve the Legislature's stated objectives.

The Department has not only looked at the administrative workings of these licensing and advisory boards, but their ancillary activities and community reliance upon them. Through strategic partnerships with Nevada's law enforcement agencies, community partners, and nonprofits, Nevada's occupational licensing boards aid in the reduction of human trafficking and the spread of illicit drugs and controlled substances while enhancing the safety of our communities. While B&I staff have recommended board mergers, eliminations, and restructuring in several cases, we have worked to preserve board authority, avoided changing the statutory framework that defines each board's responsibilities and duties and preserved board licensing authority to include fee capture.

Of the 203 boards reviewed, 67 percent are advisory boards that are imbedded in the state's various departments and agencies. Although well intentioned, many of these boards are obsolete, ineffective, meet irregularly, and lack purpose. A 2024 survey of the Governor's cabinet indicated that the advisory boards adversely impact agency budgets and consume staff resources while providing minimal value. One common critique was that agency advisory boards consult with agency staff, the Di-

⁸See NRS 232.520, Director: Appointment and titles of chiefs and executive directors of the Department; powers and duties.

⁹See NRS 232.8415, Duties relating to regulation of occupations and professions: professional and occupational licensing boards within the purview of the Office

rector's Office, and internal agency experts when making substantive recommendations on policy to the exclusion of external knowledge, ideas and expertise, thereby creating a closed feedback loop. Another common concern was that the advisory boards seek guidance from agency staff on operational matters, including providing the impetus for meeting and their agendas, expecting the agency to provide administrative and legal support.

The policy recommendations contained in this report advance Governor Lombardo's economic development and business development goals as articulated in Section 2.4 of the Lombardo Administration's 3-Year Strategic Plan and Policy Matrix. The Department recognizes that the discourse around board reform often includes policy discussions focused on reciprocity, state compacts, and licensing requirements. Given the complexity of comprehensive board reform, Department staff have focused on subsections 2.4.1 and 2.4.3.

2.4. SIMPLIFYING PROFESSIONAL LICENSING AND REDUCING BARRIERS TO ENTRY

2.4.1. Build out new boards and commissions office in the Department of Business and Industry

2.4.2. Develop comprehensive compact and reciprocity strategies

2.4.3. Eliminate unnecessary licenses and reduce licensing fees

POLICY RECOMMENDATIONS

RECOMMENDATION #1

Conduct regular reviews of and establish sunset clauses for boards and commissions.

RECOMMENDATION #2

Establish term limits and criteria for new boards.

RECOMMENDATION #3

Permit boards and commissions to convene only when necessary

RECOMMENDATION #4

Centralize the administrative operations of the occupational licensing boards under the Department of Business and Industry.

RECOMMENDATION #5

Consolidate, merge, and eliminate certain boards and commissions to better serve the citizens of Nevada.

BACKGROUND

Boards and commissions in the United States can be traced to the colonial period and were influenced by the occupational guilds that existed in England and Europe during the Middle Ages.¹⁰ The discourse on the impact of regulating occupations has a storied history with economists ranging from Adam Smith to Milton Friedman contributing to the literary record. Occupational licensing in the United States as a function of state administration dates to the nineteenth century. At the national level during the 1800s, beyond physicians, few occupations were licensed. The question pertaining to a state's right to regulate professions was determined by the U.S. Supreme Court in *Dent v. West Virginia*, 129 U.S. 114 (1889), which affirmed a state's ability to grant licenses. Justice Stephen Field, for the unanimous court, wrote that, "The power of the State to provide for the general welfare of its people authorizes it to prescribe all such regulations as, in its judgment, will secure or tend to secure them against the consequences of ignorance and incapacity as well as deception and fraud."¹¹ Further, "[t]he law of West Virginia was intended to secure such skill and learning in the profession of medicine that the community might trust with confidence those receiving a license under authority of the State."¹²

The court's decision removed the federal government's right to preempt states' rights in this area, thereby, providing state government the ability to regulate occupations. Within a decade, the movement to protect American society from uncontrolled business expansion while providing workers with better conditions and places to live would gain further traction. The Progressive Era (as it became known) also ushered in a series of state policies aimed at protecting the public through occupational regulation and licensing.

In the December 1903 edition of the *Political Science Quarterly*, Francis Smith, when studying the development of state level commissions writes, "It frequently happens that the law organizing the commission is so expressed as to give the governor, after making the appointment of its members, no further control over the actions of that body."¹³ Progressive Era policymakers sought to reduce the influence of politics on government administration and limited gubernatorial control and power over state administration.¹⁴ Such limitations extended to the legislative branch of government and often resulted in "legislatures, elected officials, and boards and commissions operating disjointedly, and sometimes at cross-purposes."¹⁵ As the century progressed, national policy makers would reach similar conclusions pertaining to growth of commissions and boards at the federal level.

As the Progressive Era concluded and the federal government grew in response to World War I and

¹⁰Kleiner, Norris M., "Guild-Ridden Labor Markets: The Curious Case of Occupational Licensing." W.E. Upjohn Institute for Employment Research. 2015

¹¹*Dent v. West Virginia*, 129 U.S. 114, 122 (1889)

¹²*Id.* at 128.

¹³White, Francis. "The Growth and Future of State Boards and Commissions." *Political Science Quarterly*, vol.18, no. 4, 1903, pp. 631-656.

¹⁴Seifter, Miriam., "Gubernatorial Administration." *Harvard Law Review Association*, vol. 131 no. 2. 2017, pp. 483-542.

¹⁵Miriam, *supra* note 10, at 496.

the Great Depression, the federal bureaucracy increased in size and scope. During President Herbert Hoover's administration from 1929-1933, real per capita federal expenditures increased by 88 percent.¹⁶ By 1937, President Franklin Roosevelt concluded that, "the administrative management of the Government needs overhauling." President Roosevelt established the President's Committee on Administrative Management, "to examine the whole problem broadly."¹⁷

The committee's report, published in 1937, mirrors many of the challenges that state governments face in the modern era. Although the scope of the review was focused on the federal government, the observations pertaining to the development of independent commissions are especially relevant as Nevada policymakers consider reforming the state's boards and commissions. The authors of the report conclude that, "[t]he independent regulatory commissions present a challenging problem in any program of Federal administrative reorganization." The committee concluded that "they are a sort of fourth department in the National Government."¹⁸ The committee observed that independent commissions appointed by the president operated outside of executive and legislative branch jurisdiction. The authors trace the development of state level boards and commissions to the regulation of railroads prior to 1887 and conclude, "The seeds were being rapidly sown for the growth of the multitude of State boards and commissions that were ultimately to produce the almost complete decentralization of executive power in the American State."¹⁹

As this brief survey of the historical record indicates, Nevada's contemporary experience with state boards and commissions is rooted in early twentieth century reform movements focused on public health and safety, the development of the administrative functions of government, and the prevention of corrupt political practices. This framework is important to consider when reviewing the history and development of boards and commissions in Nevada.

One of the earliest instances of occupational regulation in Nevada pertains to physicians and was introduced in 1875 by Assemblyman Henry Bergstein M.D. "to prevent the practice of medicine or surgery by unqualified persons." The bill required that physicians receive their medical education from a chartered medical school and upon establishing residence, register their diploma with the County Recorder's Office.²⁰ Assemblyman Bergstein, when writing about his bill, remarked that the Acting Governor, L.R. Bradley opposed it because many of the state's practitioners studied when medical colleges were not available. This led to a compromise in section 6 of the bill that allowed practitioners that had lived in the state for 10 years to be exempted. Section 6 also included a provision that

¹⁶Holcombe, Randall G., "The Growth of the Federal Government in the 1920s." *Cato Journal*, vol. 16, no. 2 1996. For a broader comparison of the Hoover's depression era federal per capita expenditures with that of Roosevelt's New Deal program, see page 180-181.

¹⁷Message from the President of the United States to the Congress of the United States, January 12, 1937

¹⁸See, The President's Committee on Administrative Management Report 1937, Robert Cushman, The Problem of the Independent Regulatory Commissions, Introduction pp. 207-208.

¹⁹*supra* note 14, at 209

²⁰Davis, Sam P., 1913. The History of Nevada. Nevada Publications

allowed such physicians to respond to emergencies. The legislative debate and subsequent compromise are illustrative of how similar policies would unfold throughout the twentieth century, balancing the right of a state to regulate while also acknowledging the impact of a sea change upon existing practitioners.

On November 20, 1924, the Nevada State Legislature acknowledged a report authored by the New York Bureau of Municipal Research on the general organization and management of the government of the State of Nevada. The report provided a comprehensive review of Nevada's government administration, budget, and functions. The report stated that "another serious defect of the present organization is the lack of coordination between the numerous offices, boards, commissions and agencies of the state administration."²¹ During the period that the research was conducted, Nevada had only nine occupational licensing boards (the first having been created 25 years earlier).

By the late 1950s, about five percent of U.S. workers were required to hold a state license to perform their job.²² In 2015, when the Obama White House released its occupational licensing reform agenda, 25 percent of America's workforce held a state issued occupational license.²³ The increase can be attributed to the country's shift from an industrial-based economy to a service-based economy as well as an increase in occupations becoming subject to licensing by states.

From 1960-1980, Nevada's advisory, occupational, and regulatory boards expanded to meet the state's changing industrial base, the growth of the gaming industry, and to protect consumers. Nationally, major government reform initiatives were gaining popularity that resulted in another review of U.S. government administration and prompted the states to follow. In a message to the legislature in 1977, Governor Mike O'Callaghan addressed the growth of boards in Nevada:

As we all know, advisory boards and commissions at any level of government tend to mushroom. Unchecked, they can grow with minimal analysis of their effectiveness or continued justification for existence. These bodies must be accountable to the public, and must serve, not merely represent, the public. To ensure that the current 149 state boards and commissions are productive, useful and necessary, I directed the State Planning Coordinator to conduct a study of their functions and make recommendations for improvement. Completion of this intensive review brought a recommendation to eliminate 37 boards. Another 77 boards were recommended for modifications, such as limiting terms of appointments, staggering terms, and bringing more members of the general public to the boards. Results of the study have triggered considerable comment about its recommendations. This is inevitable in most proposals to streamline existing structures. With a clear view toward streamlining state government and increasing public confidence in the decision-making process, I urge you to carefully review this important study.²⁴

²¹ Nevada State Journal, "Nevada and Its Government" Bureau of Municipal Research new York, 1924

²² Kleiner, Norris M., "Reforming Occupational Licensing Policies." The Hamilton Project, Brookings. 2015

²³ Supra note 1, at 6

²⁴ O'Callaghan, Mike, Message of the Governor to the Legislature of the Nevada 59th Session. 1977

It's worth noting that Governor O'Callaghan's remarks occurred 40 years after President Roosevelt's Committee on Administrative Management released its findings but reflect a common theme: the decentralization of government and diffusion of executive power through ever expanding boards and commissions.

In a 1976 memorandum to Governor O'Callaghan, Nevada State Planning Coordinator Bruce Arkell wrote that the increasing number of boards resulted in "administrative problems" due to a lack of "synchronization."²⁵ Similar to the approach that the Department has adopted herein, the 1976 study excluded state compacts, boards that were constitutional, elected, judicial, or legislative. The remaining 150 statutory boards and commissions studied were those regulating individual occupations and private business and advised state agencies. The study concluded that the boards had administrative inconsistencies resulting from a lack of coordination and difficulty performing administrative functions due to a lack of support. Arkell also wrote that Nevada's Governor is "considered ultimately responsible for decisions of executive boards and agencies. Yet, the Governor's authority to administer effectively is sometimes hampered." In addressing these concerns, Arkell recommended the following:

In order to address these problems, the following are recommended and should also be considered when creating new boards:

1. To have the terms of office of public policy boards fall due on specific dates of the year.
2. To stagger the terms of office for boards and commissions which are advisory, policy-making or regulatory in the area of public policy over a three year period.
3. To limit the terms of appointment to not more than two consecutive terms on the same boards.
4. To reduce the number of board members to no more than nine, where possible.
5. To attach boards to existing state agencies where possible to provide administrative support for the board.
6. To remove requirements the Governor be provided a list from which to select members.
7. To remove all administrative authority (appoint staff, approve budget) where it exists with public policy boards.
8. To place members from the general public on boards where the membership reflects one interest.

When concluding the study, Arkell found that the historical record pertaining to the reasons why many of the boards were created did not exist. As a result, "the office took the approach of looking at the board's responsibility from the basis as to whether or not it was necessary to retain the board to protect the health, safety and welfare of the citizens of Nevada." (Not unlike the core reason the

²⁵Arkell, Bruce D., "Nevada Executive Branch Boards and Commissions Recommendations for Change." Governor's Office of Planning Coordination, September 1976

U.S. Supreme Court upheld West Virginia's regulation of the practice of physicians in 1889.) If the recommendations outlined in the study would have been adopted during the 59th Session of the Nevada Legislature in 1977, 43 boards and commissions would have been eliminated and gubernatorial appointments would have decreased by 200.

From 1980-2010, Nevada's economy and population continued to expand, resulting in increased demand for government services and the regulation of new and emerging industries. In response to this growth, 65 boards were established over the 30-year period. In 2010, the Nevada Spending and Government Efficiency Commission ("SAGE") published a series of recommendations aimed at reducing government expenditures and streamlining state agencies. Recommendation 17 called for the establishment of an evaluation and sunset commission that "would make recommendations concerning statutorily created state agencies, boards, and commissions regarding duplication of efforts, efficiencies to be achieved and potential elimination of functions."²⁶ The SAGE Commission concluded that a Sunset Commission could ensure that each government entity was meeting its obligations under statute and "doing what it was established to do." Special emphasis was placed on cost reduction, better resource allocation, and adopting a public sector approach in the administrative management of Nevada government.

The legislature considered these recommendations during the 76th Session in 2011 and passed Senate Bill 251, establishing the Sunset Subcommittee of the Legislative Commission. In Nevada Revised Statutes 232B.220, the subcommittee is directed as follows:

1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:

- (a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission.

- (b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

- (c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review not less than 10 boards and commissions specified in subsection 1 each legislative interim.

Since 2013, the Sunset Subcommittee has recommended that 35 advisory boards and commissions be eliminated: 26 boards abolished and nine abolished with their functions transferred to another board. From 2013-2023, only 13 of the 35 boards reviewed and recommended for termination were

²⁶ Partlow, Frank A., "Nevada Spending and Government Efficiency Commission", 2010

abolished. Growth of new boards did not slow. During the 2017, 2019, and 2021 sessions of the Nevada Legislature, no boards were eliminated. However, 35 new advisory boards or councils were created during this period with 12 additional boards established during the 2023 session for a total of 47 entities in six years.

The development of boards and commissions in the twentieth century reflected the growth and sophistication of government administration as the population increased and the nation's economy changed and matured over time. Policy experts throughout the century grappled with balancing limited government and citizen participation in regulating industry and advising decision makers. The historical survey provided in this report demonstrates that Nevada's experience is far from unique and rooted in the development of government administration and the diffusion of power in the American system of governance.

When considering policy alternatives for Nevada, B&I staff reviewed reform concepts from Florida, Iowa, Missouri, New Hampshire, Texas, Utah, and Wyoming. B&I staff summarized the policy initiatives proposed in Florida, Iowa, Texas, and Utah as they were representative of the types of reform proposed in all of the states studied. When Governor Lombardo first took office, he issued an Executive Order freezing new regulations by boards and commissions that add restrictions to occupational licensing while also requiring an examination of the way Nevada's boards related to other states, including reciprocity.²⁷ Examining other state approaches is a key component of Nevada's economic growth. The commonalities of the proposed reform initiatives included a reduction in the number of boards and appointments, consolidation, enhanced administrative oversight, and reduced costs to the licensee and state.

IOWA

In June 2023, Iowa Governor Kim Reynolds, in partnership with the Iowa Legislature, established the Boards and Commissions Review Committee. The committee was tasked with reviewing the efficiency and effectiveness of all boards, commissions and other similar entities created in Iowa law. The committee's final report released in September 2023 served as the foundation for a comprehensive reform package introduced during the 2024 legislative cycle as Iowa Senate Bill 2385.

Iowa's Boards and Commissions Review Committee recommended that the state's boards and commissions be reduced from 256 to 111, Governor appointments be reduced by 450 appointees, eligibility for service on an Iowa board be expanded, and clear, consistent, and effective licensing standards be adopted. In May 2024, Governor Reynolds signed Senate Bill 2385 into law. The codified version of the law eliminates or changes 80 of Iowa's boards, establishes a review committee tasked with recommending additional changes or eliminations, and requires the Iowa Department of Inspections, Appeals and Licensing to review occupational licensing fees and renewals.²⁸

²⁷ Executive Order 2023-003 and 2023-004, respectively

²⁸ Sostaric, Katarina, "Reynolds signs law eliminating 83 state boards and commissions" Iowa Public Radio, May 17, 2024

As the first state to adopt a comprehensive boards and commissions reform package in the nation, Iowa's reform initiative was of particular interest to the Department. Upon closer review, B&I staff discovered that Nevada and Iowa licensing statutes shared many similarities, often using the same language and titles for specific boards and their responsibilities. The Director of the Department along with the Deputy Director of the Office of Nevada's Boards, Commissions and Councils Standards traveled to Iowa in June of 2024 to meet with Governor Reynolds' policy team to discuss their findings and the Governor's priorities for reform in Senate Bill 2385.

TEXAS

In 2017, during the 85th session of the Texas Legislature, the state's Legislative Sunset Advisory Committee published a staff report titled, "Health Licensing Consolidation Project." The authors concluded that the legislature considered consolidation and recommended:

Merging the programs regulating psychologists, marriage and family therapists, professional counselors, social workers, sex offender treatment providers, and chemical dependency counselors into a single umbrella licensing agency. The newly created Texas Behavioral Health Executive Council would take advantage of economies of scale and eliminate duplicate administrative functions for these programs, while preserving each professional board to oversee standards of its profession.²⁹

The Texas Legislative Sunset Advisory Committee prioritized reducing duplicative administrative functions, gaining economies of scale, reducing the administrative cost per license for small boards, consolidation, and achieving greater efficiency. The report identified nine small health licensing boards that licensed 117,000 professionals with a combined staff of 82 and four large boards that licensed 700,000 professionals with a combined staff of 473.³⁰ Executive branch agencies in Texas provide board oversight which provided the Sunset Advisory Committee with an ability to enhance agency budgets to support consolidation efforts until cost savings could be realized when full implementation was complete. The authors concluded that greater efficiencies could be achieved with fewer full-time staff and integrated administrative support.

UTAH

Utah has implemented a series of reforms in recent years to modernize and streamline its occupational licensing. A study from the Institute for Justice found that occupational licensing in Utah costs the state about 19,000 jobs annually and results in a deadweight loss of nearly \$88 million per year.³¹ These reforms were designed to reduce barriers to employment, promote workforce mobility, and make the state's regulatory environment more friendly.

²⁹ Texas Legislature 2016-17 85th Session, Sunset Advisory Commission, Staff Report with Final Results, "Health Licensing Consolidation Project"; See summary pp. A3.

³⁰ *supra* note 18, at 3.

³¹ Klenner and Vorotnikov, At What Cost? Institute for Justice, 2018. <https://ij.org/report/at-what-cost/>.

In 2020, the state passed a form of universal recognition, meaning out-of-state licenses will generally be accepted in Utah. This reform, enacted by Utah Senate Bill 23 facilitates easier entry into Utah's workforce by recognizing professional licenses obtained in other states, enabling professionals, particularly those in fields like healthcare, cosmetology, and construction, to begin working without a burdensome re-licensing process.

In 2022, Utah passed Senate Bill 16 which created the Office of Professional Licensure Review ("OPLR") within the Department of Commerce. The office is mandated to review the licensure requirements for all of Utah's regulated occupations at least once every 10 years as well as review applications to establish new regulated occupations. Each year, the OPLR team must identify which occupations to review and provides the legislature with objective, data-driven recommendations on improving licensure requirements.

In 2023, building on the legislature's prior efforts to recognize out-of-state licenses, Senate Bill 35 was passed. SB 35 expands Utah's universal licensing recognition laws by removing barriers to licensure for internationally trained applicants. The law allows a wide range of individuals licensed to practice outside of the United States the opportunity to practice in Utah without requalification. The law removes the hurdles of repeating education requirements and retraining or retesting, allowing for non-U.S. and out-of-state professionals to begin practicing upon legal entry (and applicable federal work authorization) into the country.

FLORIDA

Florida has taken several significant steps to reduce barriers to occupational entry and reform the state's licensing system through a series of legislative actions, particularly with the passage of House Bill 1193 in 2020. This bill, known as the "Occupational Freedom and Opportunity Act," aimed to simplify licensing requirements for a wide range of professions, making it easier for Floridians to enter the workforce.

The law eliminates or reduces licensing requirements for more than 30 professions. This includes occupations such as interior designers, hair braiders, and makeup artists, which the legislature determined could safely operate without the need for state licensing. By removing these requirements, the state reduced unnecessary regulatory burdens, making it easier for individuals to enter these professions without extensive training or fees.

Florida introduced laws to facilitate the recognition of out-of-state professional licenses, particularly for professions like engineering, construction, and cosmetology. This helps skilled workers from other states more easily transition into the Florida workforce without going through duplicative licensing processes. This reform is expected to make Florida more attractive to skilled workers by easing the transition into the state's labor market.

The law reduces or eliminates licensing fees for some professions and establishes a cap on fees for others. This is part of the broader effort to reduce financial barriers to entering regulated professions. This provision lowers the cost of doing business for many entrepreneurs and professionals, particularly those entering small business sectors.

While Florida's HB 1193 made significant changes to occupational licensing, specific studies examining the long-term impacts of the legislation are still developing. Prior to the reform, Florida's occupational licensing laws were ranked among the most restrictive in the nation, hindering job creation. A study by the Institute for Justice estimated that those laws cost the state over 129,000 jobs annually, and Florida lost nearly \$459.9 million annually due to excessive licensing costs that will likely be reduced with the reforms.³²

³²Klenner and Vorotnikov, At What Cost? Institute for Justice, 2018. <https://ij.org/report/at-what-cost/>.

FINDINGS

Through the research outlined in this report, surveys conducted with occupational licensing boards, department boards, commissions, and consultations with other states and national organizations, we present the following findings related to the current structure, organization, and composition of boards and commissions in the State of Nevada.

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

The number of boards and commissions in Nevada has been steadily increasing with each legislative session. While creating a new board or commission is relatively straightforward, eliminating or consolidating existing ones has proven to be a complex and challenging task. This difficulty in streamlining boards and commissions contrasts sharply with practices in the business world, where organizations regularly assess their strengths and weaknesses to remain effective and relevant.

In Nevada, boards and commissions should undergo similar evaluations to ensure they are serving their intended purpose and effectively addressing the needs of constituents. Despite numerous legislative efforts over several sessions to merge, reorganize, or eliminate boards and commissions, the majority of these initiatives fail to pass. This failure to act has led to a continued increase of boards and commissions, many of which overlap in function and add little value.

The growing number of boards and commissions, and their subsequent regulatory actions, not only complicates the governance landscape but also risks reducing the overall effectiveness of state oversight. Without regular evaluation and strategic reform, this trend will likely persist, leading to greater inefficiencies and redundancy that do not serve the best interests of Nevadans.

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

The current structure of term limits, the appointment process and legislative oversight for Nevada's boards and commissions require significant reform to enhance transparency, accountability and effectiveness. Term limits are essential to prevent stagnation and promote fresh perspectives within boards and commissions. However, the inconsistency in applying term limits across different boards has led to imbalances in governance, with some members serving extended terms while others rotate out more frequently.

The existing process for appointments, which vary widely across boards, often lack uniform criteria and transparency. This inconsistency can result in appointments that do not fully reflect the diversity or needs of the communities these boards serve. Streamlining the appointment process with clear, consistent criteria would help ensure that board members are selected based on their qualifications, experience and ability to contribute to the board's mission.

Legislative oversight is another critical area for reform. The legislative process governing boards and commissions is often slow and cumbersome (as evidenced by the net increase in boards and commissions since the Sunset Subcommittee's inception), making it difficult to implement timely changes or respond to emerging issues. Enhancing legislative oversight, while ensuring it is both rigorous and responsive, will help maintain the integrity and effectiveness of these bodies. By refining term limits, standardizing the appointment process and improving legislative oversight, Nevada can strengthen the governance of its boards and commissions, ensuring they are better equipped to serve the public interest.

FINDING 3: ANTITRUST FINDINGS FOR BOARDS AND COMMISSIONS

Antitrust laws are designed to prevent controlling practices and ensure fair competition. When it comes to professional licensing boards, the concern arises when a majority of the board members are professionals actively practicing and licensed within the industry they regulate. This situation creates potential conflicts of interest, where decisions might favor the interests of the profession rather than the public or competitive market principles.

Boards with a majority of members who are licensees may create an environment where the board's decisions could be influenced by self-interest. These members have a vested interest in maintaining the status quo of their profession, which can lead to actions that stifle competition, such as overly restrictive licensing requirements or biased disciplinary actions against perceived competitors/newer market entrants.

Current quorum rules under open meeting law (a simple majority of members currently appointed) means that important matters involving voting or discipline issues exacerbate antitrust concerns when the majority of those appointed and present are licensees. Licensing boards with lay members have those lay members substantially outnumbered. If licensee-majority boards vote on matters like setting industry standards or disciplining practitioners, they could make decisions that limit competition, protect incumbent practitioners from new entrants, or impose barriers that are more about protecting their interests than ensuring public safety. Even if those licensees comply with NRS 281A.420 (1)(b)-(c) regarding disclosure and abstention, these disclosures are often rote and perfunctory, further diminishing public trust.

Such practices may be seen as violating antitrust laws, particularly if the board's actions can be interpreted as restraining trade or competition. A notable case is *North Carolina State Board of Dental Examiners v. Federal Trade Commission (2015)*, where the United States Supreme Court held that a state board composed mostly of active market participants (in this case, dentists) did not have immunity from antitrust laws without active state supervision.

The composition of professional licensing boards is a critical issue in maintaining a balance between regulation and competition. Ensuring that these boards do not operate in a manner that violates antitrust laws is essential for protecting public interest and fostering a competitive marketplace.

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

The fiscal impacts of maintaining independent boards and commissions in Nevada are significant when compared to the potential cost savings and efficiencies that could be achieved through centralization under a single office. Independent boards often operate with redundant administrative structures, leading to higher operational costs that are ultimately passed on to licensees through fees. These fragmented systems also contribute to inefficiencies in service delivery, resulting in slower processing times and inconsistent service quality for constituents.

Centralizing independent boards and commissions under one office would streamline administrative functions, reduce overhead costs, increase transparency and eliminate duplication of effort. Consoli-

dation would not only lead to direct cost savings but also create a more efficient and responsive system. Licensees could benefit from lower fees due to reduced administrative costs, while constituents would receive improved and more consistent services. By optimizing resources and providing better oversight, the state can enhance the overall effectiveness of its regulatory framework, ensuring that both licensees and the public are better served.

Centralizing operations reduces administrative overhead by consolidating roles, resulting in lower expenses for salaries, benefits, and office resources. A unified office can also offer specialized support services, such as IT support, legal counsel (to supplement required representational counsel under NRS 228.110), human resources, and fiscal management, which many smaller boards may struggle to provide independently. Some of Nevada's smaller boards are currently operating at a deficit, or "in the red," as identified through the legislative audit process under NRS 218G.400 and in contravention of Nevada's balanced budget approach for all branches of state government. Centralization not only ensures better oversight and accountability but also optimizes the use of staff time and resources across various boards and commissions.

Moreover, by centralizing administrative functions like payroll and benefits, the burden on individual boards is alleviated, allowing them to focus more effectively on their core responsibilities. This model also has the potential to lower licensing fees, as the efficiencies gained through consolidation can be passed on to licensees, ultimately providing better service to Nevadans and visitors to our state.

The fiscal impact of maintaining statutory requirements for regular meetings of boards and commissions versus transitioning to a system where meetings are held as needed is substantial. Currently, some advisory councils within departments face challenges in generating sufficient agenda items to justify frequent meetings. This often leads to underutilized resources and inefficiencies, as meetings are held without substantive content, placing unnecessary financial and administrative burdens on the departments often providing staff time via unfunded mandate.

Moreover, meeting as needed can address the issue of councils struggling to assemble meaningful agenda items. This flexibility ensures that meetings are held only when there is a clear and substantial purpose, optimizing resource allocation and enhancing overall efficiency as well as addressing feedback loops created with meetings for the purpose of satisfying meeting requirements. As a result, departments will be better able to manage their budgets and focus their resources on more critical functions, ultimately leading to more effective and fiscally responsible operations.

FINDING 5: STAFFING AND OVERSIGHT

Prior to the enactment of Senate Bill 431 in 2023, Nevada's occupational licensing boards operated independently, lacking centralized oversight. The establishment of the new Office of Nevada Boards, Commissions and Councils Standards ("Office") provides a crucial opportunity to implement consistent standards and ensure effective oversight across all boards. The framework for this report was created, and the funding for a Deputy to operate the Office provided via action of the Legislature's Interim Finance Committee. A key element in achieving this balance between regulation and accessibility will be the strategic allocation of staff within the new Office.

The Nevada Legislature's consolidation of all professional and occupational licensing boards under

one office or division within the Department will significantly improve efficiency by streamlining administrative functions, reducing redundancy and enhancing the speed and consistency of licensing processes. The centralized oversight will also foster clearer accountability, ensuring that all boards maintain uniform standards. Moreover, smaller boards, which may have previously faced challenges due to limited resources and expertise, will now benefit from being integrated into a larger, more resourceful division. Standardizing the investigation, licensing and disciplinary processes across all boards will address existing inequalities and promote a fairer system for all applicants, ultimately strengthening Nevada's occupational licensing framework.

FINDING 6: ACCOUNTABILITY OF CENTRALIZING OCCUPATIONAL AND LICENSING BOARDS

Centralizing Nevada's occupational and licensing boards under a single office, rather than allowing them to operate independently, enhances accountability across the board. When boards operate independently, they may develop disparate standards, practices and levels of oversight, leading to inconsistency and potential gaps in regulation within the state and across state lines. By bringing all boards under one centralized office within an executive branch department, there is a unified structure that ensures consistent application of standards, streamlined procedures, clear lines of responsibility, and eliminates the fourth branch of government that is created when boards and commissions lack direct supervision.

This centralized oversight creates a more transparent system where the actions and decisions of each board are subject to regular review and alignment with broader state objectives. Currently, members of the public and licensees alike are often faced with a dead end when they wish to challenge the actions of a board because they do not have a direct path to provide grievances. Centralization reduces the risk of conflicts of interest or insular decision-making that can occur when boards operate without external oversight. Furthermore, having a single office responsible for all boards allows for better monitoring of compliance, more efficient handling of complaints and investigations, and the ability to swiftly address any issues that arise. This consolidation strengthens the overall integrity of the licensing process, ensuring that it serves the public interest more effectively.

FINDING 7: ADVISORY COUNCILS WITHIN NEVADA EXECUTIVE BRANCH DEPARTMENTS

Currently, 67 percent of boards and commissions within the executive branch of government in Nevada are merely advisory, lacking official policymaking, rulemaking, or decision-making authority. Staff findings indicate there are 26 advisory bodies in economic sectors, 23 in public safety, and 46 within health-related topics. This concentration of advisory councils within executive branch agencies creates silos, which is not an effective governance model.

A survey of executive branch departments revealed that only 47 percent of respondents believe recommendations from the advisory councils sometimes influence their department's decision-making process. This limited impact suggests that the increase of advisory bodies dilutes the strength and effectiveness of boards while demanding considerable time and effort from those who participate, many of them well-meaning and genuinely interested in serving the public good.

Research indicates that a more strategic approach, involving a broader-defined purpose and representation of diverse viewpoints from various communities, organizations, and stakeholder groups,

would benefit board members. Reducing the "silo effect" of these advisory councils is crucial for Nevada to enhance the efficiency and impact of its boards and commissions. Addressing this issue could lead to more cohesive and effective decision-making processes within the state's executive branch.

FINDING 8: INCONSISTENT AND INEFFECTIVE LICENSING STANDARDS

The requirements for licenses and certifications across many of Nevada's occupations are inconsistent, ineffective, and unequal. Each occupational and licensing board in the state operates under its own statutes and regulations, resulting in a fragmented and confusing process for consumers. This lack of standardization has led to significant disparities in how professions are regulated, creating barriers for those seeking licensure.

During the 2023 Legislative Session, Senate Bill 431 established the Office of Nevada Boards, Commissions and Councils Standards ("Office") within the Department. This Office is tasked with overseeing all professional and occupational licensing boards created by the Legislature, to the extent permitted by the Nevada Constitution and federal law. Consolidating these functions under one department presents a unique opportunity to address and rectify the weaknesses in Nevada's approach to occupational and professional licensure.

According to a 2023 study, Nevada ranks as having the country's second worst regulatory environment for low-income occupations. This ranking is based on the number of low-income occupations that are licensed and the overall burden created by licensure requirements such as education, experience, exams, and fees. The establishment of the Office is a critical step toward improving the occupational licensing process and making it more equitable and efficient.

POLICY REFORM RECOMMENDATIONS

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

All advisory boards and commissions should undergo regular reviews on a rolling basis, with a sunset clause unless reauthorized through this process. Boards under review must justify their continued existence by demonstrating their necessity instead of passively continuing to operate at the public's expense. These reviews should assess each board's usefulness, performance and efficacy, including an analysis of the costs associated with its existence and the agency staff time required to support its activities. The evaluation should also consider whether the board should be abolished, merged with another entity, or if its duties and responsibilities should be reconsidered. Additionally, the board's effectiveness, the relevance of the information it provides for legislative policy changes, and whether its recommendations influence departmental decision-making should be examined. The board's contributions should be assessed in relation to the current issues and challenges faced by the departments.

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

For occupational and licensing boards, members should serve four-year terms with a limit of two terms. For executive branch department bodies, members should serve two-year terms, also with a two-term limit. Boards and commissions housed within state departments should report to the department director, who will convene them as needed, assign special tasks, and determine whether they should continue or dissolve upon task completion. If necessary, these boards may be extended to take on new tasks. The department director should also assist with member appointments, operating guidelines, and other operational requirements for these boards and commissions. As newly appointed individuals become ready to serve, training of board and commission members can be accomplished through the centralized office.

Additionally, Nevada needs to strengthen its legislative process when creating new boards within the executive branch departments by establishing and adhering to criteria for the creation of new boards and commissions and including a dissolution date not exceeding two years from their establishment, unless extended by the legislature or renewed by the department director. To ensure effectiveness, state law should clearly state that if a board or commission is not recommended for continuation by the reviewing entity, it should be repealed.

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

The advisory bodies shall convene meetings only as necessary to fulfill their statutory obligations and to address matters requiring board action. Meetings can be called by the chair or upon the written

request of a simple majority of members. Regular meetings, as currently required by statute, should be eliminated.

This amendment allows for greater flexibility in scheduling board and commission meetings, ensuring that they convene only when there is substantial need. It reduces unnecessary meetings and allows the boards and commissions to focus resources on addressing critical issues. This change also aims to enhance efficiency and responsiveness in the operations of boards and commissions within the State of Nevada.

Nevadans from across the state sit on the various boards and commissions. Often, the state covers the costs for members to attend meetings, whether in person or virtually. It would be more efficient for the state to fund these meetings on an as-needed basis rather than solely based on statutory requirements. Reducing the frequency of meetings could enhance member engagement and lead to more effective decision-making and outcomes.

Advisory council members may be eligible for reimbursement of actual and necessary expenses incurred while performing their duties, subject to the availability of funds. Additionally, regulatory and licensing members who dedicate multiple hours or days preparing for their meetings may receive compensation of \$150 per day, and the General Services Administration rate for per diem if the board or commission's budget allows.

RECOMMENDATION 4: CENTRALIZE THE ADMINISTRATIVE OPERATIONS OF THE OCCUPATIONAL LICENSING BOARDS

The Department is a fee-based department comprised of 11 regulatory agencies with only 1.3 percent of its \$700 million budget derived from the general fund. The statutory authorities granted to the Department along with its cost allocated budget philosophy provide a road map for administrative board restructuring. Note that any exempted board may possibly seek contracts for certain administrative services.

The Director of the Department is an appointed member of the Governor's cabinet with administrative authority over the functions of regulatory agencies within the Department to include budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, acceptance of gifts or donations, management of records, coordination in adopting and enforcing regulations, executing agreements, purchasing goods, services or equipment, preparing legislative requests, and leasing or using office space. While the Director is granted administrative and coordinating authority, the agencies function as independent entities under the Department umbrella.

Senate Bill 431 authorized the centralization of administrative functions for Nevada's occupational

licensing boards under the authority of the Director's Office. This proposed structure aims to eliminate redundancies, reduce costs for licensees, ensure consistent operations across all occupational licensing and advisory boards, minimize antitrust risks through proper supervision, and enable board members to focus on critical tasks. Through this reorganization, the Department will standardize processes related to board audits, compliance with the Nevada Revised Statutes, Nevada Administrative Code, and open meeting laws, as well as develop a single integrated website, thereby decreasing the state's liability. Preliminary estimates suggest that this consolidation could reduce costs to licensees by approximately 50%.

Centralized Website

Having a single, centralized website for boards and commissions within the State of Nevada offers several advantages. A unified platform streamlines navigation, making it easier for users to access information about various boards and commissions without needing to visit multiple sites. It ensures consistent design and functionality across all boards and commissions, enhancing the overall user experience and minimizing confusion. Additionally, a single site improves transparency by providing a comprehensive view of all boards and commissions, including meeting schedules, minutes, and member information in one location. Currently meeting notices on notice.nv.gov expire from the site after a given meeting and require users to know exactly which board or commission they are searching for in the first place to find information. The three-day posting requirement for meetings is insufficient to address public participation and a consolidated website could provide more information than limited meeting notices required by law can provide. Consolidating multiple sites can also reduce costs related to website maintenance, hosting, and development. Moreover, a unified website facilitates better communication between boards and the public by centralizing contact information and updates and minimizing conflicting meetings.

Centralizing Staff

We recommend centralizing the operations of all boards and commissions under a single office. This approach will ensure uniform application of policies, procedures, and standards, thereby enhancing operational consistency across the board. By consolidating roles and administrative functions, this model will reduce duplication and administrative overhead, leading to significant cost savings in salaries, benefits, and office resources.

A unified office can offer specialized support services, such as IT support, specialized legal counsel, human resources, and fiscal support, which smaller boards may lack the capacity to provide independently. For example, in a smaller board outside contractors are needed to even conduct workplace investigations, resulting in greater costs. Centralized staffing will facilitate better oversight and accountability, ensuring adherence to established standards and regulations. Additionally, this structure allows for more strategic resource allocation, optimizing staff time and effort across various boards and commissions.

Centralizing administrative functions like payroll and benefits will alleviate the administrative burden on the boards, enabling them to focus more effectively on their core responsibilities. Most importantly, moving the fiscal operations of these bodies into the state's system as well as requiring that funds go through the State Treasurer's office instead of disparate accounting approaches that have even legislative auditors forced to request bank statements from board members, will also increase transparency.

This consolidation will standardize the licensing process across all boards, addressing existing disparities and strengthening Nevada's overall occupational licensing framework. To ensure a smooth transition, it is recommended that this consolidation occur in phases, with boards being integrated into the new Office on a staggered quarterly basis. This phased approach will allow for careful management of the transition, minimizing disruptions and ensuring that the benefits of centralization are fully realized.

Procurement, Contracting, and Public Records

Currently licensing boards do not follow all procurement and contracting requirements in NRS 333, NAC 333, NRS 334 and the State Administrative Manual. This results in a lack of transparency regarding board spending and decisions relating to contract valuation and vendors. For example, some licensing boards allow contracted vendors to charge fees to users separate and apart from their statutorily or regulatorily authorized fees. Others do not engage in appropriate competition for services and even pay vendors without approved contracts via the State Board of Examiners. Many licensing boards operate as if their funds from licensee fees are not subject to the same restrictions as executive branch agency spending. Further, many licensing boards contract with their executive directors with assurances associated with employment which are costly instead of having them serve in an unclassified capacity. Board staff even support retreats, meals, and other expenses for themselves and board members using licensing revenue without scrutiny over the nature of those expenditures.

Attorneys

Given the Office's specialized knowledge of the regulatory landscape, board operations, and compliance issues, it is also recommended that the Office take a leading role in providing general counsel for the public bodies. In-house attorneys have or develop a deep understanding of the specific needs, processes, and nuances of the boards and commissions they serve, allowing for more tailored and efficient legal advice. Utilizing in-house attorneys is more cost-effective over time as they are salaried employees and can address ongoing legal matters without additional fees. They are readily available, providing timely legal support and advice as issues arise, which can be crucial for quick decision-making and compliance. Their services are not motivated by billable hour requirements or high per hour fees but by public service. They ensure consistency in legal advice and documentation, which helps maintain uniformity in how legal matters are handled across the boards and commissions. The Office will retain the authority to hire outside counsel under in-house counsel supervi-

sion, ensuring that any external legal support is managed centrally and strategically. All of the foregoing will be compliant with NRS 228.110 which mandates that representation of agencies be provided by the Office of the Attorney General as in-house attorneys will provide specialized advice related to licensing and regulation but not subsume the role of agency counsel. Currently it is a challenge to obtain more than open meeting law and disciplinary hearing support from the Office of the Attorney General and boards have been retaining their own counsel who often take positions loyal to board staff and leadership instead of to the state. By having a designated office handle the hiring of outside counsel it maintains oversight, coordination, and consistency in legal representation across various boards and commissions.

Contested Case Hearings and Disciplinary Matters

To address the challenges faced by licensing boards in finding prospective members who can commit to lengthy disciplinary hearings, we recommend implementing structured services of administrative law judges to handle these cases instead of board members attempting to conduct hearings with their own staff having investigated matters, internal counsel often prosecuting, their board sitting in judgment, and their Deputy Attorney General advising the board chair as to evidentiary and other matters. Currently, some boards spend two to three days or more on hearings during board meetings, with members themselves sometimes responsible for administering discipline and fines of their colleagues. Utilizing administrative law judges would streamline the hearing process, reducing the burden on board members and ensuring a more independent, efficient and legal review of disciplinary matters as well as allowing licensees to have their case receive independent consideration.

Board Membership

Licensing boards typically require that a certain percentage of their members hold a license regulated by the board. However, when a board oversees multiple license types, it is generally not necessary to have representation from holders of less advanced licenses. Individuals with more advanced licenses are typically well-equipped to regulate all licensees and ensure public protection.

Bill Draft Requests

All legislative bill draft requests submitted by any public entity will undergo vetting through the Office to ensure compliance with established criteria. This review process guarantees that proposed bills meet all legal, operational, and financial requirements. Additionally, it ensures that the proposals are not redundant, align with statutory regulations, address stakeholder concerns, and are designed to be cost-effective and efficient. The vetting process aims to uphold high standards of accountability, transparency, and effective governance.

RECOMMENDATION 5: CONSOLIDATE, MERGE, AND ELIMINATE BOARDS AND COMMISSIONS TO BETTER SERVE THE CITIZENS OF NEVADA

NO CHANGE to the following boards as currently titled, but subject to certain centralization and other changes referenced across recommendations:

1. Certified Court Reporters Board of Nevada
2. Commission on Postsecondary Education
3. Private Investigators Licensing Board
4. The Dental Board
5. The Nevada Board of Funeral and Cemetery Services
6. The Nevada State Board of Accountancy Board
7. The Nevada State Board of Veterinary Medical Examiners
8. The State Barbers Health and Sanitation Board
9. The State Board of Cosmetology
10. The State Board of Nursing Board
11. The State Board of Pharmacy
12. The State Contractors Board

MERGE/CONSOLIDATE the following boards:

THE NEVADA BOARD OF REHABILITATIVE PRACTICE AND THERAPY

The four boards set forth below consisting of 22 total members should be consolidated into a 11-member board focusing on therapy and rehabilitation. The board membership would consist of two licensed physical therapists, one licensed physical therapist assistant, two licensed occupational therapists, two licensed athletic trainers with five years experience working as an athletic trainer or five years experience teaching or conducting research concerning the practice of athletic trainers, one licensed speech-language pathologist, one licensed audiologist, one hearing specialist, and one member of the general public who must not be related to or involved in any of the above practices and who must represent the interests of the general public. Nevadans would benefit from a collaborative forum in which related occupations can coordinate supervision of licensees. Over the past year, these boards investigated approximately 55 complaints.

- The Board of Athletic Trainers
- The Nevada Board of Physical Therapy
- The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board
- The Board of Occupational Therapy

THE NEVADA INTEGRATIVE HEALTH PROFESSIONS BOARD

The four boards identified below consisting of 28 total members should merge to form a 9 member board. The focus of the newly merged board would be to provide comprehensive and cohesive oversight of the professions. By integrating the regulation of these diverse but interconnected disci-

plines, they would work to promote collaboration among the professions while safeguarding the quality, safety, and accessibility of care provided to the public. The new board members would consist of the following: two licensed massage therapists, two licensed chiropractors, 2 members currently engage in the practice of oriental medicine in this State, two licensed podiatric physicians, and one general public member. Together, these boards investigated 145 complaints.

- The Board of Massage Therapy
- Chiropractic Physicians Board of Nevada
- The State Board of Oriental Medicine
- The State Board of Podiatry

THE NEVADA BOARD OF PROFESSIONAL DESIGN AND ENVIRONMENTAL SPECIALISTS

The four boards consisting of 28 total members should be consolidated into a 13-member board focusing on professional design and environment. The board membership would consist of one registered architect with at least three years of active practice in Nevada, two professional engineers who should be engaged in the practice or teaching of professional engineering, two environmental health specialists, two registered landscape architects, one registered interior designer, one registered residential designer, two land surveyors, one general public member not affiliated with any of the licensed professions and a chief medical officer or designated representative. Over the past year, these boards have investigated less than 20 total complaints.

- The State Board of Architecture, Interior Design and Residential Design
- The State Board of Landscape Architecture
- The State Board of Professional Engineers and Land Surveyors
- The Board of Environmental Health Specialists

THE NEVADA BEHAVIORAL WELLNESS ALLIANCE BOARD

The five boards set forth below consisting of 33 total members should be consolidated into a 13-member board focusing on behavioral health and wellness throughout Nevada. The board membership would consist of one licensed behavior analyst or assistant behavior analyst, two licensed marriage and family therapist, two licensed social workers, one licensed psychologist (this member could also be a faculty member from an accredited doctoral program or internship location to meet existing requirements), one licensed clinical alcohol and drug counselor or alcohol and drug counselor, one licensed clinical professional counselor, one licensed problem gambling counselor, one member of the general public who must not be affiliated with any of the licensed professions representing the public interest, one member of the general public representing healthcare for indigent or uninsured persons, one member representing an academic or training institution and one licensed or certified member from any of the represented fields. Over the past year, these boards have investigated 73 complaints.

- The Board of Applied Behavior Analysis
- The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors
- The Board of Examiners for Social Workers

- The Board of Psychological Examiners
- Board of Examiners for Alcohol, Drug and Gambling Counselors

THE NEVADA MEDICAL BOARD

The two boards identified below consisting of 18 total members should merge to make an 9-member board. Fourteen other states have a combined Medical Board for medical doctors and Doctor of Osteopathic Medicine, making the single entity more efficient with regulatory oversight. The new board members would consist of the following: three licensed medical doctors, three licensed osteopathic doctors, one licensed physician assistant, one licensed respiratory care practitioner and one member of the general public not related to a person licensed to practice any healing art and not involved in the administration of any medical or dependent facility. Together, both boards investigated 632 complaints with 144 belonging to the State Board of Osteopathic Medicine.

- The Board of Medical Examiners
- The State Board of Osteopathic Medicine

THE NEVADA OPTOMETRY AND DISPENSING OPTICIANS BOARD

The two boards identified below consisting of nine total members should merge to form an 5-member board. The new board would center on regulating the professions of optometry and ophthalmic dispensing in a unified, efficient, and equitable manner. By combining expertise from both fields, the board would prioritize establishing impartiality, and ensuring high-quality, safe and accessible eye care services for the public. With balanced representation of professionals and a general public member, the board would aim to foster collaboration between the professions, uphold public trust and maintain a consumer-centered approach in all regulatory activities. The new board members would consist of the following: two licensed optometrists, two licensed ophthalmic dispensers (opticians), and one general public member who is not licensed in any of these professions overseen by the board and must not be related to anyone who is. Together, these boards had less than 15 complaints.

- The Nevada State Board of Optometry
- The State Board of Dispensing Opticians

TOTAL BOARDS REVIEWED AND OUTCOMES

Title 54 Occupational and Licensing Boards (37 entities reviewed):

- 37 reduced to 19
- Merged: 20 into 6
- Eliminated: 3
- Reduced Appointments: 249 to 148

BIBLIOGRAPHY

- Allensworth, Rebecca H. "Foxes at the Henhouse: Occupational Licensing Boards Up Close." *California Law Review*, vol. 105, no. 6, 2017, pp. 1567-1610. JSTOR <https://www.jstor.org/stable/44630766>
- Arkell, Bruce D., "Nevada Executive Branch Boards and Commissions Recommendation for Change." Governor's Office of Planning Coordination, September 1976
- Bona, Jarod. "The Antitrust Implications of Licensed Occupations Choosing Their Own Exclusive Jurisdiction." *University of St. Thomas Journal of Law & Public Policy*, vol. 5, no. 2, 2011, Available at SSRN: <https://ssrn.com/abstract=1924553>
- Carollo, Nicholas A., and Jason F. Hicks, Andrew Karch, and Morris M. Kleiner. "The Origins and Evolution of Occupational Licensing in the United States." Federal Reserve Board of Governors, 2022, [TheOriginsAndEvolutionOfOccupationa_preview.pdf](#)
- Cooper, James. "State Licensing Boards, Antitrust, and Innovation," released by the Regulatory Transparency Project of the Federalist Society, November 13, 2017 <https://regproject.org/wp-content/uploads/RTP-Antitrust-Consumer-Protection-working-group-paper-occupational-licensing.pdf>
- Cox, Carolyn., and Susan Foster. "The Costs and Benefits of Occupational Regulation." Bureau of Economics of the federal Trade Commission, 1990, [The Costs and Benefits of Occupational Regulation \(ftc.gov\)](#)
- Davis, Sam P., 1913. *The History of Nevada*. Nevada Publications
- Dent v. West Virginia*, 129 U.S. 114 (1889)
- Edlin, Aaron., and Rebecca Haw. "Cartels by Another Name: Should Licensed Occupations Face Antitrust Scrutiny?" *University of Pennsylvania Law Review*, vol. 162, no. 5, 2014, pp. 1093-1164. JSTOR, <https://www.jstor.org/stable/24247877>
- Everett, Cory. "Professional and Occupational Regulation: U.S. State Regulatory Structures," released by the National Center for Interstate Compacts, Council on Licensure, Enforcement and Regulation, 2020 <https://compacts.csg.org/wp-content/uploads/2022/06/CLEAR-Professional-and-Occupational-Regulatory-Structures-2020.pdf>
- Friedman, Lawrence M. "Freedom of Contract and Occupational Licensing 1890-1910: A Legal and Social Study." *California Law Review*, vol. 53, no. 2, 1965, pp. 487-534. JSTOR, <https://www.jstor.org/stable/3479108>
- Gonzales, Larry. "Health Licensing Consolidation Project." 85th Legislature, Texas Sunset Staff Report with Final Results, 2016-2017 [Health Licensing Consolidation Project Staff Report with Final Results \(texas.gov\)](#)
- Holcombe, Randall G. "The Growth of the Federal Government in the 1920's." *Cato Journal*, vol.16, no. 2, 1996, pp. 175-199. [The Growth Of The Federal Government In The 1920s \(cato.org\)](#)
- Johnson, Janna E., and Morris M. Kleiner. "Is Occupational Licensing a Barrier to Interstate Migration?" *American Economic Journal: Economic Policy*, vol. 12, no. 3, 2020, pp. 347-373. JSTOR, <https://www.jstor.org/stable/10.2307/27028622>
- Kanazawa, Mark T. "The Efficiency of Occupational Licensing during the Gilded and Progressive Eras: Evidence from Judicial Review." *The Journal of Economic History*, vol. 83, no. 4, 2023, pp. 1221-1252.

- Klee, Mark A. "How do Professional Licensing Regulations Affect Practitioners? New Evidence." United States Census Bureau, June 5, 2013, [How Do Professional Licensing Regulations Affect Practitioners? \(census.gov\)](#)
- Klein, Tzirel. "Occupational Licensing: The Path to Reform Through Federal Courts and State Legislatures." *Harvard Journal on Legislation*, vol. 59, no. 2, 2022, pp. 427-454. [untitled \(harvard.edu\)](#)
- Kleiner, Morris M. "Guild-Ridden Labor Markets: The Curious Case of Occupational Licensing." W.E. Upjohn Institute for Employment Research, 2015, <https://doi.org/10.17848/9780880995023>
- Kleiner, Morris M. "Occupational Licensing." *The Journal of Economic Perspectives*, vol.14, no. 4, 2000, pp. 189-202. JSTOR, <https://www.jstor.com/stable/2647081>
- Kleiner, Morris M. "Licensing Occupations: Ensuring Quality or Restricting Competition." W.E. Upjohn Institute for Employment Research, 2006, [Licensing Occupations: Ensuring Quality or Restricting Competition? \(core.ac.uk\)](#)
- Kleiner, Morris M. "Reforming Occupational Licensing Policies." Brookings, The Hamilton Project, 2015, [THP KleinerDiscPaper final.pdf \(brookings.edu\)](#)
- Knepper, Lisa., and Darwyn Deyo, Kyle Sweetland, Jason Tiezzi, Alec Mena. "License to Work: A National Study of Burdens from Occupational Licensing." *Institute For Justice*, 2022, [LTW3-11-22-2022.pdf \(ij-org-re.s3.amazonaws.com\)](#)
- Kry, Robert. "The 'Watchman for Truth': Professional Licensing and the First Amendment." *Seattle University Law Review* 23: 885-976
- Larkin, Jr., Paul. "A Brief History of Occupational Licensing." Released by the Heritage Foundation, May 23, 2017 <http://report.heritage.org/lm204>
- Law, Marc T, and Sukkoo Kim. "Specialization and Regulation: The Rise of Professionals and the Emergence of Occupational Licensing Regulation." *The Journal of Economic History*, vol. 65, no. 3, 2005, pp. 723-756. JSTOR, <https://www.jstor.org/stable/3875015>
- Nevada Legislature, Legislative Council Bureau, Nevada State Government Boards, Commissions, and Similar Entities. January 3, 2024, [Agenda Item VI A - Master Table of Boards, Commissions, and Similar Entities \(state.nv.us\)](#)
- Mitchell, Jerry. "Representation in Government Boards and Commissions." *Public Administration Review*, vol. 57, no. 2, 1997, pp. 160-167. JSTOR, <https://www.jstor.org/stable/977064>
- Nevada State Journal, "Nevada and Its Government." Bureau of Municipal Research New York, 1924.
- North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 574 U.S. 494 (2015)
- "The Occupational freedom and Opportunity Act." Florida Senate, Committee on Innovation, Industry, and Technology, 2020, [House Bill 1193 \(2020\) - The Florida Senate \(flsenate.gov\)](#)
- O'Callaghan, Mike., Message of the Governor to the Legislature of Nevada 59th Session. *The Journal of the Assembly*, 1977
- Partlow, Frank A., "Nevada Spending and Government Efficiency Commission." Final Report 2010

- Paulsen, Craig. "A Review of Iowa's Boards & Commissions: Final Report with Findings & Recommendations." Boards & Commissions Review Committee, September 26, 2023, [A Review of Iowa's Boards and Commissions Final Report with Findings and Recommendations, September 26, 2023 - Iowa Publications Online](#)
- Schneider, Sandra K. "The Policy Role of State Professional Licensing Agencies: Perceptions of Board Members." *Public Administration Quarterly*, vol. 9, no. 4, 1986, pp. 414-433. JSTOR <https://www.jstor.org/stable/40861326>
- Seifter, Miriam. "Gubernatorial Administration." *Harvard Law Review*, vol. 131, no. 2, 2017, pp. 483-542. <https://www.jstor.org/stable/44865576>
- Slivinski, Stephen. "Bootstraps Tangled in Red Tape: How State Occupational Licensing Hinders Low-Income Entrepreneurship." Goldwater Institute, no. 272, 2015, [OccLicensing3.pdf \(goldwaterinstitute.org\)](#)
- Sostaric, Katarina. "Reynolds signs law eliminating 83 state boards and commissions." Iowa Public Radio, May 17, 2024, [Reynolds signs law eliminating 83 state boards and commissions | Iowa Public Radio](#)
- The President's Committee on Administrative Management, *Report of the Committee with Studies of Administrative Management in the Federal Government*, Washington, D.C. U.S. Government Printing Office, 1937 [#3 - Report of the committee, with studies of administrative management ... - Full View | HathiTrust Digital Library](#)
- Thornton, Robert J., and Edward J. Timmons. "The de-licensing of occupations in the United States." *Monthly Labor Review*, U.S. Bureau of Labor Statistics, May 2015, <https://doi.org/10.21916/mlr.2015.13>
- White, Francis. "The Growth and future of State Boards and Commissions." *Political Science Quarterly*, vol. 18, no. 4, 1903, pp. 631-656. JSTOR, <https://www.jstor.org/stable/2140779>
- White House, "Occupational Licensing A Framework for Policymakers." Department of the Treasury Office of Economic Policy, the Council of Economic Advisers, and the Department of Labor. July, 2015, [licensing_report_final_nonembargo.pdf \(archives.gov\)](#)
- Zhou, Xueguang. "Occupational Power, State Capacities, and the Diffusion of Licensing in the American States 1890 to 1950." *American Sociological Review*, vol. 58, no. 4, 1993, pp. 536-552. JSTOR, <https://www.jstor.org/stable/2096075>

APPENDIX A: EXEMPTED BOARDS

EXEMPTED BOARDS: EXECUTIVE BRANCH, NO CHANGES RECOMMENDED

Advisory Board on Maternal and Child Health
Advisory Committee on Control of Emissions from Motor Vehicles
Advisory Committee on Housing
Advisory Committee on Problem Gambling
Advisory Committee on Traffic Safety
Advisory Council on Graduate Medical Education
Advisory Council on Mortgage Investment and Mortgage Lending
Appeals Panel for Industrial Insurance
Appraisal Advisory Review Committee
Appraiser's Certification Board
Assistive Technology Council
Bicycle and Pedestrian Advisory Board
Board for Financing Water Projects
Board for the Education and Counseling of Displaced Homemakers
Board of Directors of the Nevada State Infrastructure Bank
Board of Examiners for Long-Term Care Facility Administrators
Board of Nevada Arts Council
Board of Parole Commissioners
Board of Search and Rescue
Board of Wildlife Commissioners
California-Nevada Super Speed Ground Transportation Commission
Commission for Common-Interest Communities and Condominium Hotels
Commission of Appraisers of Real Estate
Commission on Nuclear Projects
Commissioner's Network Adequacy Advisory Council
Committee on Testing for Intoxication
Committee to Administer the Public Employees' Deferred Compensation Program
Committee to Oversee the Charter School Audit List
Committee to Review Suicide Fatalities
Diapering Resource Committee
Drug Use Review Board
Early Intervention Interagency Coordinating Council - Federal
Electronic Health Information Advisory Group
Emergency Medical Services for Children
Environmental Protection, Board to Review Claims
Executive Committee to Review the Death of Children
Government Employee-Management Relations Board
Governor's Council on Developmental Disabilities - Federal
Health Care Workforce Working Group
Healthcare Associated Infection Task Force

Home Care Employment Standards Board
Human Trafficking Coalition
Indigent Defense Services
Industrial Relations Advisory Council
Information Technology Advisory Board
Interstate Commission for Adult Offender Supervision
Interstate Mutual Aid Committee
Junior Livestock Show Board
Maternal Mortality Review Committee
Medical Care Advisory Committee
Nevada Advisory Council on Federal Assistance
Nevada Committee of Vendors Who are Blind
Nevada Indian Commission
Nevada Interscholastic Activities Association
Nevada Lifespan Respite Care Coalition
Nevada Local Justice Reinvestment Coordinating Council
Nevada Office of Minority Health and Equity Advisory Committee
Nevada Sentencing Commission
Nevada State Council for Interstate Juvenile Supervision
Nevada State Rehabilitation Council
Nevada Tahoe Regional Planning Agency
Northern Nevada Veterans Memorial Cemetery Advisory Committee
Oversight Panel for Convention Facilities
Patient Protection Commission - Exempt
Peace Officers' Standards and Training Commission (POST)
Predatory Animal and Rodent Control Committee
Primary Care Advisory Council
Private Activity Bond Council
Psychedelic Medicines Working Group
Public Works Board
Real Estate Commission
Regional Transmission Task Force
Sagebrush Ecosystem Council
Silver State Health Insurance Exchange Board
Silver State Scripts Board
Southern Nevada Veterans Memorial Cemetery Advisory Committee
Special Education Advisory Committee Member Information
State Board of Equalization
State Board of Fire Services
State Conservation Commission

State Council on Libraries and Literacy
State Disaster Identification Coordination
State Emergency Response Commission
State Land Use Planning Advisory Council
State Public Charter School Authority
Statewide Independent Living Council
Subcommittee on Misdemeanors of the Sentencing
Subcommittee on Patient-Centered Medical Homes
Tax Commission
Vulnerable Audit Fatality Review
Weatherization Assistance Program
Well Drillers' Advisory Board
Women Veterans Advisory Committee

**APPENDIX B:
NEVADA BOARD ESTABLISHMENT 1899-2023**

Occupational and Licensing Board	Year
Medical Examiners, The Board of	1899
Pharmacy, The State Board of	1901
Funeral and Cemetery Services Board, The Nevada	1909
Accountancy, The Nevada State Board of	1913
Optometry, The Nevada State Board of	1913
Professional Engineers and Land Surveyors, The State Board of	1919
Veterinary Medical Examiners, The Nevada State Board of	1919
Nursing, The State Board of	1923
Chiropractic Physicians' Board of Nevada, The	1923
Osteopathic Medicine, The State Board of	1925
Barbers Health and Sanitation Board, The State	1929
Cosmetology, The State Board of	1931
Contractors Board, The State	1941
Podiatry, The State Board of	1949
Architecture, Interior Design and Residential Design, The State Board of	1949; 1975 Residential De- signed combined; 1995 Inte- rior Design added
Dental Examiners of Nevada, The Board of	1951
Dispensing Opticians, The Board of	1951
Physical Therapy Board, The Nevada	1957
Psychological Examiners, The Board of	1963
Private Investigator's Licensing Board, The	1967
Marriage and Family Therapists and Clinical Professional Counselors, The Board of Examiners for	1973
Oriental Medicine, The State Board of	1973
Certified Court Reporters Board of Nevada, The	1973
Landscape Architecture, The State Board of	1975
Postsecondary Education, The Commission on	1975
Homeopathic Medical Examiners, The Nevada Board of	1983
Environmental Health Specialist, The Board of	1987; voluntary registration 2007; mandatory registration
Social Workers, The Board of Examiners for	1987
Occupational Therapy, The Board of	1991
Alcohol, Drug and Gambling Counselors, The Board of Examiners for	2000
Commission on Construction Education, The	2001
Athletic Trainers, The Board of	2003; 2005 added licensure
Massage Therapy, The Board of	2005
Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, The	2015; 1972 merged with Board of Examiners for Hear- ing Aid Specialists ;1979 merged with the Board of Examiners for Audiology and Speech Pathology
Applied Behavior Analysis, The Board of	2021

Boards, Commissions, Advisory Councils	Year
Nevada Tax Commission	1913
Nevada State Board of Agriculture	1915
Board of Health	1919
State Board of Equalization (SBE)	1929
State Conservation Commission	1937
Nevada Board of Wildlife Commissioners	1947
Real Estate Commission	1949
Employment Security Council; Board of Review	1951
State Public Works Board	1953
Well Drillers' Advisory Board	1955
Nevada Committee of Blind Vendors (NCBV)	1959
Human Resources Commission (formerly Personnel Commission)	1963
State Council on Libraries and Literacy	1965
Nevada Arts Council Board	1967
Comstock Historic District Commission	1967
Medical Laboratory Advisory Committee (MLAC)	1967
Merit Award Board	1967
Government Employee-Management Relations Board	1969
Taxicab Authority	1969
State Board of Education	1971
Commissioner's Advisory Committee on Health Care and Insurance	1971
Commissioner's Property and Casualty Advisory Committee	1971
State Land Use Planning Advisory Council	1973
Nevada Tahoe Regional Planning Agency	1973
State Environmental Commission (SEC)	1973
Occupational Safety and Health Review Board	1973
Commission on Postsecondary Education	1975
Medicaid Reinvestment Advisory Committee (MRAC)	1975
Nevada State Rehabilitation Council (NSRC)	1975
Appraiser Certification Board	1975
Veterans Service Commission	1975
The Nevada Public Employees' Deferred Compensation Committee	1976
State Land Use Planning Advisory Council - Executive Council	1977
Board of Museums and History	1979
Industrial Relations Advisory Council	1981
Nevada Commission on Tourism	1982
Commission on Aging	1983
Committee On Testing for Intoxication	1983
Board of Search and Rescue	1983
State Apprenticeship Council	1985
Board for Financing Water Projects	1987
Commission on Professional Standards in Education	1987
Commission on Behavioral Health	1989
Board for the Education and Counseling of Displaced Homemakers (DH)	1989
Advisory Board on Automotive Affairs	1989

Boards, Commissions, Advisory Councils	Year
Board to Review Claims (a.k.a. Nevada Petroleum Fund Board)	1989
Behavioral Health Planning and Advisory Council	1989
Nevada State Historical Records Advisory Board	1989
Commission of Appraisers of Real Estate	1989
Northern Nevada Memorial Cemetery Advisory Committee	1990
Nevada Commission for Women	1991
Nevada Bicycle and Pedestrian Advisory Board	1991
Maternal and Child Health Advisory Board	1992
Commission for Cultural Centers and Historic Preservation	1993
Drug Utilization Review (DUR) Board	1993
State Records Committee	1993
Board of Museums and History	1994
The Children's Justice Act Task Force	1994
Board for Administration of Subsequent Injury Account for Self-Insured Employers	1995
Board for the Administration of the Subsequent Injury Fund for Associations of Self-Insured Public or Private Employers	1995
State Disaster Identification Coordinating Committee	1997
Nevada Transportation Authority	1997
Council to Establish Academic Content Standards	1999
Industrial Insurance Appeals Panel	1999
Advisory Council on Mortgage Investments and Mortgage Lending	1999
Nevada Children's Behavioral Health Consortium (NCBHC)	2000
Clark County Children's Mental Health Consortium	2001
Statewide Coordinating Council of the RPDP	2001
Committee on Local Government Finance (CLGF)	2001
Nevada State Council for Adult Offender Supervision	2001
Executive Committee to Review the Death of Children	2003
Homeland Security Commission, Committee on Finance	2003
Commission on Homeland Security	2003
Commission on Minority Affairs	2003
Commission for Common-Interest Communities and Condominium Hotels	2003
Common Interest Community Task Force	2003
IDEA Part C Office for Interagency Coordinating Council (ICC)	2004
Substance Abuse Prevention and Treatment Agency Advisory Board	2004
Assistive Technology Council	2004
NOMHE Advisory Committee	2005
The State Advisory Committee on Chronic Disease and Community Wellness	2005
Nevada Aviation Technical Advisory Committee	2005
Advisory Committee on Problem Gambling	2006
Primary Care Advisory Council	2008

Boards, Commissions, Advisory Councils	Year
Commission on Autism Spectrum Disorders	2008
Nevada Early Childhood Advisory Council (ECAC)	2009
Commission on Services for Persons with Disabilities	2009
State Council for the Coordination of the Interstate Compact on Education Opportunity for Military Children	2009
Advisory Committee on the State Program for Oral Health (AC4OH)	2009
Commission on Off-Highway Vehicles	2011
Advisory Council for Family Engagement	2011
Teachers and Leaders Council (TLC)	2011
Mining Oversight and Accountability Commission	2011
Nevada State Council for Interstate Juvenile Supervision	2012
Governor's Office of Economic Development (GOED)	2012
Interagency Council on Veterans Affairs	2012
Sagebrush Ecosystem Council	2013
Nevada State Parks and Cultural Resources Endowment Fund Committee	2013
Dietitian Advisory Group	2013
Committee to Review Suicide Fatalities	2013
Task Force on Alzheimer's Disease	2013
English Mastery Council	2013
Governor's Council on Food Security	2014
Governor's Workforce Development Board (GWDB)	2015
Healthcare Associated Infection (HAI) Program HAI Task Force	2015
Intrastate Mutual Aid System Committee	2015
Committee on Statewide School Safety	2015
Women's Veterans Advisory Committee	2015
The Nevada Coalition to Prevent the Sexual Exploitation of Children	2016
Nevada Children's Commission	2016
Battle Born Growth Escalator	2016
State Board Subcommittee on the Holocaust and Other Genocides	2016
Clark Regional Behavioral Health Policy Board	2017
Northern Regional Behavioral Health Policy Board	2017
Southern Regional Behavioral Health Policy Board	2017
Nevada Commission on Mentoring	2017
Advisory Council on Palliative Care and Quality of Life	2017
Southern Regional Behavioral Health Policy Board	2017
Committee to Review Child Support Guidelines	2017
Advisory Committee on Medicaid Innovation	2017
Washoe Regional Behavioral Health Policy Board	2017
Diapering Resources Committee	2017
Northern Regional Behavioral Health Policy Board	2017
Nevada Commission for Persons Who are Deaf or Hard of Hearing	2017

Boards, Commissions, Advisory Councils	Year
State Independent Living Council	2017
Rural Regional Behavioral Health Policy Board	2018
COSAL Committee	2018
United Veterans Legislative Council (UVLC)	2018
ABOR - Advisory Board on Outdoor Recreation	2019
Patient Protection Commission (PPC)	2019
Interagency Advisory Council on Homelessness to Housing (ICHH)	2019
Radiation Therapy and Radiologic Imaging Advisory Committee	2019
Silver State Scripts Board	2019
Rare Disease Advisory Council (RDAC)	2019
Nevada Resilience Advisory Committee	2019
Nevada Tribal Emergency Coordinating Council	2019
Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force	2019
Commission on School Funding	2019
Northern Nevada State Veterans Home Independent Advisory Board	2019
Advisory Committee on Housing	2019
Credit Union Advisory Council	2019
Private Activity Bond Council	2019
Maternal Mortality Review Committee	2020
Regional Transmission Committee Task Force	2021
Kidney Disease Advisory Committee (KDAC) - Subcommittee for the State Advisory Committee on Community Wellness and Chronic Disease (CWCD)	2021
Advisory Committee for a Resilient Nevada (ACRN)	2021
Medicaid Reinvestment Advisory Committee (MRAC)	2021
Nevada Advisory Committee on Traffic Safety	2021
Health Care Workforce Working Group	2022
Cybersecurity Task Force	2022
Vulnerable Adult Fatality Review Committee	2023
Nevada Human Trafficking Coalition	2023
Naprapathic Practice Advisory Board	2023
Committee on the Safety and Well-Being of Public School Staff (AB72)	2023
Committee on Response to Power Based Violence in Schools (AB245)	2023
Psychedelic Medicines Working Group	2023
Air Service Development Commission	2023
Commission on Innovation and Excellence in Education	2023
Electronic Health Information Advisory Group	2024

**APPENDIX C:
STATE OF NEVADA BOARDS AND COMMISSIONS**

TITLE 54 OCCUPATIONAL AND LICENSING BOARDS

TITLE 54 OCCUPATIONAL AND LICENSING BOARDS

1. The Nevada State Board of Accountancy
2. Board of Examiners for Alcohol, Drug and Gambling Counselors
3. The Board of Applied Behavioral Analysis
4. The State Board of Architecture, Interior Design and Residential Design
5. The Board of Athletic Trainers
6. The State Barbers Health and Sanitation Board
7. Certified Court Reporters' Board of Nevada
8. Chiropractic Physicians Board of Nevada
9. The Commission on Construction Education
10. The State Contractors Board
11. The State Board of Cosmetology
12. The Board of Dental Examiners of Nevada
13. The Committee on Dental Hygiene and Dental Therapy
14. The Board of Dispensing Opticians
15. The Board of Environmental Health Specialists
16. The Nevada Funeral and Cemetery Services Board
17. The Nevada Board of Homeopathic Medical Examiners
18. The State Board of Landscape Architecture
19. The Board of Examiners for Marriage and Family Therapist and Clinical Professional Counselors
20. The Board of Massage Therapy
21. The Board of Medical Examiners
22. The State Board of Nursing
23. The Advisory Committee on Nursing Assistants and Medication Aides
24. The Board of Occupational Therapy
25. The Nevada State Board of Optometry
26. The State Board of Oriental Medicine
27. The State Board of Osteopathic Medicine
28. The State Board of Pharmacy
29. The Nevada Physical Therapy Board
30. The State Board of Podiatry
31. The Commission on Postsecondary Education
32. The State Board of Professional Engineers and Land Surveyors
33. The Board of Psychological Examiners
34. Private Investigators Licensing Board
35. The Board of Examiners for Social Workers
36. Speech-Language Pathology, Audiology, and Hearing Aid Dispensing Board
37. The Nevada State Board of Veterinary Medical Examiners

EXECUTIVE BRANCH BOARDS AND COMMISSIONS

DEPARTMENT OF ADMINISTRATION

1. Commission for Women
2. Committee on Catastrophic Leave
3. Deferred Compensation Committee
4. Employee-Management Committee
5. State Historical Records Advisory Board
6. Libraries and Literacy Council
7. Merit Award Board
8. Human Resource Commission (Personnel Commission)
9. Public Works Board
10. Committee to Approve Schedules for the Retention and Disposition of Official State Records (State Records Committee)

DEPARTMENT OF AGRICULTURE

1. Board of Agriculture
2. Junior Livestock Show Board

DIVISION APPOINTED

1. Predatory Animal and Rodent Control Committee

DEPARTMENT OF BUSINESS AND INDUSTRY

1. Board for Administration of Subsequent Injury Account for Self-Insured Employers
2. Board for the Administration of the Subsequent Injury Fund for Associations of Self-Insured Public or Private Employers
3. Commission of Appraisers of Real Estate
4. Commission for Common-Interest Communities and Condominium Hotels
5. Credit Union Advisory Council
6. Government Employee-Management Relations Board
7. Industrial Insurance Appeals Panel
8. Industrial Relations Advisory Council
9. Nevada Transportation Authority
10. Occupational Safety and Health Review Board
11. Real Estate Commission
12. State Apprenticeship Council
13. Taxicab Authority

DIRECTOR APPOINTED

1. Private Activity Bond Council
2. Common Interest Community Task Force
3. Advisory Committee on Housing

DIVISION APPOINTED

1. Appraisal Advisory Review Committee
2. Commissioner's Property & Casualty Advisory Committee
3. Commissioner's Network Adequacy Advisory Council
4. Commissioner's Life and Health Advisory Committee
5. Advisory Council on Mortgage Investments and Mortgage Lending
6. Commission on Minority Affairs
7. Commissioner's Producers & Brokers Insurance Advisory Committee
8. Commissioner's Title Insurance Advisory Committee
9. Weatherization Assistance Program

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

1. Advisory Board on Outdoor Recreation
2. Board for Financing Water Projects
3. Commission for Cultural Centers and Historic Preservation
4. Commission on Off-Highway Vehicles
5. Comstock Historic District Commission
6. Environmental Protection, Board to Review Claims
7. Sagebrush Ecosystem Council
8. State Land Use Planning Advisory Council
9. State Conservation Commission
10. State Environmental Commission

DIVISION APPOINTED

1. Perfluoroalkyl and Polyfluoroalkyl Substances Working Group
2. State Land Use Planning Advisory Council – Executive Council
3. Well Drillers' Advisory Board

DEPARTMENT OF EDUCATION

1. Advisory Committee on the Safety and Well-Being of Public School Staff
2. Board of Education
3. Commission on Innovation and Excellence in Education
4. Commission on Professional Standards in Education
5. Commission on School Funding
6. Committee on Statewide School Safety
7. Council for Establishment of Academic Standards for Public Schools
8. Nevada Advisory Commission on Mentoring
9. State Council for the Coordination of the Interstate Compact on Educational Opportunity for Military Children
10. Statewide Council for the Coordination of the Regional Training Programs

11. Teachers and Leaders Advisory Council

DIVISION APPOINTED

1. Advisory Council for Family Engagement
2. Nevada Interscholastic Activities Association
3. Nevada State Teacher and Education Support Professional Recruitment and Retention Advisory Task Force
4. State Financial Literacy Advisory Council (effective through June 30, 2028)
5. Committee to Oversee the Charter School Audit List
6. Committee on Responses to Power Based Violence in Schools
7. Special Education Advisory Committee Member Information
8. Advisory Committee on Language Development for Children Who Are Deaf, Hard of Hearing, Blind or Visually Impaired

DEPARTMENT OF EMERGENCY MANAGEMENT

DIVISION APPOINTED

1. Board of Search and Rescue
2. Interstate Mutual Aid Committee
3. State Disaster Identification Coordination

DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION

1. Board for the Education and Counseling of Displaced Homemakers
2. Employment Security Council
3. Equal Rights Commission
4. Nevada State Rehabilitation Council

DIVISION APPOINTED

1. Nevada Committee of Vendors Who are Blind

DEPARTMENT OF HEALTH AND HUMAN SERVICES

1. Advisory Committee on Problem Gambling
2. Behavioral Health Planning and Advisory Council
3. Board of Examiners for Long-Term Care Facility Administrators
4. Board of Health
5. Clark Regional Behavioral Health Policy Board
6. Commission on Aging
7. Commission on Autism Spectrum Disorder
8. Commission on Behavioral Health
9. Council on Food Security
10. Early Childhood Advisory Council

11. Early Intervention Interagency Coordinating Council
12. Governor's Council on Developmental Disabilities
13. Interagency Advisory Council on Homelessness to Housing
14. Juvenile Justice Oversight Commission
15. Naprapathic Practice Advisory Board
16. Nevada Commission for Persons Who are Deaf, Hard of Hearing or Speech Impaired
17. Nevada State Council for Interstate Juvenile Supervision
18. Northern Regional Behavioral Health Policy Board
19. Patient Protection Commission
20. Psychedelic Medicines Working Group
21. Radiation Therapy and Radiologic Imaging Advisory Committee
22. Rural Regional Behavioral Health Policy Board
23. Southern Regional Behavioral Health Policy Board
24. Statewide Independent Living Council
25. Washoe Regional Behavioral Health Policy Board

DIRECTOR APPOINTED

1. Advisory Committee for Resilient Nevada
2. Advisory Committee on Medicaid Innovation
3. Assistive Technology Council
4. Committee to Review Suicide Fatalities
5. Diapering Resource Committee
6. Dietitian Advisory Group
7. Drug Use Review Board
8. Electronic Health Information Advisory Group
9. Grants Management Advisory Committee
10. Health Care Workforce Working Group
11. Home Care Employment Standards Board
12. Maternal and Child Health Advisory Board
13. Maternal Mortality Review Committee
14. Medical Care Advisory Committee
15. Nevada Commission on Services for Persons with Disabilities
16. Nevada Office of Minority Health and Equity Advisory Council
17. Rare Disease Advisory Council
18. Silver State Scripts Board
19. State of Nevada Advisory Council on Palliative Care and Quality of Life
20. Task Force on Alzheimer's Disease
21. Vulnerable Audit Fatality Review Committee

DIVISION APPOINTED

1. Advisory Committee on the State Program for Oral Health Advisory Council on the State Program for Wellness and the Prevention of Chronic Disease

2. Advisory Board on Maternal and Child Health
3. Children's Justice Act
4. Clark County Children's Mental Health Consortium
5. Committee on Emergency Medical Services
6. Emergency Medical Services for Children
7. Executive Committee to Review the Death of Children
8. Healthcare Associated Infection Task Force
9. Human Trafficking Coalition
10. Kidney Disease Advisory Council
11. Medicaid Reinvestment Advisory Committee
12. Medical Laboratory Advisory Committee
13. Nevada Children's Behavioral Health Consortium
14. Nevada Lifespan Respite Care Coalition
15. Primary Care Advisory Council
16. Rural Children's Mental Health Consortium
17. Subcommittee on Patient-Centered Medical Homes
18. Substance Abuse Prevention and Treatment Agency Advisory Board
19. The Committee to Review Child Support Guidelines
20. The Nevada Coalition to Prevent the Sexual Exploitation of Children
21. Washoe County Children's Mental Health Consortium

DEPARTMENT OF INDIGENT DEFENSE SERVICES

1. Indigent Defense Services

DEPARTMENT OF MOTOR VEHICLES

1. Automotive Affairs Advisory Board

DIVISION APPOINTED

1. Advisory Committee on Control of Emissions from Motor Vehicles

DEPARTMENT OF NATIVE AMERICAN AFFAIRS

1. Nevada Indian Commission

DEPARTMENT OF PUBLIC SAFETY

1. Board of Parole Commissioners
2. Council for Interstate Adult Offender Supervision
3. State Board of Fire Services
4. State Emergency Response Commission

DIRECTOR APPOINTED

1. Committee on Testing for Intoxication

DIVISION APPOINTED

1. Nevada Threat Analysis Center Advisory Committee

DEPARTMENT OF SENTENCING POLICY

1. Nevada Sentencing Commission

DIVISION APPOINTMENT

1. Nevada Local Justice Reinvestment Coordinating Council
2. Subcommittee on Misdemeanors of the Sentencing Commission

DEPARTMENT OF TAXATION

1. Board of Equalization
2. Mining Oversight and Accountability Commission
3. Tax Commission

DIVISION APPOINTED

1. Appraiser Certification Board
2. Committee on Local Government Finance

DEPARTMENT OF TOURISM AND CULTURAL AFFAIRS

1. Commission on Tourism
2. Nevada Arts Council Board
3. Museums and History Advisory Board

DEPARTMENT OF TRANSPORTATION

1. Bicycle and Pedestrian Advisory Board
2. Board of Directors of the Nevada State Infrastructure Bank

DIRECTOR APPOINTED

1. Advisory Committee on Traffic Safety

DEPARTMENT OF VETERAN SERVICES

1. Interagency Council on Veteran Affairs
2. Nevada Veterans Services Commission
3. Northern Nevada Veterans Cemetery Advisory Committee
4. Southern Nevada Veterans Cemetery Advisory Committee
5. Women Veterans Advisory Committee

DEPARTMENT OF WILDLIFE

1. Board of Wildlife Commissioners

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

1. Air Service Development Commission

GOVERNOR'S OFFICE OF ENERGY

1. Regional Transmission Task Force

GOVERNOR'S OFFICE OF FEDERAL ASSISTANCE

1. Nevada Advisory Council on Federal Assistance

NEVADA HEALTH LINK

1. Silver State Health Insurance Exchange Board

OFFICE OF THE CHIEF INFORMATION OFFICER

1. Information Technology Advisory Board

OFFICE OF THE GOVERNOR

1. Commission on Nuclear Projects
2. Selection Committee to the Nevada Awards and Honors Board
3. The Nevada Awards and Honors Project

OFFICE OF SCIENCE, INNOVATION AND TECHNOLOGY

1. Advisory Council on Graduate Medical Education

PUBLIC CHARTER SCHOOL AUTHORITY

1. State Public Charter School Authority

NO DEPARTMENT CONNECTION

1. California-Nevada Super Speed Ground Transportation Commission
2. Oversight Panel for Convention Facilities

EXEMPT BOARDS AND COMMISSIONS

ATTORNEY GENERAL'S OFFICE

1. Advisory Council for Prosecuting Attorneys
2. Committee for the Statewide Alert System

DIVISION APPOINTED

1. Committee on Domestic Violence
2. Advisory Committee on Rights of Survivors of Sexual Assault
3. Statewide Substance Use Response Working Group

LIEUTENANT GOVERNOR

1. Keep Nevada Working Task Force

SECRETARY OF STATE

DIVISION APPOINTED

1. Advisory Committee on Participatory Democracy
2. Committee to Approve Schedules for the Retention and Disposal of Official State Records
3. Task Force of Safe Sidewalk Vending

STATE TREASURER

1. Board of Trustees of the College Savings Plans of Nevada
2. Nevada Capital Investment Corporation
3. Nevada Gift and Endowment Fund
4. Nevada State Parks and Cultural Resources Endowment Fund Committee

DIVISION APPOINTED

1. Board of Trustees for the Nevada Employee Savings Trust
2. Nevada Statewide Council on Financial Independence

NEVADA CONSTITUTION

1. Board of State Prison Commissioners
2. State Board of Examiners
3. State Board of Pardons Commissioners
4. Commission on Judicial Selection
5. Commission on Judicial Discipline

NEVADA SYSTEM OF HIGHER EDUCATION AND BOARD OF REGENTS

1. Board of Regents of the University of Nevada
2. Nevada State Board of Geographic Names
3. State 4-H Camp Advisory Council
4. Task Force on Sexual Misconduct at Institutions of Higher Education

BOARDS AND STATUTORY BODIES

1. Advisory Board on Dream Tags
2. Attorney for Injured Workers
3. Board of Directors for the Department of Transportation
4. Board of Directors for Jobs for Nevada Graduates, Inc.

EXEMPT BOARDS AND COMMISSIONS

5. Board of Public Employees' Benefits Program
6. Board of Trustees of the Fund for Hospital Care to Indigent Persons
7. Board of Economic Development
8. Board for the Regulation of Liquefied Petroleum Gas
9. Cannabis Advisory Commission
10. Cannabis Compliance Board
11. Commissioner's Producers & Brokers Insurance Advisory Committee
12. Cybersecurity Task Force
13. Department of Administration Appeals Officers and Special Appeals Officers
14. Education Commission of the States
15. Economic Forum
16. Executive Branch Audit Committee
17. Governor's Advisory Council on Education Relating to the Holocaust
18. Governor's Workforce Development Board
19. Home Means Nevada, Inc.
20. Nevada Athletic Commission
21. Nevada Clean Energy Fund
22. Nevada Commission on Homeland Security
23. Nevada Life and Health Insurance Guaranty Association
24. Nevada Surplus Lines Association
25. Nevada Insurance Guaranty Association
26. Police and Firefighters' Retirement Funds Advisory Committee
27. Public Defender for the State
28. State Board of Finance
29. Truckee Meadows Regional Planning Agency-Commission
30. Truckee Meadows Regional Planning Agency-Governing Board
31. Children's Commission
32. Colorado River Basin Salinity Control Advisory Council
33. Colorado River Basin Salinity Control Forum
34. Colorado River Commission
35. Commission to Review the Compensation of Constitutional Officers, Legislators, Supreme Court Justices, Judges of the Court of Appeals, District Judges and Elected County Officers
36. Carson-Truckee Water Conservancy District
37. Commission on Mineral Resources
38. Commission to Study Governmental Purchasing
39. Southern Nevada Enterprise Community Board
40. Southern Nevada Regional Planning Coalition
41. Homeland Security Commission, Committee of Finance
42. Gaming Control Board
43. Gaming Policy Committee
44. P-20W Research Data System Advisory Committee
45. Peace Officers' Standards and Training Commission
46. Public Utilities Commission
47. Ethics Commission
48. Esports Technical Advisory Committee
49. Nevada Advisory Council on Financial Assistance
50. Nevada Aviation Technical Advisory Committee

EXEMPT BOARDS AND COMMISSIONS

51. Nevada Battle Born Growth Escalator
52. Nevada Commission for the Reconstruction of the V&T Railway
53. Nevada Resilience Advisory Committee
54. Nevada State Parks and Cultural Resources Endowment Fund Committee
55. Nevada Tribal Emergency Coordinating Council
56. Nevada Volunteers
57. Public Employees' Retirement Board
58. Rocky Mountain Low-Level Radioactive Waste Board
59. Stadium Authority
60. Tahoe Regional Planning Agency
61. Tahoe Transportation District, Board of Directors
62. University School for Profoundly Gifted Pupils-Davidson Academy of Nevada
63. Western Interstate Commission for Higher Education
64. Western Interstate Nuclear Compact

**APPENDIX D:
INDIVIDUAL BOARD REFORM SUMMARIES**

THE NEVADA BOARD OF REHABILITATIVE PRACTICE AND THERAPY

Merge the following occupational boards:

- The Board of Athletic Trainers – NRS 640B.170
- The Nevada Board of Physical Therapy – NRS 640.030
- The Board of Occupational Therapy – NRS 640A.080
- Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board– NRS 367B.100

These four boards, the Board of Athletic Trainers, the Nevada Board of Physical Therapy, the Board of Occupational Therapy, and the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board, share several commonalities based on their respective Nevada Revised Statutes (NRS) and board duties:

KEY SIMILARITIES ACROSS THE BOARDS

1. **Regulation of Health Professions:** Each board is responsible for regulating a specific health profession within Nevada. They establish standards for practice, oversee licensure, and ensure that practitioners meet the necessary qualifications to provide safe and effective care.
2. **Licensing Authority:** These boards have the authority to issue, renew, and, if necessary, revoke licenses for professionals in their respective fields. They set the criteria for licensure, which may include educational requirements, examinations and continuing education mandates.
3. **Disciplinary Actions:** They are empowered to investigate complaints against practitioners and take disciplinary actions when violations of professional standards or ethical codes occur. This helps maintain the integrity of the profession and protects public health and safety.
4. **Public Protection Mandate:** A primary duty of each board is to protect the public by ensuring that practitioners adhere to established standards of practice and ethics. This includes setting regulations, monitoring compliance and addressing any breaches through appropriate disciplinary measures.
5. **Dry Needling:** In Nevada, the boards authorized to perform dry needling include the Board of Athletic Trainers, the Nevada Board of Physical Therapy and the Chiropractic Physicians Board. Each of these boards mandates that licensed practitioners complete rigorous, additional training in dry needling techniques, often requiring at least 150 hours of didactic education and a substantial in-person component, including practical examinations. These measures ensure that only professionals with verified competencies are allowed to perform dry needling, safeguarding patient safety and maintaining high standards within each profession. Merging these boards under a unified structure could enhance regulatory consistency, streamline training standards and facilitate cross-professional collaboration. Given that athletic trainers, physical therapists and chiropractors share similar requirements and perform dry needling within overlapping health domains, a merged board would benefit from shared resources and could establish uniform standards for dry needling practices. This alignment would not only improve regulatory efficiency but also strengthen Nevada's healthcare system by fostering

coordinated efforts in patient care, safety protocols and professional education across these interrelated fields.

NEW BOARD MAKE-UP (11 MEMBERS)

- **2 Licensed Physical Therapists:** 3,420 licensees and 16 complaints required an investigation.
- **1 Licensed Physical Therapist Assistant** in the State of Nevada
- **2 Licensed Occupational Therapists:** 1,810 licensees and 5 complaints required an investigation.
- **2 Licensed Athletic Trainers:** Must have 5 years experience or taught or conducted research concerning the practice of Athletic Trainers. 331 licensees and no complaints required an investigation.
- **1 Licensed Speech-Language Pathologist (SLP):** Representing the Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board with 1,606 licensees and 6 complaints required an investigation. Each SLP should practice in a different setting (e.g., university, public school, hospital, or private practice) to maintain diversity in representation.
- **1 Licensed Audiologist:** Representing the same board. At least one of these members must be a dispensing audiologist who has practiced for at least three years preceding the appointment.
- **1 Hearing Aid Specialist:** Representing the Speech-Language Pathology, Audiology & Hearing Aid Dispensing Board. This member must have practiced, taught, or conducted research in the field for at least three years and cannot be a stakeholder in a manufacturer of hearing aids.
- **1 General Public Member:** Must not be related to or involved in any of the above practices; must represent the general interest of the public.

OTHER STATES

The structure of regulatory boards for Athletic Trainers, Physical Therapists, Occupational Therapists, and Speech-Language Pathology, Audiology, and Hearing Aid Dispensing varies by state.

A few states have moved toward consolidation, merging multiple professions under a single regulatory entity. For example:

- In **Georgia**, the licensing and oversight of physical therapists, athletic trainers, and other related professions are handled under unified systems within the state's Professional Licensing Boards Division. This centralization allows for better coordination and management of licensure and regulatory processes for multiple professions, such as chiropractic care, massage therapy, and occupational therapy.
- **Colorado** has a single Office of Occupational Therapy and Physical Therapy. Colorado follows a similar approach, with its Department of Regulatory Agencies overseeing various health professions. These kinds of integrations help in ensuring uniform standards and facilitate collaboration between related health services, enhancing public safety and service quality across professions.
- **North Carolina** has a combined Board of Physical Therapy Examiners that also oversees athletic trainers. Similarly, in North Carolina, the Board of Physical Therapy Examiners oversees not just

physical therapists but also manages regulations that impact related professions. These boards function under the state government's regulatory framework, emphasizing integration to reduce administrative overhead.

- **California:** The Department of Consumer Affairs oversees various health-related boards, including those for physical therapy, occupational therapy, and chiropractic care.
- **Florida:** The Department of Health houses multiple boards, such as the Board of Massage Therapy, Board of Physical Therapy Practice, and Board of Chiropractic Medicine.
- **Texas:** The Texas Department of Licensing and Regulation manages several health profession boards, including those for massage therapy and athletic trainers.

CONCLUSION

Yes, the boards can be merged into one regulatory body, if there is careful planning to address the distinct needs of each profession, ensure representation and maintain high standards of practice and consumer protection. This approach could improve efficiency and reduce administrative burdens, while still allowing each profession to maintain its identity and standards within a unified structure.

JUSTIFICATION AND BALANCING CONSIDERATIONS

- **Maintaining Core Professional Expertise:** The board should include licensed professionals from all represented fields to ensure comprehensive oversight and expertise in all key areas.
- **Strengthening Public Representation:** Including multiple general public members helps maintain public trust and accountability, ensuring the board's decisions reflect community needs and perspectives.
- **Public and Community Representation:** Including a member who represents public interests maintains transparency, fairness, and accountability.

References:

[Georgia Secretary of State](https://sos.ga.gov/page/faq-georgia-state-board-physical-therapy) <https://sos.ga.gov/page/faq-georgia-state-board-physical-therapy>
[Federation of State Boards of Physical Therapy](https://www.fsbpt.org/Free-Resources/Licensing-Authorities-Contact-Information) <https://www.fsbpt.org/Free-Resources/Licensing-Authorities-Contact-Information>

NEVADA INTEGRATIVE HEALTH PROFESSIONS BOARD

Merge the following occupational boards:

- The Board of Massage Therapy – NRS 640C.015
- Chiropractic Physicians Board of Nevada – NRS 634.020
- The State Board of Oriental Medicine – NRS 634A.030
- The State Board of Podiatry – NRS 635.020

These four boards, the Board of Massage Therapy, the Chiropractic Physicians' Board of Nevada, the State Board of Oriental Medicine, and the State Board of Podiatry share several commonalities based on their respective Nevada Revised Statutes (NRS) and board duties:

KEY SIMILARITIES ACROSS THE BOARDS

1. **Regulation of Health Professions:** Each board is responsible for regulating a specific health profession within Nevada. They establish standards for practice, oversee licensure, and ensure that practitioners meet the necessary qualifications to provide safe and effective care.
2. **Licensing Authority:** These boards have the authority to issue, renew, and, if necessary, revoke licenses for professionals in their respective fields. They set the criteria for licensure, which may include educational requirements, examinations, and continuing education mandates.
3. **Disciplinary Actions:** They are empowered to investigate complaints against practitioners and take disciplinary actions when violations of professional standards or ethical codes occur. This helps maintain the integrity of the profession and protects public health and safety.
4. **Public Protection Mandate:** A primary duty of each board is to protect the public by ensuring that practitioners adhere to established standards of practice and ethics. This includes setting regulations, monitoring compliance, and addressing any breaches through appropriate disciplinary measures.

NEW BOARD MAKE-UP (9 MEMBERS):

2 Licensed Massage Therapists, 5,555 licensees and 103 complaints required an investigation.

2 Licensed Chiropractors, 1,164 licensees and 31 complaints required an investigation.

2 members currently engaged in the practice of Oriental medicine in this State: having engaged in the practice of Oriental medicine in the State at least 3 years preceding the appointment to the Board. 107 licensees and 1 complaint required an investigation.

2 Licensed Podiatric Physicians: Representing the State Board of Podiatry, with 214 active licensees and 10 complaints required an investigation.

1 General Public Member: Must not be related to or involved in any of the above practices; must represent the general interest of the public.

OTHER STATES:

The structure of regulatory boards for **Massage Therapists, Podiatry, Chiropractors, and Ori-**

ental Medicine varies by state.

A few states have moved toward consolidation, merging multiple professions under a single regulatory entity. For example:

- **Florida:** The Department of Health houses multiple boards, such as the Board of Massage Therapy, Board of Physical Therapy Practice, and Board of Chiropractic Medicine.
- **Texas:** The Texas Department of Licensing and Regulation manages several health profession boards, including those for massage therapy and athletic trainers.
- **Virginia:** the Board of Medicine oversees multiple professions, including medicine, chiropractic, and podiatry.
- **Other states** have chosen to incorporate acupuncture regulations within existing medical or health-related boards. This approach can streamline administrative processes and foster interdisciplinary collaboration. For instance, in some states, acupuncture is regulated under the state's medical board or a combined board that oversees multiple health professions. The decision to merge acupuncture boards with other regulatory bodies often aims to enhance efficiency and consistency in the oversight of health professions.

CONCLUSION

Yes, the boards can be merged into one regulatory body, if there is careful planning to address the distinct needs of each profession, ensure representation, and maintain high standards of practice and consumer protection. This approach could improve efficiency and reduce administrative burdens, while still allowing each profession to maintain its identity and standards within a unified structure.

JUSTIFICATION AND BALANCING CONSIDERATIONS

- **Maintaining Core Professional Expertise:** The board should include licensed professionals from all represented fields to ensure comprehensive oversight and expertise in all key areas.
- **Strengthening Public Representation:** Including multiple general public members helps maintain public trust and accountability, ensuring the board's decisions reflect community needs and perspectives.
- **Public and Community Representation:** Including a member who represents public interests maintains transparency, fairness, and accountability.

Reference:

West Virginia University Knee Regulatory Research Center, <https://csorwvu.com/find-occupations/>

THE NEVADA BOARD OF PROFESSIONAL DESIGN AND ENVIRONMENTAL SPECIALISTS

Merge the following occupational boards:

- The State Board of Architecture, Interior Design and Residential Design
- The State Board of Landscape Architecture
- The State Board of Professional Engineers and Land Surveyors
- The Board of Environmental Health Specialist

Based on job duties, responsibilities and regulatory functions described, it is feasible to combine the Architecture, Interior Design and Residential Design, Landscape Architecture, Professional Engineers and Land Surveyors and Environmental Health Specialists into one larger, consolidated board.

KEY SIMILARITIES ACROSS THE BOARDS

1. **Similar Regulatory Functions:** Each of these boards handles similar regulatory tasks, such as licensing, maintaining records, enforcing standards, issuing subpoenas and adopting codes of conduct. Combining them would streamline these overlapping functions, leading to more efficient administrative operations.
2. **Specific Needs and Representation:** By ensuring that each profession has dedicated representation within the combined board, the distinct standards and regulatory requirements of each discipline can be maintained. For example, landscape architecture and engineering have different technical competencies, but their licensing, examination and disciplinary functions are similar enough to be managed under one system.
3. **Consolidation Benefits:** A combined board would reduce administrative costs, eliminate redundancies in staff and resources and centralize operations, making the system more efficient overall. It would also simplify processes for public and professional inquiries, potentially improving service delivery across professions.
4. **Maintaining Integrity:** With appropriate safeguards—such as ensuring that board members from each profession actively participate in decisions that affect their specific fields—this consolidation would not compromise the quality, integrity, or specialized regulations of each profession.

NEW BOARD MAKE-UP (13 MEMBERS)

- **1 Registered Architect:** Representing the State Board of Architecture, Interior Design and Residential Design Board, which has 3,087 licensees and zero complaints that required an investigation. This member should have at least three years of active practice in Nevada.
- **1 Registered Residential Designer:** Representing the State Board of Architecture, Interior Design and Residential Design who have 163 licensees.
- **1 Registered Interior Designer:** Representing the State Board of Architecture, Interior Design and Residential Design who have 181 licensees.
- **2 Professional Engineers:** Representing the Professional Engineers and Land Surveyors

Board, which has 14,940 active licensees and 15 complaints that required an investigation. This member should be engaged in the practice or teaching of professional engineering.

- **2 Environmental Health Specialists:** Representing the Environmental Health Specialists Board, which has 307 licensees, and zero complaints required an investigation.
- **2 Registered Landscape Architects:** Representing the Landscape Architecture Board, which has 363 licensees and two complaints that required an investigation. Must have at least three years of practice with no disciplinary actions
- **2 Land Surveyors:** Representing the Professional Engineers and Land Surveyors Board, ensuring both disciplines are represented adequately. There are 671 licensees.
- **1 General Public Member:** Ensuring the representation of the general public's interests, must not be affiliated with any of the licensed professions.
- **1 Chief Medical Officer:** Meeting the requirement of the Environmental Health Specialists Board, the Chief Medical Officer or designated representative.

OTHER STATES

Several states have successfully combined boards that regulate professions such as architecture, engineering, interior design and landscape architecture, demonstrating the feasibility of such consolidations.

- **Virginia** has a combined board known as the APELSCIDLA Board which governs Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. This board manages licensing, continuing education and professional conduct across these disciplines. The unified structure allows for streamlined regulatory processes while maintaining individual standards for each profession, such as separate sections for each discipline within the board.
- **Wisconsin** has a similar setup with its Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors and Registered Interior Designers. This board is divided into sections to handle specific professional concerns but operates under a unified administrative framework.
- **Minnesota** also regulates a wide range of related professions under a single board - the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience and Interior Design. This consolidation helps in reducing administrative overlap while ensuring that each profession's regulatory and licensure needs are met through specialized attention within the unified board.

CONCLUSION:

In summary, combining these boards is feasible but it must be done thoughtfully to maintain the unique regulatory frameworks and ensure continued professional representation from each discipline.

JUSTIFICATION AND BALANCING CONSIDERATIONS

- **Maintaining Core Professional Expertise:** Ensuring that the board has licensed professionals from architecture, landscape architecture, professional engineering, land surveying and environmental health ensures coverage of the key areas of practice.
- **Meeting Specialized Representation Requirements:** Including members like interior designers, landscape architects and environmental health specialists brings necessary expertise and meets specific professional requirements.
- **Ensuring Public and Community Oversight:** Having a general public member, as well as a representative from the medical community, ensures the board reflects public concerns and maintains transparency.

Resources:

Virginia Department of Professional and Occupational Regulation: <https://dpor.virginiainteractive.org/Boards/APELS>

Wisconsin Department of Safety and Professional Services: <https://dsps.wi.gov/Pages/BoardsCouncils/AE/Default.aspx>

Minnesota Board of AELSLAGID: <https://mn.gov/aelslagid/states.html>

THE NEVADA BEHAVIORAL WELLNESS ALLIANCE BOARD

Merge the following occupational boards:

- The Nevada Applied Behavior Analysis Board – NRS 641D.010
- The Nevada Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors – NRS 641A.010
- The Nevada Board of Examiners for Social Workers – NRS 641B.020
- The Nevada Board of Psychological Examiners – NRS 641.010
- The Alcohol, Drug and Gambling Counselors – NRS 641C.010

Based on the job duties, responsibilities, and regulatory functions described, it is possible to merge the ABA Board, Marriage and Family Therapists, Social Workers, Psychological Examiners and Alcohol, Drug and Gambling Counselors boards into one larger, consolidated board. This approach will lead to more efficient governance, streamlined processes, and reduced administrative costs.

KEY SIMILARITIES ACROSS THE BOARDS

1. **Licensing and Examination:** All boards are responsible for examining qualifications, licensing, and registration of applicants for their respective professions.
2. **Disciplinary Actions:** Each board has the authority to revoke or suspend licenses, enforce disciplinary measures and maintain records of violations.
3. **Reporting Requirements:** All boards are required to submit annual reports to oversight committees or authorities.
4. **Rulemaking and Regulation:** Each board has the authority to develop, adopt and enforce rules and regulations related to their profession, including ensuring that practitioners limit their practice to areas of competence.
5. **Supervision and Training:** Most boards have responsibilities related to supervising interns or trainees and establishing standards for remote supervision.

NEW BOARD MAKE-UP (13 MEMBERS)

- **1 Licensed Behavior Analyst or Assistant Behavior Analyst:** Representing the Applied Behavior Analysis Board with 2,800 active licensees and 12 complaints required an investigation.
- **2 Licensed Marriage and Family Therapists (MFT):** Representing Marriage and Family Therapists Board with 3,469 active licensees and 32 complaints required an investigation.
- **2 Licensed Social Workers:** Representing the Social Workers Board, which has the highest number of active licensees 4,723 and 16 complaints required an investigation.
- **1 Licensed Psychologist:** Representing the Psychological Examiners Board, with 939 active licensees and 8 complaints required an investigation. This member could also be a faculty member from an accredited doctoral program or internship location to meet existing requirements.

- **1 Licensed Clinical Alcohol and Drug Counselor or Alcohol and Drug Counselor:** Representing the Alcohol, Drug, and Gambling Counselors Board, which has 1,300 active licensees and 5 complaints required an investigation.
- **1 Licensed Clinical Professional Counselor:** Representing clinical professional counselors as required by the Marriage and Family Therapists Board.
- **1 Licensed Problem Gambling Counselor:** Ensuring representation for certified problem gambling counseling, which was a specific requirement on the Alcohol, Drug, and Gambling Counselors Board.
- **1 General Public Member:** Must not be affiliated with any of the licensed professions; representing the general interests of the public.
- **1 General Public Member:** Representing Healthcare for Indigent or Uninsured Persons: As required by the Psychological Examiners Board.
- **1 Member Representing an Academic or Training Institution:** A licensed psychologist who is a core faculty member at a doctorate-level program or internship location accredited by the American Psychological Association, or a similar accredited institution, to bring in academic oversight.
- **1 Licensed or Certified Member from Any of the Represented Fields:** This position would be flexible to ensure balanced representation as needed, possibly rotating between boards to maintain diversity.

OTHER STATES

Several states have successfully consolidated occupational licensing boards into one or more overarching boards or agencies. For example:

- **California's Board of Behavioral Sciences** oversees multiple professions, including marriage and family therapists, social workers and professional clinical counselors.
- **Florida's Department of Health** manages a variety of health-related professions through its Division of Medical Quality Assurance, utilizing subcommittees for specific professions.

Several states have taken steps to consolidate similar licensing boards into single or combined entities:

- **California** has a Board of Behavioral Sciences that oversees the licensing and regulation of multiple professions, including Licensed Marriage and Family Therapists (LMFTs), Licensed Clinical Social Workers (LCSWs), Licensed Educational Psychologists (LEPs), and Licensed Professional Clinical Counselors (LPCCs).
- **Georgia** has established a Composite Board of Professional Counselors, Social Workers, and Marriage and Family Therapists. This board regulates and sets licensing guidelines for professional counselors, social workers, and marriage and family therapists in the state.
- **Idaho** also has a Board of Professional Counselors and Marriage and Family Therapists that regulates both counselors and marriage and family therapists under a single regulatory structure.

CONCLUSION

Merging boards that regulate related professions is feasible if mechanisms are in place to ensure that each profession's specific standards and needs are respected. This consolidated structure would lead to more efficient oversight, reduced costs and improved public access to information. Examples from other states demonstrate that merging oversight bodies for similar professions can streamline regulations, enhance efficiency, and provide better services for professionals and consumers while still maintaining the integrity of each profession's standards.

JUSTIFICATION AND BALANCING CONSIDERATIONS

- **Maintaining Core Professional Expertise:** The board should include licensed professionals from all represented fields to ensure comprehensive oversight and expertise in key areas, such as behavior analysis, marriage and family therapy, social work, psychology, and addiction counseling.
- **Ensuring Specialized Representation:** Incorporating additional licensed and certified professionals (such as problem gambling counselors or academic representatives) ensures specialized expertise and supports the board's diverse range of responsibilities.
- **Strengthening Public Representation:** Including multiple general public members helps maintain public trust and accountability, ensuring the board's decisions reflect community needs and perspectives.

References:

[Board of Behavioral Sciences](https://bbs.ca.gov/applicants/lmft.html) <https://bbs.ca.gov/applicants/lmft.html>

[Georgia Secretary of State](https://sos.ga.gov/board-professional-counselors-social-workers-and-marriage-family-therapists) <https://sos.ga.gov/board-professional-counselors-social-workers-and-marriage-family-therapists>

[Occupational Licenses](https://dopl.idaho.gov/cou/) <https://dopl.idaho.gov/cou/>

NEVADA MEDICAL BOARD

Merge the following occupational boards:

- The Board of Medical Examiners – NRS 360.050
- The State Board of Osteopathic Medicine – NRS 633.011

The duties and regulations of the Nevada Board of Medical Examiners and the Nevada Board of Osteopathic Medicine show significant overlap in their core functions, particularly regarding licensure, disciplinary actions, medical ethics and the supervision of medical assistants. Both boards have similar mandates to enforce regulations for their respective licensees, establish standards for licensure, and take disciplinary actions when necessary.

KEY SIMILARITIES ACROSS THE BOARDS

1. **Licensure and Regulation:** Both boards are responsible for the licensure of medical professionals, ensuring that licensees meet the qualifications for practice and adopting regulations to govern the profession. The process of evaluating applicants and maintaining licensure standards is consistent across both boards.
2. **Disciplinary Actions:** Each board conducts investigations and enforces disciplinary actions for malpractice, negligence, or violations of controlled substance regulations. They both maintain records of disciplinary actions and cooperate with other agencies when necessary.
3. **Ethics and Professional Standards:** Both boards are empowered to adopt regulations governing medical ethics and conduct. While they address different professions (allopathic vs. osteopathic), the ethical principles and standards of care they enforce have much in common, especially concerning issues like controlled substance prescribing and general patient care.
4. **Reporting and Recordkeeping:** Both boards submit reports to state authorities, maintain records of proceedings, and are responsible for making certain documents available to the public, especially regarding disciplinary actions. Their duties to communicate with other licensing boards and agencies also align closely.
5. **Supervision of Medical Assistants:** Both boards have regulations that govern the supervision of medical assistants, specifically focusing on the possession and administration of dangerous drugs, showing alignment in regulatory scope.
6. **Confidentiality and Public Records:** Both boards have similar provisions regarding confidentiality in investigations and disciplinary proceedings, with exceptions for public records related to certain documents or when requested by the licensee.

NEW BOARD MAKE-UP: (9 MEMBERS)

- **3 Licensed Medical Doctors:** approximately 14,000 licensees and 488 complaints
- **3 Licensed Osteopathic Doctors:** 2,914 licensee and 144 complaints
- **1 Licensed Physician Assistant**
- **1 Licensed Respiratory Care Practitioner**
- **1 General Public Member:** Not related to a person licensed to practice any healing art, and

not involved in the administration of any medical or dependent facility.

OTHER STATES

- **Alaska:** The Alaska State Medical Board regulates both allopathic and osteopathic physicians in the state.
- **Delaware:** Delaware has a single Board of Medical Licensure and Discipline, which oversees both allopathic and osteopathic physicians.
- **Georgia:** The Georgia Composite Medical Board regulates both MDs and DOs.
- **Hawaii:** The Hawaii Medical Board is a joint board that licenses and regulates both allopathic (MD) and osteopathic (DO) physicians.
- **Illinois:** The Illinois Department of Financial and Professional Regulation (IDFPR) regulates both MDs and DOs under the same medical board structure.
- **Maryland:** The Maryland Board of Physicians oversees the licensure and regulation of both allopathic and osteopathic doctors.
- **Massachusetts:** Massachusetts has a Board of Registration in Medicine, which is responsible for regulating both MDs and DOs in the state.
- **Michigan:** The Michigan Board of Medicine regulates both MDs and DOs, providing unified oversight and regulation.
- **New Jersey:** New Jersey has a State Board of Medical Examiners, which governs the practice of both MDs and DOs.
- **New York:** The New York State Education Department's Office of the Professions regulates both MDs and DOs through the Board for Medicine.
- **North Carolina:** The North Carolina Medical Board regulates both MDs and DOs.
- **Rhode Island:** Rhode Island has a single Board of Medical Licensure and Discipline for both allopathic and osteopathic physicians.
- **West Virginia:** In 2023, West Virginia passed legislation to combine its medical and osteopathic boards into one, now called the West Virginia Board of Medicine, which regulates both MDs and DOs.
- **Virginia:** The Virginia Board of Medicine regulates both MDs and DOs, encompassing allopathic and osteopathic physicians.

CONCLUSION

Consolidating the Board of Medical Examiners and the State Board of Osteopathic Medicine enhances operational efficiency, ensures regulatory consistency, fosters interdisciplinary collaboration, and increases public trust. This unified approach supports Nevada's healthcare system by streamlining oversight, adapting to industry changes and advocating for comprehensive, accessible, and patient-centered care.

JUSTIFICATION AND BALANCING CONSIDERATIONS

- **Maintaining Core Professional Expertise:** The board should have a strong representation of licensed MDs and DOs to ensure expertise across both medical fields while retaining positions for specialized professionals such as a physician assistant and respiratory care practitioner.
- **Ensuring Representation for Public Interests:** Including a member of the general public without affiliations with the healthcare professions maintains transparency, fairness, and accountability.

Reference:

Alaska State Medical Board, <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/StateMedicalBoard.aspx>

Delaware Board of Medical Licensure and Discipline, <https://dpr.delaware.gov/boards/medicalpractice/>

Georgia Composite Medical Board, <https://medicalboard.georgia.gov/>

Hawaii Medical Board, <https://cca.hawaii.gov/pvl/boards/medical/>

Illinois Department of Financial & Professional Regulation (IDFPR) - Division of Professional Regulation, <https://idfpr.illinois.gov/dpr.html>

Maryland Board of Physicians, <https://www.mbp.state.md.us/>

Massachusetts Board of Registration in Medicine, <https://www.mass.gov/orgs/board-of-registration-in-medicine>

Michigan Board of Medicine & Board of Osteopathic Medicine and Surgery, <https://www.michigan.gov/lara/bureau-list/bpl/health/hp-lic-health-prof/medical>

New Jersey State Board of Medical Examiners, <https://www.njconsumeraffairs.gov/bme/Pages/default.aspx>

New York State Office of the Professions - Medicine, <https://www.op.nysed.gov/professions-index>

North Carolina Medical Board, <https://www.ncmedboard.org/>

Rhode Island Board of Medical Licensure and Discipline, <https://rules.sos.ri.gov/organizations/agency/425>

West Virginia Board of Medicine, <https://wvbom.wv.gov/>

Virginia Board of Medicine, <https://www.dhp.virginia.gov/Boards/Medicine/>

NEVADA OPTOMETRY AND DISPENSING OPTICIANS BOARD

Merge the following occupational boards:

- The Nevada State Board of Optometry – NRS 636.030
- The Board of Dispensing Opticians – NRS 637.030

Merging Optometry and Dispensing Opticians Boards would create several important healthcare service benefits, particularly in terms of patient care, healthcare access and interdisciplinary coordination. Here are some of the key benefits:

KEY SIMILARITIES ACROSS THE BOARDS

1. **Licensure and Regulation:** Both boards have the responsibility to evaluate the qualifications of applicants, issue licenses, and enforce the regulations governing their respective fields. They share the function of maintaining licensure standards, conducting examinations and disciplining licensees for violations of standards.
2. **Investigations and Hearings:** Each board has the authority to investigate complaints, hold hearings, issue subpoenas and take disciplinary action against licensees. This shows alignment in their regulatory oversight.
3. **Adoption of Regulations:** Both boards have the authority to adopt and enforce regulations necessary to carry out the provisions of their respective chapters. Whether related to standards of practice, fees, or other areas of governance, the process of rulemaking is similar across these boards.
4. **Records and Reporting:** Both boards are required to maintain records of proceedings and report relevant information, such as disciplinary actions, to the public or state agencies. Each board also has provisions for keeping certain records confidential as necessary.

NEW BOARD MAKE-UP (5 MEMBERS)

- **2 Licensed Optometrists:** Representing the State Board of Optometry, which has 546 licensees, and 10 complaints required an investigation. This member must be currently practicing optometry in Nevada.
- **2 Licensed Ophthalmic Dispensers (Opticians):** Representing the State Board of Opticians, which has 512 licensees, and 5 complaints required an investigation. This member must have been actively engaged in ophthalmic dispensing for at least three years immediately preceding the appointment.
- **1 General Public Member:** Ensuring the interests of the general public are represented. These members must not be licensed in any of the professions overseen by the board and must not be related to anyone who is. They should also not have any pecuniary interests in these fields.

CONCLUSION

Merging the regulatory boards for optometrists and dispensing opticians offers a forward-thinking solution to enhance efficiency, consistency, and public trust in the oversight of vision care professions. By streamlining administrative functions, fostering collaboration among professionals, and simplifying processes for consumers, a unified board can address existing challenges while delivering long-term cost savings and improved regulatory outcomes. Drawing on successful examples from Ohio and California, such a merger not only ensures cohesive policy development but also strengthens accountability and transparency, benefiting both the professions it regulates and the public they serve. This strategic consolidation represents a significant step toward modernizing and optimizing the regulation of vision care in Nevada.

BENEFITS OF CONSOLIDATION

1. **Unified Oversight:** A single board provides cohesive oversight of vision-related professions, ensuring consistent standards and practices across the state.
2. **Improved Access to Quality Eye Care:** The board initiatives would focus on ensuring widespread access to quality eye care, particularly in underserved areas.
3. **Improved Consumer Protection:** The merged board would lead to more efficient regulatory processes, improved consumer protection, and better access to quality eye care services throughout the state.
4. **Inter-Professional Coordination:** A single board fosters better collaboration between optometrists and opticians, leading to improved service delivery and integration of care.

JUSTIFICATION AND BALANCING CONSIDERATIONS

- **Proportional Representation:** The equal representation of optometrists and opticians reflects the relatively comparable number of licensees in each profession (546 optometrists and 512 opticians). This ensures that the voices of both groups are equally heard in the regulatory process, fostering collaboration and preventing dominance by one profession.
- **Complaint Volume Consideration:** The board's composition also aligns with the workload associated with complaints requiring investigations—10 for optometrists and 5 for opticians. The proportional representation ensures sufficient expertise to handle these cases effectively.
- **Avoiding Professional Bias:** While professional representation is essential, there is a need to balance it with public input to ensure the board's decisions do not unduly favor the regulated professions over consumer interests. The general public member provides this counterbalance.
- **Consumer Protection:** The composition ensures that while professional standards are upheld, the public's voice is not overshadowed, maintaining a focus on consumer safety and service quality.

References:

Ohio Vision Professionals, <https://vision.ohio.gov/home>

California Department of Consumer Affairs, <https://optometry.ca.gov/>

3.d. Related Legislation: SB425 and SB501

4. SB431

4.a. Review of SB431 Enacted During the 2023 Nevada Legislative Session

CHAPTER.....

AN ACT relating to governmental administration; revising the duties of the Chief Information Officer; providing for the appointment and prescribing the duties of a Chief Innovation Officer; creating the Office of Nevada Boards, Commissions and Councils Standards within the Department of Business and Industry and prescribing the duties and responsibilities of the Office with respect to professional and occupational licensing boards; prohibiting, with certain exception, an appointing authority from executing any contract for employment with any state employee; requiring the Administrator of the Division of Human Resource Management of the Department of Administration to develop certain audit functions and centralized systems relating to the Human Resources System of the State; renaming the Personnel System, the Personnel Commission and the Personnel Operating Fund; revising provisions relating to classified positions; revising provisions governing the approval of work programs and allotments; revising provisions relating to the approval and acceptance of grants by state agencies; transferring the duties of the Division of Enterprise Information Technology Services of the Department of Administration and the Administrator of the Division to the Office of the Chief Information Officer and the Chief of the Office of the Chief Information Officer; transferring money from the State General Fund to the Account to Stabilize the Operation of the State Government; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Governor, within the limits of available money, to employ such staff for the Office of the Governor as he or she deems necessary. (NRS 223.085) **Section 8** of this bill provides that the staff and employees of the Office of the Governor include: (1) executive staff; (2) administrative and clerical staff; (3) outreach and communications staff; (4) research and analytical staff; and (5) any other persons the Governor determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of the Governor. **Section 8** also: (1) revises the duties of the Chief Information Officer, who is appointed by the Governor; and (2) provides for the appointment by the Governor of a Chief Innovation Officer and prescribes his or her duties. **Section 141.5** of this bill makes an appropriation to the Governor for salaries for the staff and employees of the Office of the Governor.



Existing law creates the Office of Economic Development within the Office of the Governor, consisting of the Division of Economic Development and the Nevada Film Office. (NRS 231.043)

Existing law sets forth various Departments of this State. (Chapter 232 of NRS) **Section 19** of this bill creates the Office of Nevada Boards, Commissions and Councils Standards in the Department of Business and Industry. **Section 20** of this bill prescribes the duties and responsibilities of the Office with respect to regulatory bodies and other entities. **Section 19** requires the Director of the Department to appoint a Deputy Director of the Office.

Existing law creates the Division of Enterprise Information Technology Services and requires the Director of the Department of Administration to appoint an Administrator of the Division. (NRS 242.080, 242.090) **Sections 59, 60 and 146** of this bill eliminate the Division and the Administrator and **sections 56-64** of this bill transfer the powers and duties of the Division to the Office of the Chief Information Officer within the Office of the Governor and the powers and duties of the Administrator to the Chief Information Officer. **Sections 23-27** of this bill make conforming changes.

Existing law creates the Personnel Commission within the Division of Human Resource Management of the Department of Administration, which has various powers and duties relating to the Personnel System. (NRS 284.030-284.065) **Sections 70 and 71** of this bill amend the name of the System and Commission to be the Human Resources System and Human Resources Commission. **Sections 68, 69, 72-74, 76, 77 and 83** of this bill make conforming changes to replace the term "personnel" with "human resources" throughout the provisions of the Nevada Revised Statutes relating to the System. **Sections 75 and 76** of this bill rename the Personnel Operating Fund to be the Human Resources Operating Fund. (NRS 284.110)

Section 66 of this bill provides that the provisions of the Nevada Revised Statutes and the regulations adopted pursuant thereto relating to the System do not create or confer upon any state employee a contractual right to employment.

Section 67 of this bill requires the Administrator to develop and implement: (1) an audit function to review each appointing authority's processes and compliance with applicable policies, procedures and provisions of law relating to human resources; (2) a centralized job announcement system that streamlines employment recruiting for all appointing authorities; and (3) a centralized employment system that includes, without limitation, a platform that all applicants may use to apply for state employment.

Existing law provides that the classified service of the State is comprised of all positions in the public service now existing or hereafter created which are, in relevant part, filled according to merit and fitness from eligible lists prepared upon the basis of examination, which must, with certain exceptions, be open and competitive. (NRS 284.150) Existing law further: (1) requires the Personnel Commission to adopt regulations for open competitive examinations to test the relative fitness of applicants for classified positions; and (2) sets forth certain requirements for competitive examinations and preparing lists of eligible persons for positions in the classified service. (NRS 284.205-284.260) **Sections 79 and 91** of this bill provide instead that positions in the classified service are, with certain exceptions, filled from the eligible pool of persons prepared upon the basis of the evaluation of persons by an appointing authority. **Sections 84-100, 102, 103 and 146** eliminate existing provisions relating to competitive examination and the preparation of eligible lists of persons for positions in the classified service.

Existing law provides that appointments in the unclassified service of the State may be made from appropriate registers of persons maintained by the Division



without affecting the continuance of names on the list. (NRS 284.145) **Section 78** of this bill provides instead that such appointments may be made from appropriate pools of eligible persons maintained by the Division.

Section 84 of this bill requires each appointing authority to comply with the regulations of the Commission relating to the recruitment and evaluation of applicants to establish pools of eligible persons and fill positions in the classified service.

Section 85 of this bill requires each appointing authority to recruit, evaluate, select, manage and promote employees through open competition on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Existing law sets forth certain duties and responsibilities of the Administrator of the Division of Human Resource Management of the Department of Administration in, and certain requirements for, examining and certifying applicants and filling positions in the classified service. (NRS 284.240, 284.245, 284.253-284.265, 284.295, 284.305, 284.309, 284.310) **Sections 86-98** of this bill provide instead that each appointing authority has duties and responsibilities relating to evaluating applicants and filling positions in the classified service.

Existing law requires the Administrator to prepare, maintain and revise a classification plan for all positions in the classified service and allocate the position of every employee in the classified service to one of the positions in the plan. (NRS 284.160, 284.165) **Section 80** of this bill provides instead that the Administrator shall prepare, maintain and revise a master classification plan and that the Administrator shall review annually the classification plan of each appointing authority.

Under the State Budget Act, a department, institution or agency of the Executive Department of State Government is required to obtain approval from the Interim Finance Committee, except in certain limited circumstances, before revising a work program in an amount more than \$30,000 if the revision will increase or decrease by 10 percent or \$75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) **Section 110** of this bill increases the monetary threshold to an amount of more than \$75,000 if the revision will increase by 20 percent or \$350,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program.

Under existing law, the Account to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is an account created in the State General Fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. The balance in the Account to Stabilize the Operation of the State Government must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which the revenue will be transferred to the Account. (NRS 353.288) **Section 113** of this bill revises this limitation so that the balance must not exceed 26 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which the revenue will be transferred to the Account.



Section 141.7 requires the State Controller to transfer a certain amount of money from the State General Fund to the Account to Stabilize the Operation of the State Government.

Existing law authorizes a state agency, with certain exceptions, to accept a gift or grant of property or services that is not included in an act of the Legislature authorizing the expenditure of nonappropriated money if the gift or grant is approved by the Governor or the Interim Finance Committee, as applicable. Exceptions from the requirement for such approval are: (1) the acceptance by a state agency of a gift or grant from a private source that does not exceed \$20,000 in value; and (2) the acceptance by a state agency of governmental grants not exceeding \$150,000 in value. (NRS 353.335) **Section 114** of this bill increases the threshold for both of these exceptions from such approval to \$200,000. **Section 114** also exempts from any approval a gift or grant to a state agency that will be deposited in a budget account that consists of money which is not appropriated by or authorized for expenditure by the Legislature.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-7. (Deleted by amendment.)

Sec. 8. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Economic Development, the Office of Federal Assistance, the Office of Science, Innovation and Technology, the Public Health Resource Office and the Governor's mansion. Except as otherwise provided by specific statute, such employees are not in the classified or unclassified service of the State and, except as otherwise provided in NRS 231.043 and 231.047, serve at the pleasure of the Governor. *Such staff and employees include, without limitation:*

(a) *Executive staff;*
(b) *Administrative and clerical staff;*
(c) *Outreach and communications staff;*
(d) *Research and analytical staff; and*
(e) *Any other persons the Governor determines are necessary to effectively fulfill the duties, responsibilities and obligations of the Office of the Governor.*

2. Except as otherwise provided by specific statute, the Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and



(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor ~~may:~~

~~—(a) Appoint~~ *shall appoint* a Chief Information Officer of the State ~~;~~ *or*

~~—(b) Designate the Administrator as the Chief Information Officer of the State.~~

~~➔ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.~~

~~—4. As used in this section, “Administrator” means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.] who is responsible for:~~

- (a) Information technology leadership and accountability;*
- (b) Strategic planning for information technology;*
- (c) Information technology workforce for the State;*
- (d) Budgeting and planning for information technology for the State;*
- (e) Data storage and integrity;*
- (f) Investment management for information technology;*
- (g) Information technology security, cyber security and privacy; and*
- (h) Any other duties or responsibilities prescribed by statute or regulation.*

4. The Governor shall appoint a Chief Innovation Officer of the State who is responsible for:

(a) Providing overall leadership and guidance relating to employee acquisition, career development, succession planning, retention, professional development and training, leadership development, compensation and benefits;

(b) Developing human resource plans and strategies prospectively by at least 10 years;

(c) Reviewing and monitoring the efficiency of the State Government and providing recommendations on how to reduce costs, improve the delivery of services and ensure the cost-effectiveness of all state governmental programs;

(d) Evaluating, overseeing and administering the competitiveness, appropriateness and effectiveness of the wages, salaries, benefits and work environment of public employees;

(e) Evaluating, overseeing and administering the training and readiness programs for public employees; and



(f) Developing comprehensive and strategic recruitment and retention plans to meet the human resource needs of the State.

Secs. 9-17. (Deleted by amendment.)

Sec. 18. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 19 to 22, inclusive, of this act.

Sec. 19. 1. *The Office of Nevada Boards, Commissions and Councils Standards is hereby created within the Department of Business and Industry.*

2. The Director shall appoint a Deputy Director of the Office and shall retain the required staff and adopt the necessary regulations and procedures to effectively administer the responsibilities of the Office.

Sec. 20. 1. *The Office of Nevada Boards, Commissions and Councils Standards shall be responsible for:*

(a) Centralized administration;

(b) A uniform set of standards for investigations, licensing and discipline, including, without limitation, separating the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline;

(c) A uniform set of standards for internal controls;

(d) A uniform set of standards for legal representation;

(e) A consistent set of structural standards for boards and commissions;

(f) Transparency and consumer protection; and

(g) Efficacy and efficiency.

2. To the extent permitted by the Nevada Constitution and federal law, all professional and occupational licensing boards created by the Legislature shall be under the purview of the Office, including, without limitation:

(a) The Nevada State Board of Accountancy created by NRS 628.035.

(b) The Board of Examiners for Alcohol, Drug and Gambling Counselors created by NRS 641C.150.

(c) The State Board of Architecture, Interior Design and Residential Design created by NRS 623.050.

(d) The Board of Athletic Trainers created by NRS 640B.170.

(e) The State Barbers' Health and Sanitation Board created by NRS 643.020.

(f) The Board of Applied Behavior Analysis created by NRS 641D.200.



(g) *The Chiropractic Physicians' Board of Nevada created by NRS 634.020.*

(h) *The State Contractors' Board created by NRS 624.040.*

(i) *The Commission on Construction Education created by NRS 624.570.*

(j) *The State Board of Cosmetology created by NRS 644A.200.*

(k) *The Certified Court Reporters' Board of Nevada created by NRS 656.040.*

(l) *The Board of Dental Examiners of Nevada created by NRS 631.120.*

(m) *The Committee on Dental Hygiene and Dental Therapy created by NRS 631.205.*

(n) *The State Board of Professional Engineers and Land Surveyors created by NRS 625.100.*

(o) *The Nevada Funeral and Cemetery Services Board created by NRS 642.020.*

(p) *The Nevada Board of Homeopathic Medical Examiners created pursuant to NRS 630A.100.*

(q) *The State Board of Landscape Architecture created by NRS 623A.080.*

(r) *The Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors created by NRS 641A.090.*

(s) *The Board of Massage Therapy created by NRS 640C.150.*

(t) *The Board of Medical Examiners created pursuant to NRS 630.050.*

(u) *The State Board of Nursing created by NRS 632.020.*

(v) *The Advisory Committee on Nursing Assistants and Medication Aides created by NRS 632.072.*

(w) *The Board of Occupational Therapy created by NRS 640A.080.*

(x) *The Board of Dispensing Opticians created by NRS 637.030.*

(y) *The Nevada State Board of Optometry created by NRS 636.030.*

(z) *The State Board of Oriental Medicine created by NRS 634A.030.*

(aa) *The State Board of Osteopathic Medicine created pursuant to NRS 633.181.*

(bb) *The Commission on Postsecondary Education created by NRS 394.383.*



- (cc) *The State Board of Pharmacy created by NRS 639.020.*
(dd) *The Nevada Physical Therapy Board created by NRS 640.030.*
(ee) *The State Board of Podiatry created by NRS 635.020.*
(ff) *The Private Investigator's Licensing Board created by NRS 648.020.*
(gg) *The Board of Psychological Examiners created by NRS 641.030.*
(hh) *The Board of Environmental Health Specialists created by NRS 625A.030.*
(ii) *The Board of Examiners for Social Workers created pursuant to NRS 641B.100.*
(jj) *The Speech-Language Pathology, Audiology and Hearing Aid Dispensing Board created by NRS 637B.100.*
(kk) *The Nevada State Board of Veterinary Medical Examiners created by NRS 638.020.*

Secs. 21 and 22. (Deleted by amendment.)

Sec. 23. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following:

- (a) Risk Management Division.
- (b) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.
- (c) State Public Works Division.
- (d) Purchasing Division.
- (e) Administrative Services Division.
- (f) Division of Human Resource Management.
- (g) ~~Division of Enterprise Information Technology Services.~~
- ~~(h)~~ (h) Division of State Library, Archives and Public Records.
- ~~(i)~~ (i) Fleet Services Division.
- ~~(j)~~ (j) Public Employees' Deferred Compensation Program.
- ~~(k)~~ (j) Mail Services Division.

Sec. 24. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint an Administrator of the:

- (a) Risk Management Division;
- (b) State Public Works Division;
- (c) Purchasing Division;
- (d) Administrative Services Division;
- (e) Division of Human Resource Management;
- (f) ~~Division of Enterprise Information Technology Services;~~
- ~~(g)~~ (g) Division of State Library, Archives and Public Records;



- ~~{(h)}~~ (g) Fleet Services Division; and
- ~~{(i)}~~ (h) Mail Services Division.

2. Shall, with the concurrence of the Governor and the Committee to Administer the Public Employees' Deferred Compensation Program, appoint the Executive Officer of the Public Employees' Deferred Compensation Program.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 233F, 242 and 284 of NRS, NRS 287.250 to 287.370, inclusive, and chapters 331, 333, 336, 338, 341 and 378 of NRS and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

Sec. 25. NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Administrator of:

- (a) The State Public Works Division;
- (b) The Purchasing Division;
- (c) The Administrative Services Division;
- (d) The Division of Human Resource Management;
- (e) ~~{The Division of Enterprise Information Technology Services};~~

~~—{(f)}~~ The Division of State Library, Archives and Public Records;

~~{(g)}~~ (f) The Fleet Services Division; and

~~{(h)}~~ (g) The Mail Services Division,

↳ of the Department serves at the pleasure of the Director and is in the unclassified service of the State.

2. The Executive Officer of the Public Employees' Deferred Compensation Program appointed pursuant to NRS 232.215 is in the unclassified service of the State and serves at the pleasure of the Director, except that he or she may be removed by a majority vote of the Committee to Administer the Public Employees' Deferred Compensation Program.

Sec. 26. NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the Administrator of the:

- 1. State Public Works Division;



2. Purchasing Division;
 3. Division of Human Resource Management;
 4. ~~Division of Enterprise Information Technology Services;~~
 - ~~—5.]~~ Division of State Library, Archives and Public Records;
- and

~~{6.}~~ 5. Fleet Services Division,

↪ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.

Sec. 27. NRS 232.219 is hereby amended to read as follows:

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

- (a) State Public Works Division;
 - (b) Purchasing Division;
 - (c) Hearings Division;
 - (d) Risk Management Division;
 - (e) Division of Human Resource Management;
 - (f) ~~Division of Enterprise Information Technology Services;~~
 - ~~—(g.)~~ Division of State Library, Archives and Public Records;
 - ~~{(h)}~~ (g) Fleet Services Division;
 - ~~{(i)}~~ (h) Public Employees' Deferred Compensation Program;
- and

~~{(j)}~~ (i) Mail Services Division.

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

Sec. 28. NRS 232.505 is hereby amended to read as follows:

232.505 As used in NRS 232.505 to 232.866, inclusive, *and sections 19 to 22, inclusive, of this act*, unless the context requires otherwise:

1. "Department" means the Department of Business and Industry.
2. "Director" means the Director of the Department.



Sec. 29. NRS 232.510 is hereby amended to read as follows:

232.510 1. The Department of Business and Industry is hereby created.

2. The Department consists of a Director and the following:

(a) Consumer Affairs Unit within the Office of the Director.

(b) Division of Financial Institutions.

(c) Housing Division.

(d) Real Estate Division.

(e) Division of Insurance.

(f) Division of Industrial Relations.

(g) Office of Labor Commissioner.

(h) Taxicab Authority.

(i) Office of the Nevada Attorney for Injured Workers.

(j) Nevada Transportation Authority.

(k) Division of Mortgage Lending.

(l) *Office of Nevada Boards, Commissions and Councils Standards.*

(m) Any other office, commission, board, agency or entity created or placed within the Department pursuant to a specific statute, the budget approved by the Legislature or an executive order, or an entity whose budget or activities have been placed within the control of the Department by a specific statute.

Sec. 30. NRS 232.520 is hereby amended to read as follows:

232.520 The Director:

1. Shall appoint a chief or executive director, or both of them, of each of the divisions, offices, commissions, boards, agencies or other entities of the Department, unless the authority to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific statute. In making the appointments, the Director may obtain lists of qualified persons from professional organizations, associations or other groups recognized by the Department, if any. The chief of the Consumer Affairs Unit is the Commissioner of Consumer Affairs, the chief of the Division of Financial Institutions is the Commissioner of Financial Institutions, the chief of the Housing Division is the Administrator of the Housing Division, the chief of the Real Estate Division is the Real Estate Administrator, the chief of the Division of Insurance is the Commissioner of Insurance, the chief of the Division of Industrial Relations is the Administrator of the Division of Industrial Relations, the chief of the Office of Labor Commissioner is the Labor Commissioner, the chief of the Taxicab Authority is the Taxicab Administrator, the chief of the Nevada Transportation Authority is the Chair of the Authority, the chief of



the Division of Mortgage Lending is the Commissioner of Mortgage Lending , *the chief of the Office of Nevada Boards, Commissions and Councils Standards is the Deputy Director of the Office appointed pursuant to section 19 of this act* and the chief of any other entity of the Department has the title specified by the Director, unless a different title is specified by a specific statute.

2. Is responsible for the administration of all provisions of law relating to the jurisdiction, duties and functions of all divisions and other entities within the Department. The Director may, if he or she deems it necessary to carry out his or her administrative responsibilities, be considered as a member of the staff of any division or other entity of the Department for the purpose of budget administration or for carrying out any duty or exercising any power necessary to fulfill the responsibilities of the Director pursuant to this subsection. This subsection does not allow the Director to preempt any authority or jurisdiction granted by statute to any division or other entity within the Department or to act or take on a function that would contravene a rule of court or a statute.

3. May:

(a) Establish uniform policies for the Department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the Department, relating to matters concerning budgeting, accounting, planning, program development, personnel, information services, dispute resolution, travel, workplace safety, the acceptance of gifts or donations, the management of records and any other subject for which a uniform departmental policy is necessary to ensure the efficient operation of the Department.

(b) Provide coordination among the divisions and other entities within the Department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or use office space.

(c) Define the responsibilities of any person designated to carry out the duties of the Director relating to financing, industrial development or business support services.

4. May, within the limits of the financial resources made available to the Director, promote, participate in the operation of, and create or cause to be created, any nonprofit corporation, pursuant to chapter 82 of NRS, which he or she determines is necessary or convenient for the exercise of the powers and duties of the Department. The purposes, powers and operation of the



corporation must be consistent with the purposes, powers and duties of the Department.

5. For any bonds which the Director is otherwise authorized to issue, may issue bonds the interest on which is not exempt from federal income tax or excluded from gross revenue for the purposes of federal income tax.

6. May, except as otherwise provided by specific statute, adopt by regulation a schedule of fees and deposits to be charged in connection with the programs administered by the Director pursuant to chapters 348A and 349 of NRS. Except as otherwise provided by specific statute, the amount of any such fee or deposit must not exceed 2 percent of the principal amount of the financing.

7. May designate any person within the Department to perform any of the duties or responsibilities, or exercise any of the authority, of the Director on his or her behalf.

8. May negotiate and execute agreements with public or private entities which are necessary to the exercise of the powers and duties of the Director or the Department.

9. May establish a trust account in the State Treasury for depositing and accounting for money that is held in escrow or is on deposit with the Department for the payment of any direct expenses incurred by the Director in connection with any bond programs administered by the Director. The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account. Any balance remaining in the account at the end of a fiscal year may be:

(a) Carried forward to the next fiscal year for use in covering the expense for which it was originally received; or

(b) Returned to any person entitled thereto in accordance with agreements or regulations of the Director relating to those bond programs.

Secs. 31-42. (Deleted by amendment.)

Sec. 43. Chapter 233F of NRS is hereby amended by adding thereto the provisions set forth as sections 44 and 45 of this act.

Sec. 44. *“Chief” means the Chief Information Officer within the Office of the Governor.*

Sec. 45. *“Office” means the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 46. NRS 233F.010 is hereby amended to read as follows:
233F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[233F.015]~~ **233F.020** to 233F.065, inclusive, *and sections 44 and 45 of this act*, have the meanings ascribed to them in those sections.



Sec. 47. NRS 233F.110 is hereby amended to read as follows:

233F.110 1. The ~~{Administrator}~~ *Chief* may, upon receiving a request for a microwave channel or channels from an agency, approve or disapprove that request. If the request is approved, the ~~{Division}~~ *Office* shall assign a channel or channels to the agency at a cost which reflects the actual share of costs incurred for services provided to the agency, in accordance with the comprehensive system of equitable billing and charges developed by the coordinator of communications.

2. Except as otherwise provided in subsection 3, a microwave channel assigned by the ~~{Administrator}~~ *Chief* to an agency for its use must not be reassigned without the concurrence of the agency.

3. The ~~{Administrator}~~ *Chief* may revoke the assignment of a microwave channel if an agency fails to pay for its use and may reassign that channel to another agency.

4. Equipment for microwave channels which is purchased by a using agency becomes the property of the ~~{Division}~~ *Office* if the agency fails to use or pay for those channels. The equipment must be used by the ~~{Division}~~ *Office* to replace old or obsolete equipment in the state communications system.

5. A state agency shall not purchase equipment for microwave stations without prior approval from the ~~{Administrator}~~ *Chief* unless:

- (a) The existing services do not meet the needs of the agency; or
- (b) The equipment will not be used to duplicate services which are provided by the state communications system or a private company.

6. The ~~{Division}~~ *Office* shall reimburse an agency for buildings, facilities or equipment which is consolidated into the state communications system.

Sec. 48. NRS 205.4765 is hereby amended to read as follows:

205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

- (a) Modifies;
- (b) Damages;
- (c) Destroys;
- (d) Discloses;
- (e) Uses;
- (f) Transfers;
- (g) Conceals;
- (h) Takes;
- (i) Retains possession of;
- (j) Copies;



(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,

↳ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Destroys;

(c) Uses;

(d) Takes;

(e) Damages;

(f) Transfers;

(g) Conceals;

(h) Copies;

(i) Retains possession of; or

(j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↳ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Destroys;

(b) Damages;

(c) Takes;

(d) Alters;

(e) Transfers;

(f) Discloses;

(g) Conceals;

(h) Copies;

(i) Uses;

(j) Retains possession of; or

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

↳ a computer, system or network is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Obtains and discloses;

(b) Publishes;

(c) Transfers; or

(d) Uses,



↪ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of \$500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

↪ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than \$100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the ~~[Division of Enterprise Information Technology Services of the Department of Administration]~~ *Office of the Chief Information Officer within the Office of the Governor* that is authorized by the ~~[Administrator of the Division of Enterprise Information Technology Services]~~ *Chief of that Office* or the head of the Office of Information Security of the ~~[Division]~~ *Office of the Chief Information Officer*. As used in this subsection:

(a) “Information system” has the meaning ascribed to it in NRS 242.057.

(b) “Penetration testing” has the meaning ascribed to it in NRS 242.171.

Sec. 49. NRS 205A.040 is hereby amended to read as follows:

205A.040 1. The Technological Crime Advisory Board is hereby created.

2. The Board consists of 13 members as follows:

(a) The Attorney General.

(b) The ~~[Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.]~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor.*



(c) One member of the Senate appointed by the Majority Leader of the Senate.

(d) One member of the Assembly appointed by the Speaker of the Assembly.

(e) Nine other persons appointed by the Governor as follows:

(1) Two or more persons who represent major sectors of the economy of this State that are impacted significantly by technological crimes.

(2) One or more persons who are employees of a law enforcement agency of this State.

(3) One or more persons who are employees of a public educational institution within this State.

(4) One or more persons who are residents of this State and who are employed by the Federal Government.

3. Each member of the Board who is appointed to the Board serves for a term of 4 years. A vacancy on the Board in an appointed position must be filled in the same manner as the original appointment. A member may be reappointed to the Board.

4. The members of the Board shall elect a Chair and Vice Chair by majority vote. After the initial election, the Chair and Vice Chair shall hold office for a term of 1 year beginning on July 1 of each year. If the position of Chair or Vice Chair becomes vacant, the members of the Board shall elect a Chair or Vice Chair, as appropriate, from among its members for the remainder of the unexpired term.

5. The members of the Board:

(a) Serve without compensation; and

(b) May, upon written request, receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the business of the Board.

6. A member of the Board who is an officer or employee of this State or a political subdivision of this State must be relieved from duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Board and perform any work necessary to carry out the duties of the Board in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Board to make up the time the officer or employee is absent from work to carry out duties as a member of the Board or use annual vacation or compensatory time for the absence.



Sec. 50. NRS 205A.050 is hereby amended to read as follows:

205A.050 1. The Board shall meet at least once every quarter and at the times and places specified by a call of the Chair or a majority of the members of the Board.

2. Except as otherwise provided in subsection 3, a member of the Board may designate in writing a person to represent him or her at a meeting of the Board if it is impractical for the member of the Board to attend the meeting. A representative who has been so designated:

(a) Shall be deemed to be a member of the Board for the purpose of determining a quorum at the meeting; and

(b) May vote on any matter that is voted on by the regular members of the Board at the meeting.

3. The Attorney General may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place. The ~~Administrator of the Division of Enterprise Information Technology Services of the Department of Administration~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor* may designate a representative to serve in his or her place on the Board or attend a meeting of the Board in his or her place.

4. Seven members of the Board constitute a quorum. Except as otherwise provided in NRS 205A.070 and 205A.080, a quorum may exercise all the power and authority conferred on the Board.

5. Notwithstanding any other provision of law, a member of the Board:

(a) Is not disqualified from public employment or holding a public office because of membership on the Board; and

(b) Does not forfeit public office or public employment because of membership on the Board.

Sec. 51. NRS 205A.060 is hereby amended to read as follows:

205A.060 The Board shall:

1. Facilitate cooperation between state, local and federal officers in detecting, investigating and prosecuting technological crimes.

2. Establish, support and assist in the coordination of activities between two multiagency task forces on technological crime, one based in Reno and one based in Las Vegas, consisting of investigators and forensic examiners who are specifically trained to investigate technological crimes.

3. Coordinate and provide training and education for members of the general public, private industry and governmental agencies, including, without limitation, law enforcement agencies, concerning



the statistics and methods of technological crimes and how to prevent, detect and investigate technological crimes.

4. Assist the ~~[Division of Enterprise Information Technology Services of the Department of Administration]~~ *Office of the Chief Information Officer within the Office of the Governor* in securing governmental information systems against illegal intrusions and other criminal activities.

5. Evaluate and recommend changes to the existing civil and criminal laws relating to technological crimes in response to current and projected changes in technology and law enforcement techniques.

6. Distribute money deposited pursuant to NRS 179.1233 into the Account for the Technological Crime Advisory Board in accordance with the provisions of NRS 205A.090.

7. Authorize the payment of expenses incurred by the Board in carrying out its duties pursuant to this chapter.

Secs. 52 and 53. (Deleted by amendment.)

Sec. 54. NRS 239.073 is hereby amended to read as follows:

239.073 1. The Committee to Approve Schedules for the Retention and Disposition of Official State Records, consisting of six members, is hereby created.

2. The Committee consists of:

(a) The Secretary of State;

(b) The Attorney General;

(c) The Director of the Department of Administration;

(d) The State Library, Archives and Public Records Administrator;

(e) The ~~[Administrator of the Division of Enterprise Information Technology Services of the Department of Administration;]~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor;* and

(f) One member who is a representative of the general public appointed by the Governor.

➡ All members of the Committee, except the representative of the general public, are ex officio members of the Committee.

3. The Secretary of State or a person designated by the Secretary of State shall serve as Chair of the Committee. The State Library, Archives and Public Records Administrator shall serve as Secretary of the Committee and prepare and maintain the records of the Committee.

4. The Committee shall meet at least quarterly and may meet upon the call of the Chair.



5. An ex officio member of the Committee may designate a person to represent the ex officio member at any meeting of the Committee. The person designated may exercise all the duties, rights and privileges of the member that the person represents.

6. The Committee may adopt rules and regulations for its management.

Sec. 55. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 56 and 57 of this act.

Sec. 56. *“Chief” means the Chief of the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 57. *“Office” means the Office of the Chief Information Officer within the Office of the Governor.*

Sec. 58. NRS 242.011 is hereby amended to read as follows:

242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[242.013]~~ **242.015** to 242.068, inclusive, have the meanings ascribed to them in those sections.

Sec. 59. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the ~~{Division of Enterprise Information Technology Services of the Department of Administration}~~ **Office of the Chief Information Officer within the Office of the Governor** is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the ~~{Division}~~ **Office** are:

- (a) To perform information services for state agencies.
- (b) To provide technical advice but not administrative control of the information systems within the state agencies and, as authorized, of local governmental agencies.

Sec. 60. NRS 242.080 is hereby amended to read as follows:

242.080 1. The ~~{Division of Enterprise Information Technology Services of the Department}~~ **Office of the Chief Information Officer** is hereby created ~~[]~~ **within the Office of the Governor.**

2. The Division **Office** consists of the ~~{Administrator}~~ **Chief** and the:

- (a) Enterprise Application Services Unit.
- (b) Communication and Computing Unit.
- (c) Office of Information Security.



~~{3. A Communications Group and a Telecommunications Group are hereby created within the Communication and Computing Unit of the Division.}~~

(d) Other units, groups, divisions or departments deemed necessary by the Chief to the extent such functions are supported by the appropriations allocated to the functions of the Office.

Sec. 61. NRS 242.101 is hereby amended to read as follows:

242.101 1. The ~~{Administrator}~~ *Chief Information Officer* shall:

(a) Appoint ~~{the}~~ *a Deputy* Chief of the Office of Information Security who is in the classified service of the State;

(b) Administer the provisions of this chapter and other provisions of law relating to the duties of the ~~{Division,}~~ *Office of the Chief Information Officer;*

(c) Employ, within the limits of the approved budget of the Office, such other staff as is necessary for the performance of the duties of the Office; and

~~{(e)}~~ *(d)* Carry out other duties and exercise other powers specified by law.

2. The ~~{Administrator}~~ *Chief* may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 62. NRS 242.111 is hereby amended to read as follows:

242.111 The ~~{Administrator}~~ *Chief* shall adopt regulations necessary for the administration of this chapter, including:

1. The policy for the information systems of the Executive Branch of Government, excluding the Nevada System of Higher Education and the Nevada Criminal Justice Information System, as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of state agencies and officers at the least cost to the State;

2. The procedures of the ~~{Division}~~ *Office* in providing information services, which may include provision for the performance, by an agency which uses the services or equipment of the ~~{Division,}~~ *Office*, of preliminary procedures, such as data recording and verification, within the agency;

3. The effective administration of the ~~{Division,}~~ *Office*, including, without limitation, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;

4. The development of standards to ensure the security of the information systems of the Executive Branch of Government; and



5. Specifications and standards for the employment of all personnel of the ~~[Division]~~ **Office**.

Sec. 63. NRS 242.115 is hereby amended to read as follows:

242.115 1. Except as otherwise provided in subsection 2, the ~~[Administrator]~~ **Chief** shall:

(a) Develop policies and standards for the information systems of the Executive Branch of Government;

(b) Coordinate the development of a biennial state plan for the information systems of the Executive Branch of Government;

(c) Develop guidelines to assist state agencies in the development of short- and long-term plans for their information systems; and

(d) Develop guidelines and procedures for the procurement and maintenance of the information systems of the Executive Branch of Government.

2. This section does not apply to the Nevada System of Higher Education or the Nevada Criminal Justice Information System used to provide support for the operations of law enforcement agencies in this State.

Sec. 64. NRS 242.131 is hereby amended to read as follows:

242.131 1. The ~~[Division]~~ **Office** shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

2. The following agencies may negotiate with the ~~[Division]~~ **Office** for its services or the use of its equipment, subject to the provisions of this chapter, and the ~~[Division]~~ **Office** shall provide those services and the use of that equipment as may be mutually agreed:

(a) The Court Administrator;

(b) The Department of Motor Vehicles;

(c) The Department of Public Safety;

(d) The Department of Transportation;

(e) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

(f) The Department of Wildlife;

(g) The Housing Division of the Department of Business and Industry;

(h) The Legislative Counsel Bureau;

(i) The State Controller;

(j) The Nevada Gaming Control Board and Nevada Gaming Commission; and



(k) The Nevada System of Higher Education.

3. Any state agency or elected state officer who uses the services of the ~~[Division]~~ *Office* and desires to withdraw substantially from that use must apply to the ~~[Administrator]~~ *Chief* for approval. The application must set forth justification for the withdrawal. If the ~~[Administrator]~~ *Chief* denies the application, the agency or officer must:

(a) If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

(b) If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The ~~[Administrator]~~ *Chief* shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

4. If the demand for services or use of equipment exceeds the capability of the ~~[Division]~~ *Office* to provide them, the ~~[Division]~~ *Office* may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

Sec. 65. Chapter 284 of NRS is hereby amended by adding thereto the provisions set forth as sections 66 and 67 of this act.

Sec. 66. *1. This chapter and the regulations adopted pursuant thereto do not create or confer upon any state employee a contractual right to employment.*

2. Except as authorized by specific statute, an appointing authority shall not execute any contract for employment with any state employee.

Sec. 67. *The Administrator shall develop and implement:*

1. An audit function to review each appointing authority's processes and compliance with applicable policies, procedures and provisions of law relating to human resources.

2. A centralized job announcement system that streamlines employment recruiting for all appointing authorities.

3. A centralized employment system that includes, without limitation, a platform that all applicants may use to apply for state employment.

Sec. 68. NRS 284.010 is hereby amended to read as follows:

284.010 1. The Legislature declares that the purpose of this chapter is:



(a) To provide all citizens a fair and equal opportunity for public service;

(b) To establish conditions of service which will attract officers and employees of character and ability;

(c) To establish uniform job and salary classifications; and

(d) To increase the efficiency and economy of the agencies in the Executive Department of the State Government by the improvement of methods of ~~{personnel}~~ *human resources* administration.

2. The Legislature declares that, in its considered judgment, the proper administration of the Executive Department of our State Government requires the enactment of this chapter.

Sec. 69. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Division.

2. “Commission” means the ~~{Personnel}~~ *Human Resources* Commission.

3. “Disability,” includes, but is not limited to, physical disability, intellectual disability and mental or emotional disorder.

4. “Division” means the Division of Human Resource Management of the Department of Administration.

5. “Essential functions” has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. “Marginalized identity” means an identity that causes or has historically caused a person of such an identity to be disproportionately subject to discrimination, harassment or other negative treatment as a result of the identity.

7. “Protective hairstyle” includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

8. “Public service” means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

9. “Race” includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

10. “Veteran” means a person who:

(a) Was regularly enlisted, drafted, inducted or commissioned in the:



(1) Armed Forces of the United States and was accepted for and assigned to active duty in the Armed Forces of the United States;

(2) National Guard or a reserve component of the Armed Forces of the United States and was accepted for and assigned to duty for a minimum of 6 continuous years; or

(3) Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States and served in the capacity of a commissioned officer while on active duty in defense of the United States; and

(b) Was separated from such service under conditions other than dishonorable.

11. “Veteran with a service-connected disability” has the meaning ascribed to it in NRS 338.13843 and includes a veteran who is deemed to be a veteran with a service-connected disability pursuant to NRS 417.0187.

Sec. 70. NRS 284.022 is hereby amended to read as follows:

284.022 The Division may include within the ~~{Personnel}~~ **Human Resources** System all employees of any governmental agency acquired for administration by the State.

Sec. 71. NRS 284.030 is hereby amended to read as follows:

284.030 1. There is hereby created in the Division a ~~{Personnel}~~ **Human Resources** Commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public ~~{personnel}~~ **human resources** administration.

(b) One member who is a representative of labor and has a background in ~~{personnel}~~ **human resources** administration.

(c) One member who is a representative of employers or managers and has a background in ~~{personnel}~~ **human resources** administration.

(d) An alternate member for each member appointed pursuant to paragraphs (a), (b) and (c) to serve when the regular member is unable to attend a meeting of the Commission.

Sec. 72. NRS 284.065 is hereby amended to read as follows:

284.065 1. The Commission has only such powers and duties as are authorized by law.

2. In addition to the powers and duties set forth elsewhere in this chapter, the Commission shall:



(a) Advise the Administrator concerning the organization and administration of the Division.

(b) Report to the Governor on all matters which the Commission may deem pertinent to the Division and concerning any specific matters previously requested by the Governor.

(c) Advise and make recommendations to the Governor or the Legislature relative to the ~~{personnel}~~ *human resources* policy of the State.

(d) Adopt regulations to carry out the provisions of this chapter.

(e) Foster the interest of institutions of learning and of civic, professional and employee organizations in the improvement of ~~{personnel}~~ *human resources* standards in the state service.

(f) Review decisions of the Administrator in contested cases involving the classification or allocation of particular positions.

(g) Exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

Sec. 73. NRS 284.073 is hereby amended to read as follows:

284.073 1. The Employee-Management Committee shall:

(a) Serve in an advisory capacity to the Governor, the Commission and the Division with respect to all matters of ~~{personnel}~~ *human resources* administration and relations between management and employees.

(b) Receive, consider and make recommendations on matters relating to ~~{personnel}~~ *human resources* administration, policy and procedures.

(c) Provide a forum for the hearing of employees' suggestions, complaints or disciplinary problems.

(d) Provide a means of communication for disseminating information to employees regarding the ~~{personnel}~~ *human resources* program.

(e) Except as otherwise provided in subsection 2, hold hearings, when requested, and make final decisions for the adjustment of grievances as provided by the regulations of the Commission.

2. The Committee shall not hold any hearing or make a final decision for the adjustment of a grievance unless an equal number of members appointed pursuant to paragraphs (a) and (b) of subsection 2 of NRS 284.068 attend the hearing and take part in making the final decision.

Sec. 74. NRS 284.075 is hereby amended to read as follows:

284.075 The Administrator:

1. Shall not engage in any other gainful employment or occupation.



2. Must be selected with special reference to the person's training, experience, capacity and interest in the field of ~~{personnel}~~ **human resources** administration. The knowledge and abilities of the person selected as the Administrator should include:

(a) A comprehensive knowledge of the principles and practices of ~~{personnel}~~ **human resources** administration.

(b) A working knowledge of job and salary classification methods.

(c) An extensive knowledge of the organization and operations of state departments, agencies and institutions, and of statutes and regulations concerning government ~~{personnel}~~ **human resources**.

(d) An extensive knowledge of principles of public organization and administration.

(e) Administrative ability in the direction of staff analyses of government salaries and positions, and in the maintenance of effective working relationships with all state officials concerned with ~~{personnel}~~ **human resources**.

(f) Ability to organize and present clearly oral and written reports of findings and recommendations.

3. Must have progressively responsible experience in ~~{personnel}~~ **human resources** administration in an amount to be determined by the Commission and have been graduated from an accredited 4-year college or university, or have an equivalent combination of experience in ~~{personnel}~~ **human resources** administration or training, substituting 2 years of experience for 1 year of training.

Sec. 75. NRS 284.110 is hereby amended to read as follows:

284.110 1. The ~~{Personnel}~~ **Human Resources** Operating Fund is hereby created as an internal service fund.

2. The Division may accept on behalf of the State any grant or contribution, federal or otherwise, made to assist in meeting the costs of carrying out the purposes of this chapter. All such grants and contributions must be deposited with the State Treasurer to the credit of the ~~{Personnel}~~ **Human Resources** Operating Fund.

3. All costs of administering the provisions of this chapter must be paid out of the ~~{Personnel}~~ **Human Resources** Operating Fund on claims in the same manner as other claims against the State are paid.

Sec. 76. NRS 284.115 is hereby amended to read as follows:

284.115 1. The Administrator shall:

(a) Maintain accurate records reflecting the costs of administering the provisions of this chapter.



(b) In preparation for the budget for each biennium, determine, on the basis of experience during the 2 preceding fiscal years, the estimated cost of carrying out the functions of the Division for the 2 succeeding fiscal years, and inform each department, agency and institution operating under the provisions of this chapter of that cost.

2. Each department, agency and institution shall include in its budget for each of the 2 succeeding fiscal years an amount of money equal to the cost estimated pursuant to subsection 1.

3. Except as otherwise provided in subsection 4, on July 1 of each year each department, agency and institution shall pay to the Administrator for deposit in the ~~{Personnel}~~ *Human Resources* Operating Fund an assessment equal to the amount of money appropriated to or authorized for that department, agency or institution pursuant to its budget for the costs of ~~{personnel}~~ *human resources* administration.

4. Any state department, agency or institution may pay the assessment required by subsection 3 on a date or dates other than July 1 if compliance with federal law or regulation so requires.

5. Changes in assessments are effective upon approval of the Governor and the Interim Finance Committee.

Sec. 77. NRS 284.125 is hereby amended to read as follows:

284.125 1. When requested by the Governor, the Legislature, or their authorized representatives, the Administrator may:

(a) Investigate duplication of ~~{personnel}~~ *human resources* work of departments, institutions and agencies in the Executive Department of the State Government.

(b) Study the personnel organization and administration of those departments, institutions and agencies.

(c) Formulate plans for better and more effective ~~{personnel}~~ *human resources* management.

2. The Administrator shall prepare and report any ~~{personnel}~~ *human resources* data or statistics which the Governor or the Legislature may require.

3. The Administrator shall cooperate with the heads of departments and agencies in making similar ~~{personnel}~~ *human resources* studies in their respective departments and agencies.

Sec. 78. NRS 284.145 is hereby amended to read as follows:

284.145 Officers authorized by law to make appointments to positions in the unclassified service and appointing officers of departments or institutions whose employees are exempt from the provisions of this chapter may make appointments from appropriate ~~{registers}~~ *pools* of eligible persons maintained by the Division .
~~{without affecting the continuance of the names on the list.}~~



Sec. 79. NRS 284.150 is hereby amended to read as follows:

284.150 1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are:

(a) Lawfully designated as being in the classified service; and

(b) Filled ~~[according to merit and fitness]~~ from *the* eligible ~~[lists]~~ *pools of persons* prepared *by appointing authorities* upon the basis of ~~[examination, which must be open and competitive,]~~ *evaluation by an appointing authority*, except as otherwise provided in this chapter and NRS 209.161.

2. Except as otherwise provided in NRS 193.105, 209.161 and 416.070, a person must not be appointed, transferred, promoted, demoted or discharged in the classified service in any manner or by any means other than those prescribed in this chapter and the regulations adopted in accordance therewith.

3. A person must not be discriminated against on account of the person's religious *or political* opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Sec. 80. NRS 284.160 is hereby amended to read as follows:

284.160 1. The Administrator shall prepare, maintain and revise as necessary a *master* classification plan for all positions in the classified service, based upon similarity of duties and responsibilities, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class.

2. The ~~[duty of the Administrator to classify extends to all offices, employments and positions held by persons who may become members of the classified service under the provisions of this chapter.]~~ *Administrator shall review annually the classification plan of each appointing authority using the audit function developed and implemented pursuant to section 67 of this act.*

3. ~~[The]~~ *Subject to the provisions of subsection 4, with the approval of the Administrator, an appointing authority* may ~~[, after consultation with the head of a department or agency,]~~ make changes in the classification of positions *within its agency* whenever the ~~[Administrator]~~ *the appointing authority* deems it necessary for the efficiency of the public service.

4. The classification plan and changes therein are subject to approval by the Commission, except that the Administrator, *at the request of an appointing authority*, may make a change in the classification plan without the prior approval of the Commission if:



(a) The Administrator deems it necessary for the efficiency of the public service;

(b) The change is not proposed in conjunction with an occupational study; and

(c) The Administrator, at least 20 working days before acting upon the proposed change:

(1) Provides written notice of the proposal to each member of the Commission, to all departments and to any head of an employees' organization who requests notice of such proposals; and

(2) Posts a written notice of the proposal in each of the principal offices of the Division.

↪ Any occupational study conducted by the Division in connection with the preparation, maintenance or revision of the classification plan must be approved by the Commission.

5. If no written objection to the proposed change to the classification plan is received by the Administrator before the date it is scheduled to be acted upon, the Administrator may effect the change. The Administrator shall report to the Commission any change in the classification plan made without its approval at the Commission's next succeeding regular meeting.

6. If a written objection is received before the date the proposed change is scheduled to be acted upon, the Administrator shall place the matter on the agenda of the Commission for consideration at its next succeeding regular meeting.

Sec. 81. NRS 284.165 is hereby amended to read as follows:

284.165 1. As soon as practicable and after consultation with ~~[appointing authorities]~~ *the Administrator* and principal supervisory officials, ~~[the Administrator]~~ *an appointing authority* shall allocate the position of every employee in the classified service *within its agency* to one of the positions in the ~~[position]~~ *the master* classification plan.

2. Any employee affected by the allocation of a position to a grade or class or by a change in classification, after filing with the ~~[Administrator]~~ *appointing authority* a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the ~~[Administrator.]~~ *appointing authority.*

3. Any employee who is aggrieved by the ~~[Administrator's]~~ *appointing authority's* decision concerning an allocation or change in classification is entitled to have the decision reviewed by the Commission if the employee submits a written request to the Commission for such a review not later than 30 days after the ~~[Administrator's]~~ *appointing authority's* decision.

Sec. 82. (Deleted by amendment.)



Sec. 83. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient ~~[personnel]~~ *human resources* system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;
- (b) Eight hours in any 16-hour period; or
- (c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➔ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and



are approved for such a work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. The Division shall prepare and submit quarterly to the Budget Division of the Office of Finance a report regarding all overtime worked by employees of the Executive Department in the quarter. The Budget Division shall:

(a) Review the report and analyze the overtime reported; and

(b) Transmit quarterly to the State Board of Examiners the report and the analysis of the Budget Division regarding the report.

12. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for a legal holiday.

Sec. 84. NRS 284.205 is hereby amended to read as follows:

284.205 *1. The Commission shall adopt regulations for ~~open competitive examinations to test the relative fitness of~~ the recruitment and evaluation of applicants ~~[for the respective]~~ to establish pools of eligible persons and fill positions ~~[.]~~ in the classified service.*

2. Each appointing authority shall comply with the regulations of the Commission when filling positions in the classified service.



Sec. 85. NRS 284.210 is hereby amended to read as follows:

284.210 ~~[1. All competitive examinations for]~~ *In relation to*
positions in the classified service ~~[must:~~

~~— (a) Relate to those matters which fairly test the capacity and fitness of the persons examined to perform in an efficient manner the duties of the class in which employment is sought.~~

~~— (b) Be open to all applicants who meet the reasonable standards or requirements fixed by the Administrator with regard to experience, character, age, education, physical condition and any other factors relating to the ability of the applicants to perform the duties of the position with reasonable efficiency.~~

~~— 2. An examination may consist of:~~

~~— (a) An evaluation of the applicant's training and experience;~~

~~— (b) A written examination;~~

~~— (c) An oral examination;~~

~~— (d) An evaluation of the applicant's performance, such as the ability to operate successfully certain equipment; or~~

~~— (e) Any combination of paragraphs (a) to (d), inclusive.~~

~~— 3. An examination may be conducted by using a center for assessment as defined by regulations adopted by the Commission. An employee of the department for which an examination is being held may not serve on the panel or score the examination.~~

~~— 4. An oral examination given pursuant to this section must be:~~

~~— (a) Except as otherwise provided in subsection 5, conducted by a panel of which no more than one third of the members are employed by the department in which a vacancy exists for the position for which the examination is given.~~

~~— (b) Recorded and maintained by the department for:~~

~~— (1) Not less than 2 years after the date of the examination; or~~

~~— (2) Until the final disposition of a charge of discrimination;~~
~~➔ whichever is longer, and must be available to an affected person upon request.~~

~~— 5. Employees of the department in which a vacancy exists may comprise more than one third of the members of the panel if:~~

~~— (a) A member who is not such an employee is unable to serve on the panel because of illness or an emergency;~~

~~— (b) The department has more than 1,000 employees; and~~

~~— (c) The department has two or more divisions that administer separate and diverse programs and the employees of the department on the panel are not employed by the same division.] , each appointing authority shall, consistent with the regulations adopted by the Commission pursuant to NRS 284.205, recruit, evaluate, select, manage and promote employees through open competition~~



on the basis of knowledge, skills and ability and without regard to an applicant's or employee's religious or political opinions or affiliations, race, sex, sexual orientation, gender identity or expression, age or disability.

Sec. 86. NRS 284.240 is hereby amended to read as follows:

284.240 ~~[The Administrator]~~ *An appointing authority* may refuse to ~~[examine]~~ *evaluate* an applicant or, after ~~[examination,]~~ *evaluation*, may refuse to certify an eligible person who:

1. Lacks any of the preliminary requirements established for the ~~[examination]~~ *evaluation* for the position or employment for which the applicant or eligible person applies.

2. Submitted to a screening test administered pursuant to NRS 284.4066, the results of which indicated the presence of a controlled substance, and the person did not provide the proof required by NRS 284.4066.

3. Has been dismissed from the public service for delinquency or misconduct.

4. Has made a false statement of any material fact.

5. Has, directly or indirectly, given, rendered or paid, or promised to give, render or pay, any money, service or other valuable thing to any person for, or on account of or in connection with, the ~~[examination,]~~ *evaluation*, appointment or proposed appointment of the applicant or ~~[eligible]~~ person.

6. Has practiced, or attempted to practice, any deception or fraud in the application, certificate or ~~[examination]~~ *evaluation* of the applicant or eligible person, or in securing the eligibility or appointment of the applicant or eligible person.

Sec. 87. NRS 284.245 is hereby amended to read as follows:

284.245 1. When ~~[the Administrator]~~ *an appointing authority* refuses to ~~[examine]~~ *evaluate* an applicant or, after an ~~[examination,]~~ *evaluation*, refuses to certify ~~[an eligible]~~ *a* person, the applicant or eligible person may request the ~~[Administrator]~~ *appointing authority* to furnish to the applicant or eligible person a statement of the reasons for the refusal to ~~[examine]~~ *evaluate* or the refusal to certify, as the case may be. The ~~[Administrator]~~ *appointing authority* shall furnish the statement upon request.

2. If ~~[the Administrator]~~ *an appointing authority* refuses to ~~[examine]~~ *evaluate* an applicant or, after an ~~[examination,]~~ *evaluation*, refuses to certify ~~[an eligible]~~ *a* person, the applicant or eligible person may take an appeal to the Commission in accordance with regulations adopted by the Commission. If the Commission finds that the ~~[Administrator]~~ *appointing authority* is in error in refusing to ~~[examine]~~ *evaluate* an applicant or in refusing to certify



~~[an eligible]~~ *a* person, the Commission shall order the ~~[Administrator]~~ *appointing authority* to examine or certify, and the ~~[Administrator]~~ *appointing authority* shall comply.

Sec. 88. NRS 284.250 is hereby amended to read as follows:

284.250 ~~[1.]~~ The Commission shall adopt regulations for the establishment of ~~[eligible lists]~~ *pools of eligible persons by an appointing authority* for appointment and promotion ~~[which must contain the names of successful applicants in the order of their relative excellence in the respective examinations.]~~

~~—2.— The term of eligibility of applicants on such lists is 1 year, but the term may be extended by the Administrator to a maximum of 3 years.] based on evaluations.~~

Sec. 89. NRS 284.253 is hereby amended to read as follows:

284.253 In establishing the ~~[lists]~~ *pools* of eligible persons, *an appointing authority must allow* a preference ~~[must be allowed]~~ for persons who reside in this State . ~~[at the time the examination is completed. Five points must be added to the passing grade achieved on the examination.]~~ For the purposes of this section, the person examined must reside physically within the State. If any person is absent from the State with the intention in good faith to return without delay and continue the person's residence, the time of the absence must not be considered in determining the fact of the person's residence.

Sec. 90. NRS 284.254 is hereby amended to read as follows:

284.254 In establishing ~~[lists]~~ *pools* of eligible persons, *an appointing authority must allow* a preference ~~[must be allowed]~~ for each person in the classified service who has been separated from the service because the agency by which the person was employed was terminated pursuant to NRS 232B.100.

Sec. 91. NRS 284.255 is hereby amended to read as follows:

284.255 1. Appointments ~~[must]~~ *may* be made ~~[from the appropriate eligible list, but if no such list exists then the Administrator may certify from such other list as the Administrator deems the next most appropriate. A new and separate list must be created for a stated position only when there is no satisfactory list.]~~ *by an appointing authority only after pools of eligible persons are established by the appointing authority through the recruitment process.*

2. Unless otherwise provided by this chapter, no person may be appointed or employed under any title not appropriate to the duties performed.



Sec. 92. NRS 284.260 is hereby amended to read as follows:

284.260 ~~[(1)]~~ In establishing the ~~[lists]~~ *pools* of eligible persons, ~~[the following preferences]~~ *an appointing authority* must ~~[be allowed, except that if a person qualifies for more than one of the following preferences, the person is not entitled to combine preference points for each such qualifying preference but is entitled to receive preference points for only one such qualifying preference that is most beneficial to the person:~~

~~—(a) For veterans, 10 points must be added to the passing grade achieved on the examination.~~

~~—(b) For widows]~~ *give a preference to:*

1. *Veterans.*

2. *Widows* and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States . ~~[-10 points must be added to the passing grade achieved on the examination.~~

~~—(c) For widows]~~

3. *Widows* and widowers of veterans . ~~[-5 points must be added to the passing grade achieved on the examination.~~

~~—(d) For a]~~

4. A member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit . ~~[-5 points must be added to the passing grade achieved on the examination.~~

~~—2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive or promotional examination in the classified service.]~~

Sec. 93. NRS 284.265 is hereby amended to read as follows:

284.265 1. Except as otherwise provided in NRS 284.305, appointing authorities shall ~~[give notice to the Administrator of their intention to fill any vacancy in the classified service.~~

~~—2. Except as otherwise provided in this subsection, within a reasonable time after the receipt of the notice, the Administrator shall certify from the list of eligible persons, appropriate for the grade and class in which the position is classified:~~

~~—(a) The five names at the head thereof. If the competitive examination for that position is scored to the nearest one hundredth of a point and there are more than five persons having the five highest scores, the names of each of those persons must be so certified.~~

~~—(b) Unless otherwise included among the names certified pursuant to paragraph (a), the name of any eligible person on the list who is a veteran with a service-connected disability. The appointing~~



~~authority shall interview for the position each veteran with a service-connected disability who is so certified.~~

~~—3. If, pursuant to this chapter or the regulations adopted pursuant thereto, the process for filling the~~ *use the centralized system established by the Administrator pursuant to section 67 of this act to obtain applicants for a* position in the classified service .
~~[is not governed by the provisions of subsection 2, the]~~

2. *An* appointing authority shall:

(a) Interview for the position each veteran with a service-connected disability who is a qualified applicant for the position; and

(b) If there are veterans without a service-connected disability who are qualified applicants for the position, interview for the position a number of such veterans that is equal to at least 22 percent of the total number of qualified applicants interviewed for the position or, if there is not a sufficient number to reach that percentage, interview for the position each such veteran who is a qualified applicant for the position. For the purpose of calculating percentages pursuant to this paragraph, percentages that are not whole numbers must be rounded to the next highest whole number.

Sec. 94. NRS 284.295 is hereby amended to read as follows:

284.295 1. Vacancies in positions must be filled, so far as practicable, by promotion within a department or agency from among persons holding positions in the classified service. Promotions must be based upon merit and fitness, to be ascertained in accordance with regulations adopted by the Commission. In such regulations, the employee's efficiency, character, conduct and length of service must all constitute factors. For the purposes of this subsection, a person employed by the Legislative Branch of Government pursuant to subsection 7 of NRS 284.3775 shall be deemed to hold the position the person held before the legislative session.

2. Eligibility for promotion must be determined on recommendation ~~[of the appointing authority]~~ and ~~[certification]~~ *evaluation* by the ~~[Administrator]~~ *appointing authority* that the employee meets the minimum requirements and demonstrates the employee's qualifications in accordance with regulations adopted by the Commission.

3. The Administrator may provide, in specific cases, for competitive promotional ~~[examinations]~~ *evaluations* among employees of departments other than that in which a particular vacancy in a higher classification may exist.



4. An advancement in rank or grade or an increase in salary beyond the maximum fixed for the class constitutes a promotion.

Sec. 95. NRS 284.300 is hereby amended to read as follows:

284.300 1. The Commission shall adopt regulations requiring that a promotional appointee who fails to attain permanent status in the position to which the appointee was promoted, or who is dismissed for cause other than misconduct or delinquency on the appointee's part from the position to which the appointee was promoted, either during the probationary period or at the conclusion thereof by reason of the failure of the appointing authority to file a request for the appointee's continuance in the position, must be:

(a) Restored to the position from which the appointee was promoted, *if there is only one such position within the appointing authority*, unless the position has been filled by an employee with greater seniority;

(b) Placed in a position other than the position from which the appointee was promoted and for which a vacancy exists in the class held immediately before the promotion ~~[]~~, *if there is more than one such position within the appointing authority*; or

(c) If no position described in paragraph (a) or (b) exists:

(1) Appointed to a position for which a vacancy exists in a class equal to or lower than the class held immediately before the promotion; or

(2) Placed on an appropriate reemployment ~~[list.]~~ *pool*.

2. Nothing contained in this section shall be construed to prevent any employee of the classified service from ~~[competing for places upon lists of persons eligible]~~ *seeking eligibility* for original appointments.

Sec. 96. NRS 284.305 is hereby amended to read as follows:

284.305 1. Except as otherwise provided in subsection 2, positions in the classified service may be filled *by an appointing authority* without ~~[competition]~~ *competitive evaluation* only as provided in NRS 284.155, 284.300, 284.307, 284.309, 284.310, 284.315, 284.320, 284.325, 284.327, 284.330, 284.375 and 284.3775.

2. The Commission may adopt regulations which provide for filling positions in the classified service without ~~[competition]~~ *competitive evaluation* in cases involving:

(a) The appointment of a current employee with a disability to a position at or below the grade of his or her position if the employee becomes unable to perform the essential functions of his or her position with or without reasonable accommodation;

(b) The demotion of a current employee;



(c) The reemployment of a current or former employee who was or will be adversely affected by layoff, military service, reclassification or a permanent partial disability arising out of and in the course of the employment of the current or former employee; or

(d) The reappointment of a current employee.

Sec. 97. NRS 284.309 is hereby amended to read as follows:

284.309 If a competitive ~~[examination]~~ *evaluation* is required for a vacancy and fewer than five qualified applicants respond after extensive efforts at recruitment, the ~~[examination]~~ *evaluation by the appointing authority* may be waived . ~~[and the Administrator may submit the applications of the qualified applicants without certification to the appointing authority for selection.]~~

Sec. 98. NRS 284.310 is hereby amended to read as follows:

284.310 1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service ~~[and the Administrator is unable to certify from any appropriate eligible list for the vacancy, the Administrator]~~ , *an appointing authority* may issue a provisional permit or certify a suitable person to fill the vacancy provisionally only until a selection and appointment can be made after competitive ~~[examination.]~~ *evaluation*.

2. No person may receive more than one provisional appointment or serve more than 6 months in any 12-month period as a provisional appointee.

3. A provisional appointee must meet the minimum qualifications established for the ~~[class of positions involved.]~~ *position in the master classification plan*.

Sec. 99. NRS 284.320 is hereby amended to read as follows:

284.320 1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for specific reasons ~~[competition]~~ *competitive evaluation* in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the Administrator may suspend the requirements of ~~[competition.]~~ *competitive evaluation*.

2. The Administrator may suspend the requirements of competitive ~~[examination]~~ *evaluation* for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.

3. Upon specific written justification by the appointing authority, the Administrator may suspend the requirement of competitive ~~[examination]~~ *evaluation* for a position where extreme



difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

4. Except in the circumstances described in subsection 2, no suspension may be general in its application to any position.

Sec. 100. NRS 284.327 is hereby amended to read as follows:

284.327 1. Except as otherwise provided in subsection 4, if an appointing authority has a position available and the position is not required to be filled in another manner pursuant to this chapter, to assist persons with disabilities certified by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation, the appointing authority shall, if possible, make a temporary limited appointment of a certified person with a disability for a period not to exceed 700 hours notwithstanding that the position so filled is a continuing position.

2. A person with a disability who is certified by the Rehabilitation Division must be placed ~~on~~ *in* the appropriate ~~list~~ *pool* for which the person is eligible. Each such person must:

(a) Possess the training and skills necessary for the position for which the person is certified; and

(b) Be able to perform, with or without reasonable accommodation, the essential functions of that position.

3. The Rehabilitation Division must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. ~~[A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.]~~

4. An appointing authority shall not make a temporary limited appointment of a certified person with a disability pursuant to this section in any circumstance that the appointing authority determines would create an actual or potential conflict of interest between the certified person with the disability and the agency of the Executive Department of the State Government in which the position exists. For the purposes of this subsection, the receipt of benefits by the certified person with the disability from the agency of the Executive Department of the State Government in which the position exists shall not be deemed to create an actual or potential conflict of interest between the certified person with the disability and the agency.

5. Each appointing authority shall ensure that there is at least one person on the staff of the appointing authority who has training concerning:



(a) Making a temporary limited appointment of a certified person with a disability pursuant to this section; and

(b) The unique challenges a person with a disability faces in the workplace.

6. The Commission shall adopt regulations to carry out the provisions of subsections 1 and 2.

7. This section does not deter or prevent appointing authorities from employing:

(a) A person with a disability if the person is available and eligible for permanent employment.

(b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if the person qualifies for permanent employment before the termination of the person's temporary limited appointment.

8. If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee's probationary period.

Sec. 101. (Deleted by amendment.)

Sec. 102. NRS 284.3775 is hereby amended to read as follows:

284.3775 1. Except as otherwise provided in this section, employees of the Supreme Court, employees of the Court of Appeals or employees in the unclassified service of the Executive Branch of the Government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the State on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.

2. An employee of the Legislative Branch of the Government of the State of Nevada who has served for 4 consecutive months or more is entitled to transfer to:

(a) Any position in the classified service of the State having similar duties and compensation; or

(b) Any other position in the classified service of the State for which the employee is qualified, without regard to the duties and compensation of the position.

↪ Except as otherwise provided in this subsection and subsection 6, such an employee is entitled to transfer to such a position on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority.



3. The benefit conferred by subsections 1 and 2 includes any ~~[exemption from the taking of a competitive examination,]~~ retention of credits for annual and sick leave, and priority ~~[on]~~ **in** the ~~[lists]~~ **pools** of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

4. Except as otherwise provided in subsection 6, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

5. Except as otherwise provided in this subsection and subsection 6, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

→ A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

6. The restrictions provided in subsections 4 and 5 do not apply to:

(a) An employee of the Legislative Branch of Government; or

(b) An employee of the Supreme Court, an employee of the Court of Appeals or an employee in the unclassified service of the Executive Branch of Government whose appointment to that position was immediately preceded by an appointment in the classified service, except that an employee described in this paragraph may only transfer to a position in the classified service that has duties and compensation that are similar either to the employee's current position or to a position the employee previously held in the classified service.

7. An employee in the classified service of the State who is granted leave without pay to accept a position in the Legislative Branch of Government during a regular or special session:

(a) Is entitled to be restored to the employee's previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if the employee had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that the employee would be eligible if the employee was not on leave from the employee's position in the classified service.

8. An employee of the Legislative Branch of the Government of the State of Nevada who is employed at the conclusion of a



regular session of the Legislature and is eligible at that time pursuant to subsection 2 to transfer to a position in the classified service of the State may transfer to such a position on or before November 1 following session notwithstanding the termination of the employee's employment with the Legislative Branch of Government before that date.

9. For the purposes of this section, the weekly compensation of an employee of the Legislative Branch of Government who is paid a daily salary during a legislative session is seven times the daily salary.

Sec. 103. NRS 284.380 is hereby amended to read as follows:

284.380 1. In accordance with regulations, an appointing authority may lay off an employee in the classified service whenever the appointing authority deems it necessary by reason of shortage of work or money or of the abolition of a position or of other material changes in duties or organization.

2. Among other factors, an appointing authority shall consider, in the manner provided by regulation, the status, seniority and service rating of employees in determining the order of layoffs.

3. Within a reasonable time before the effective date of a proposed layoff, the appointing authority shall give written notice thereof to the Administrator. The Administrator shall make such orders relating thereto as the Administrator considers necessary to secure compliance with the regulations.

4. The name of every regular employee so laid off must be placed ~~for~~ *in* an appropriate reemployment ~~list~~ *pool*.

Sec. 104-108. (Deleted by amendment.)

Sec. 109. NRS 353.185 is hereby amended to read as follows:

353.185 The powers and duties of the Chief are:

1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the Executive Department, and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.

3. To cooperate with the State Public Works Division of the Department of Administration in developing comprehensive, long-range plans for capital improvements and the means for financing them.

4. To devise and prescribe the forms for reports on the operations of the agencies in the Executive Department to be



required periodically from the several agencies in the Executive Department, and to require the several agencies to make such reports.

5. To prepare the executive budget report for the Governor's approval and submission to the Legislature.

6. To prepare a proposed budget for the Executive Department of the State Government for the next 2 fiscal years, which must:

(a) Present a complete financial plan for the next 2 fiscal years;

(b) Set forth all proposed expenditures for the administration, operation and maintenance of the departments, institutions and agencies of the Executive Department of the State Government, including those operating on funds designated for specific purposes by the Constitution or otherwise, which must include a separate statement of:

(1) The anticipated expense, including personnel, for the operation and maintenance of each capital improvement to be constructed during the next 2 fiscal years and of each capital improvement constructed on or after July 1, 1999, which is to be used during those fiscal years or a future fiscal year; and

(2) The proposed source of funding for the operation and maintenance of each capital improvement, including personnel, to be constructed during the next 2 fiscal years;

(c) Set forth all charges for interest and debt redemption during the next 2 fiscal years;

(d) Set forth all expenditures for capital projects to be undertaken and executed during the next 2 fiscal years, and which must, to the extent practicable, provide that each capital project which exceeds a cost of \$10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium; and

(e) Set forth the anticipated revenues of the State Government, and any other additional means of financing the expenditures proposed for the next 2 fiscal years.

7. To examine and approve work programs and allotments to the several agencies in the Executive Department, and changes therein ~~§~~, *in accordance with NRS 353.220.*

8. To examine and approve statements and reports on the estimated future financial condition and the operations of the agencies in the Executive Department of the State Government and the several budgetary units that have been prepared by those agencies and budgetary units, before the reports are released to the Governor, to the Legislature or for publication.



9. To receive and deal with requests for information as to the budgetary status and operations of the executive agencies of the State Government.

10. To prepare such statements of unit costs and other statistics relating to cost as may be required from time to time, or requested by the Governor or the Legislature.

11. To do and perform such other and further duties relative to the development and submission of an adequate proposed budget for the Executive Department of the State Government of the State of Nevada as the Governor may require.

Sec. 110. NRS 353.220 is hereby amended to read as follows:

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.

4. Except as otherwise provided in subsection 8, whenever a request for the revision of a work program of a department, institution or agency in an amount more than ~~[\$30,000]~~ **\$75,000** would, when considered with all other changes in allotments for that work program made pursuant to subsections 1, 2 and 3 and NRS 353.215, increase or decrease by ~~10~~ **20** percent or ~~[\$75,000,]~~ **\$350,000** whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting



after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request for revision which is not considered within the 15-day period shall be deemed approved.

(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.

6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.

7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:

(a) The need for the proposed revision; and

(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

8. The provisions of subsection 4 do not apply to any request for the revision of a work program which is required:

(a) As a result of the acceptance of a gift or grant of property or services pursuant to subsection 5 of NRS 353.335; or

(b) To carry forward to a fiscal year, without a change in purpose, the unexpended balance of any money authorized for expenditure in the immediately preceding fiscal year.

Sec. 111 and 112. (Deleted by amendment.)

Sec. 113. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Account to Stabilize the Operation of the State Government is hereby created in the State General Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government:

(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after



subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; and

(b) Commencing with the fiscal year that begins on July 1, 2017, 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.

2. Money transferred pursuant to subsection 1 to the Account to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Account to Stabilize the Operation of the State Government must not exceed ~~20~~ 26 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Account to Stabilize the Operation of the State Government.

4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Account to Stabilize the Operation of the State Government during the previous quarter. The State Controller shall not transfer more than \$500,000 for any quarter pursuant to this subsection.

5. The Director of the Office of Finance in the Office of the Governor may submit a request to the State Board of Examiners to transfer money from the Account to Stabilize the Operation of the State Government to the State General Fund:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or

(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.



6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.

8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the money in the Account to Stabilize the Operation of the State Government may be allocated directly by the Legislature to be used for any other purpose.

Sec. 114. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim



Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding ~~[\$20,000]~~ \$200,000 each in value; and

(b) Governmental grants not exceeding ~~[\$150,000]~~ \$200,000 each in value,

↪ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Office of Finance, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395 or 435.490;

(c) Legal services provided on a pro bono basis by an attorney or law firm engaged in the private practice of law to the State of Nevada or any officer, agency or employee in the Executive Department of the State Government pursuant to a contract for legal services entered into by or at the request of the Attorney General in accordance with NRS 228.112 to 228.1127, inclusive;

(d) Artifacts donated to the Department of Tourism and Cultural Affairs; ~~for~~

(e) The initial \$250,000 received by the Department of Wildlife pursuant to subsection 1 of NRS 501.3585 as a gift, donation, bequest or devise, or combination thereof, for an unanticipated emergency event, as defined in NRS 501.3585 ~~for~~ ; or



(f) A gift or grant that will be deposited in a budget account that consists of money which is not appropriated by or authorized for expenditure by the Legislature.

Sec. 115. (Deleted by amendment.)

Sec. 116. NRS 388.790 is hereby amended to read as follows:

388.790 1. The Commission on Educational Technology, consisting of 2 members who serve ex officio and 11 members who are appointed, is hereby created. The Superintendent of Public Instruction and the ~~[Administrator of the Division of Enterprise Information Technology Services of the Department of Administration]~~ *Chief of the Office of the Chief Information Officer within the Office of the Governor* shall serve ex officio as nonvoting members of the Commission.

2. The Governor shall appoint the following voting members to the Commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) One representative of the Nevada System of Higher Education who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The Majority Leader of the Senate shall appoint two voting members to the Commission:

(a) One of whom is a member of the Senate; and

(b) One of whom is employed in the field of technology.

4. The Speaker of the Assembly shall appoint two voting members to the Commission:

(a) One of whom is a member of the Assembly; and

(b) One of whom is employed in the field of technology.

5. The Governor shall appoint a Chair among the voting members of the Commission.



6. After the initial terms, the term of each member of the Commission is 2 years, commencing on January 1 of the year in which the member is appointed and expiring on December 31 of the immediately following year. A member shall continue to serve on the Commission until his or her successor is appointed. Upon the expiration of a term of a member, he or she may be reappointed if he or she still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

7. The person or entity who appoints a member to the Commission may remove that member if the member neglects his or her duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the Commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The Commission shall hold at least four regular meetings each year and may hold special meetings at the call of the Chair.

9. Members of the Commission who are not Legislators serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. For each day or portion of a day during which a member of the Commission who is a Legislator attends a meeting of the Commission or is otherwise engaged in the work of the Commission, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➔ The compensation, per diem allowances and travel expenses of the legislative members of the Commission must be paid from the Legislative Fund.

Secs. 117-120. (Deleted by amendment.)

Sec. 121. NRS 408.55028 is hereby amended to read as follows:

408.55028 1. The Telecommunications Advisory Council is hereby created.

2. The Council consists of seven members appointed by the Governor. The Governor shall appoint to the Council:



- (a) One member from the Office of Science, Innovation and Technology in the Office of the Governor;
 - (b) One member from the Department of Transportation;
 - (c) One member from the Department of Education;
 - (d) One member from the Nevada Office of Rural Health;
 - (e) One member from the Department of Public Safety;
 - (f) One member from the Nevada System of Higher Education;
- and
- (g) One member from the ~~[Division of Enterprise Information Technology Services of the Department of Administration.]~~ *Office of the Chief Information Officer within the Office of the Governor.*

3. The member appointed from the Office of Science, Innovation and Technology in the Office of the Governor shall serve as the Chair of the Council.

4. The Council shall meet as necessary at the call of the Chair.

5. The Director of the Office of Science, Innovation and Technology in the Office of the Governor shall provide staff support to the Council.

6. A majority of the members of the Council constitutes a quorum for the transaction of business.

7. The members of the Council receive no compensation for their services, but are entitled to be reimbursed for all travel and other expenses actually and necessarily incurred by them in the performance of their duties, within the limits of money available to the Council.

8. The members of the Council may request assistance from technical advisors as the Council deems necessary.

9. The Council shall:

- (a) Provide information, advice, strategic plans, priorities and recommendations to assist the Department in administering access to rights-of-way to telecommunications providers for statewide telecommunications purposes;

- (b) Assist the Department in valuing in-kind compensation pursuant to NRS 408.5501 to 408.55029, inclusive, and approve or deny any valuation thereof;

- (c) Seek input from telecommunications providers and the public relating to broadband access;

- (d) Coordinate and exchange information with other entities of this State and its political subdivisions relating to technology and telecommunications;

- (e) Approve or deny any agreement between the Department and a telecommunications provider proposed pursuant to NRS 408.5502,



if the Council finds that the agreement is competitively neutral and nondiscriminatory; and

(f) Provide other assistance as requested by the Department.

Secs. 122-129. (Deleted by amendment.)

Sec. 130. NRS 603A.217 is hereby amended to read as follows:

603A.217 Upon receipt of a well-founded petition, the Office of ~~Information Security of the Division of Enterprise Information Technology Services of the Department of Administration~~ *the Chief Information Officer within the Office of the Governor* may, pursuant to chapter 233B of NRS, adopt regulations which identify alternative methods or technologies which may be used to encrypt data pursuant to NRS 603A.215.

Secs. 131-141. (Deleted by amendment.)

Sec. 141.5. 1. There is hereby appropriated from the State General Fund to the Governor for salaries of staff and employees of the Office of the Governor for the following sums:

For the Fiscal Year 2023-2024 \$900,000

For the Fiscal Year 2024-2025 \$900,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 141.7. The State Controller shall transfer from the State General Fund to the Account to Stabilize the Operation of the State Government created by NRS 353.288 the sum of \$269,550,063.

Sec. 142. The amendatory provisions of this act do not apply to a collective bargaining agreement entered into before July 1, 2023, but do apply to any renewal or extension of such contract.

Sec. 143. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.



2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 144. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 145. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 146. NRS 284.172, 284.215, 284.220, 284.230 and 284.235 are hereby repealed.

Sec. 147. 1. This section and sections 113 and 141.7 of this act become effective upon passage and approval.

2. Sections 1 to 112, inclusive, 114 to 141.5, inclusive, and 142 to 146, inclusive, of this act become effective on July 1, 2023.



4.b Potential
Regulations Drafted by
Business & Industry
Supporting Changes to
NRS 232.8413 and
232.8415

October 10, 2025

Ms. Nikki Haag
Deputy Director
Office of Nevada Boards, Commissions, and Council Standards
Department of Business and Industry

Ms. Nikki Haag:

Thank you for allowing us the opportunity to review and comment on the Department of Business and Industry's proposed regulation changes, referred to as "Regulations and Administrative Standards for Nevada's Title 54 Boards-draft NH" (Draft Regulations). It is clear the Department and stakeholders have put considerable time and energy into developing the proposed regulation changes before us now.

The Nevada Board of Professional Engineers and Land Surveyors (NVBPELS) is fully committed to any and all practices that improve accountability, transparency and efficiency and it is in this light that we have taken the time to thoroughly review your draft regulations to provide you with thoughtful commentary and meaningful revisions. Our comments and revisions are enumerated below and collected in a Word Document mark-up file; attached for your review.

Section 1(b), 1(b)(i), 1(b)(ii), there is reference to "procedures required by the Office". Those undefined procedures should be set forth in the regulations, rather than left to the Office to develop without input, to prevent unfeasible requirements and/or arbitrary rule-making;

Section 1(b)(iii)1, We prepare monthly financial statements (a widespread practice). These statements are presented at our regular board meetings. The additional effort and money spent producing a quarterly report feels like an unwarranted cost burden that we and the other boards will have to bear.

Section 1(e)(i) requires the Board to share documents/information regarding an investigation. However, NRS 625.425(1) provides that investigative records are confidential, and pursuant to NRS 625.425(3), the records can only be shared with another licensing board or agency that is investigating that person. It does not make an exception for an agency that is auditing the Board;

Section 2 talks about each Board adopting the “uniform standards created by the Office”. However, again, any uniform standards should be set forth in regulation, rather than developed by the Office without stakeholder input/public oversight;

Section 3, the same comment as above regarding “standards for financial controls approved by the Office”. Standards should be developed in regulation;

Section 3(b)(2)(b), what does “enhanced administrative oversight” consist of, and what “administrative or fiscal support services” are even being provided that could be withheld?

Section 3(c)(iii), There are no statutes enacted by the legislature to allocate funds from the boards to fund the operations of the Office. (iii) should be deleted.

Section 4, what “uniform set of standards for legal representation” does the Office envision. What guidance is there for the Board to know what standards would be acceptable?

Section 5, the same concern as set forth for Section 4, above, regarding a “uniform set of structural standards created or approved by the Office.” Such standards should be set forth in regulation, rather than developed at the whim of the Office, without input/public process;

Section 5(c)(i) says the Office shall set minimum attendance requirements, but then (ii) and (iii) go on to address minimum attendance requirements. (i) should be deleted;

(iv) under Section 5(c) is blank and should be deleted;

Section 5(c)(v), Individual boards should be the ones who create procedures for their board members and prospective board members. However, these procedures should be reviewed by the office.

Section 7, any requirements imposed upon Boards should be set forth in regulation and not developed by the Office internally. Not putting such requirements in regulation deprives the process of transparency and stakeholder/public input.

The process feels compressed, and we are concerned that the first public workshop scheduled for next Friday might be a bit premature given the fact that it is only a week after you are to receive comments from the responding boards. I believe that this could jeopardize quality and effectiveness of regulations that we are working toward.

This schedule does not allow us the opportunity to present the proposed regulations to our board for their insight and feedback. I cannot speak for the other boards, but I believe that

many are in the same predicament that NVBPELS is in, which is the missed opportunity for boards and board members to review of the proposed regulation changes and provide their input. I would respectfully request that the first public workshop be rescheduled for later in the month to allow us the opportunity to present the proposed regulation changes to our full Board. NVBPELS could convene a special Board meeting on or around the date of Thursday, October 23rd if this would be possible.

Thank you for all your hard work and communication with the Title 54 Boards. We know this is long arduous process that requires time, hard work, and compromise. We are committed to this process and working with the Department of Business and Industry and the Office as we work together to draft regulations that best serve our great State and its citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Fakler", written in a cursive style.

Mark J Fakler, PE
Executive Director.

DEPARTMENT OF BUSINESS AND INDUSTRY

Disclaimer: *Nothing in these regulations shall be construed to supersede or conflict with the procedural requirements set forth in NRS Chapters 622 or 622A, or with any current NRS or NAC applicable to boards governed under Title 54. These standards are intended solely to supplement existing statutory provisions for the purpose of administrative oversight, operational consistency, and inter-board standardization pursuant to NRS 232.8415.*

General Provisions

NAC 232.010 Definitions. (NRS 233B.505) As used in NAC 232.010 to 232.140, inclusive, unless the context otherwise requires:

1. “Chief” means the chief of a division of the Department.
2. “Department” means the Department of Business and Industry.
3. “Director” means the Director of the Department.
4. *“Office” means the Office of Nevada Boards, Commissions, and Councils Standards.*
5. *“Board” means any board, commission, or other statutorily created entity under the purview of the Office pursuant to NRS 232.8415.*
6. *“Board Member” means a person appointed to serve on a specific board or who has previously served on that specific board.*
7. *“Executive Director, or equivalent officer of the boards” means a person appointed or employed by a board who is responsible for overseeing the day-to-day operations of the board.*
8. *“License” means any permit, registration, certificate, or license issued by the a board under the Department.*
9. *“Licensee” means any person who has been issued a permit, registration, certificate, or license by the board under the Department.*
10. *“Profession” means any activity, occupation, or vocation regulated by the board under the Office of Nevada Boards, Commissions, and Councils Standards.*

NAC 232.XXX – Department; powers and duties

1. *Pursuant to NRS 232.8415(1)(a), Boards shall adopt and enforce those procedures and requirements which are created or approved by the Office for their centralized administration, including*
 - a. *In regards to Performance Monitoring and Date Reporting, Boards shall:*
 - i. *submit quarterly reports to the Office detailing*

1. *complaints received, resolved, pending, and processing time averages*
 2. *licensing received, rejected and processing time averages*
 - ii. *Adopt and maintain a written investigation policy that includes estimated timelines for each phase of the investigative process. The policy may allow for deviations from these timelines, provided that the reason for any deviation is clearly documented in the investigative file.*
 - iii. *Track bills during the legislative session that affect Board operations or professions*
 - iv. *Update its administrative codes in response to newly enacted laws*
 - v. *Ensure proper reconciliation of board accounts and bank records*
 - b. *In regards to reporting and audit readiness, Boards shall ensure timely and accurate compliance with all audit requirements, including but not limited to those mandated by statute, regulation, the State Administrative Manual, and procedures required by the Office. To meet these obligations, Boards shall:*
 - i. *Track and meet reporting deadlines required in statute, regulation, the State Administrative Manual, and procedures required by the Office including those enumerated in NRS 218G.400, NRS 331.110, NRS 333.705,*
 - ii. *Maintain an internal system to track all report due dates as required by statute, regulation, the State Administrative manual, and procedures required by the Office , including those referenced in subsection (b)(i) of this section*
 - iii. *Prepare and Submit Financial Statements pursuant to Nevada Revised Statue to the Office, including*
 1. *Submission of quarterly financial statements as required by the Office within 30 days after the close of each quarter, using the standardized format provided by the Office.*
 2. *Submit a comprehensive annual financial report within 9 months of year end close out:*
 - a. *Total revenues, expenditures, and year-end cash balances*
 - b. *A review of the adequacy of existing fees*
 - c. *Any significant financial or structural concerns*
 - c. *For Training and Professional Development, all Boards will draft a policy detailing training requirements for board members. This policy must:*
 - i. *Require Board Members to complete standardized training from the Attorney General's Office as required by NRS 622.200. When approved by the Office, this standardized training may be satisfied by completion of courses provided on the Attorney General's Office website.*

- ii. *Require the Board's Executive Director and relevant staff to notify Board Members of updated training modules to ensure their ongoing compliance with training required by this Chapter;*
 - iii. *Executive Directors will provide completion status of training to the Office.*
 - iv. *Required Board Members complete any specific training mandated by the Office*
 - v. *Include timelines for the completion of any training required by this chapter.*
 - vi. *Be approved by the Office.*
 - d. *In regards to Board Member Support Services:*
 - i. *Boards shall maintain a centralized log of appointment terms and expiration dates*
 - e. *Access to investigative reports and documentation*
 - i. *Upon request of the Office, a board communicate or cooperate with or provide any documents or other information to the Office regarding and investigation or disciplinary matter of the Board. :*
 - ii. *Any confidential or investigatory records obtained by the Office pursuant to this section must remain confidential in accordance with applicable state or federal law and shall be used solely for official purposes consistent with the Office's statutory duties.*
2. *Pursuant to NRS 232.8415(1)(b), Boards shall adopt and enforce those uniform standards created by the Office for investigations, licensing and discipline, including, without limitation, those which separate the roles and responsibilities for occupational licensure from the roles and responsibilities for occupational discipline.*
3. *Pursuant to NRS 232.8415(1)(c), Boards shall adopt and enforce those standards for internal financial controls approved by the Office. These standards must include:*
- a. *In regards to fiscal accountability, Boards shall develop and monitor board budgets*
 - b. *In regards to data integrity and information management, Board's shall*
 - i. *Ensure licensee, financial, and complaint data are accurate and verifiable*
 - ii. *Protect confidential and personally identifiable information*
 - 1. *Respond to all statutory Audits including*
 - a. *Addressing audit findings of authorized entities, including the Office, with written plans and submission follow-up documentation as required*

- b. *Cooperating with audit reviews conducted by the Office, the Legislative Auditor, or other authorized entities*
 - 2. *Remedies for Noncompliance*
 - a. *The Office may issue a written notice of deficiency and require corrective action within a 30 days*
 - b. *Continued failure to comply may result in enhanced administrative oversight, referral to the Governor for potential removal actions under NRS 232A.030, or withholding of administrative or fiscal support services*
 - c. *Fiscal independence and cost allocation*
 - i. *Each Board shall retain full control and custody of all revenue collected under its statutory authority, including but not limited to license fees and other board-generated income.*
 - ii. *The Office shall not access, redirect, or utilize Boards funds*
 - iii. *Boards shall be responsible only for cost allocation charges specifically authorized by statute and enacted by the legislature to fund the operations of the Office.*
 - iv. *All other funding shall remain under the Board's sole authority, subject only to its enabling statutes and applicable financial controls.*
- 4. *Pursuant to NRS 232.8415(1)(d), Boards shall adopt and enforce those uniform set of standards for legal representation that are created or approved by the Office.*
- 5. *Pursuant to NRS 232.8415(1)(e), Boards shall adopt and enforce those sets of structural standards created or approved by the Office, including:*
 - a. *In regards to Board composition and statutory compliance, Boards shall maintain records of each board member's designated seat, including whether their designation is statutorily required as a public member, industry representative, or licensee.*
 - b. *In regards to Board officer roles and elections, Boards shall*
 - i. *Hold officer elections as required by statute or regulation of the Board. Where the term of an officer is not provided by Statute or Regulation of the Board, the Boards shall hold annual elections for officer positions.*
 - c. *In regards to Board Member attendance and participation,*
 - i. *Board Members shall observe the minimum attendance requirements for board meetings set by the Office*
 - ii. *Boards shall recommend the removal of any Board member who has three consecutive unexcused absences, as defined by the Office, for meetings, or has unexcused absences for 50% of the meetings within a 12-month period.*

- iii. *Defining “unexcused absences” and procedures for documenting member absences*
 - iv.
 - v. *Board Members shall observe the procedures created by the Office for participation in training and active engagement in board responsibilities.*
6. *Pursuant to NRS 232.8415(1)(f), Boards shall adopt and enforce those requirements created or approved by the Office for transparency and consumer protection including*
- a. *In regards to Websites*
 - i. *Boards shall maintain a publicly accessible and ADA-compliant website containing, at a minimum, the following information:*
 - 1. *A citation and link to the enabling statutes of the Board in the Nevada Revised Statutes (NRS) and its regulations in the Nevada Administrative Code (NAC)*
 - 2. *The name of all current Board Members*
 - 3. *The statutorily designated position each board member fills*
 - 4. *The start and expiration date of each board member’s current term*
 - 5. *The name and title of the Executive Director or equivalent officer of the boards*
 - 6. *A general email address for contacting the Board*
 - 7. *The physical and mailing address of the Board*
 - 8. *The main telephone number of the Board*
 - 9. *Upcoming Board and committee meetings, including the date, time, location, agenda, and virtual attendance information for year if available*
 - 10. *Archived agendas and minutes of past meetings must follow NRS 241.035*
 - 11. *A license verification system available on the Board’s homepage or accessible within one click from the homepage that includes at a minimum:*
 - a. *The full name of each active licensee*
 - b. *The type of license or certification held*
 - c. *The license number*
 - d. *The license status*
 - e. *The original issuance date and expiration or renewal date, and*
 - f. *An indication of whether the licensee has ever been subject to discipline (“yes” or “no”)*

- 12. *A disciplinary action portal or searchable system available on the Board's homepage including, at a minimum, unless otherwise provided by statute:*
 - a. *All disciplinary actions taken by the Board against licensees*
 - b. *The licensee's name, license number, type of disciplinary action, and date of action*
 - c. *Access to the final order or settlement agreement*
 - d. *The portal or searchable system must be updated within 15 calendar days of any new disciplinary decision*
 - 13. *Instructions and forms for filing a complaint against a licensee*
 - 14. *The most recent financial statement or budget summary required under NRS 622.100 or NRS 218G.400*
 - 15. *Any audit, sunset review report, or legislative performance evaluation prepared within the last 5 years, and*
 - 16. *A direct link to the website of the Office of Nevada Boards, Commissions, and Councils Standards available on the Board's homepage.*
 - 17. *All regulations that have been adopted and not codified*
 - 18. *Each Board shall include the following additional information on its website to improve transparency and service to the public:*
 - a. *Mission statement*
 - b. *Annual reports or performance data*
 - c. *Instructions and forms for licensure, renewal, and reinstatement*
 - d. *All statutory reports and audits*
- b. *In regards to complaint transparency and access, Boards shall*
 - i. *Provide clear instructions for filing complaints against licensees or the Board*
 - ii. *Offer online complaint portals or downloadable forms on Board websites*
 - iii. *Protect confidentiality in accordance with applicable laws while promoting fairness and responsiveness*
 - c. *In regards to consumer education and outreach, Boards may*
 - i. *Publish newsletters, alerts, and bulletins to inform the public about board activities*
 - ii. *Provide resources on professional standards, ethical conduct, and how to report misconduct*
 - iii. *Promote awareness of consumer rights and board jurisdiction*

7. *Pursuant to NRS 232.8415(1)(g), Boards shall adopt and enforce those requirements created by the Office for efficacy and efficiency*

DRAFT

5. Educational Outreach Strategy

5.a. Outreach Approach

5.b. Creating Collateral Materials for Public Education

6. Open Discussion

7. Public Comment

8. Adjourn