

January 30, 2018

Assemblywoman Irene Bustamante Adams, Chair
Sunset Subcommittee of the Legislative Commission
State of Nevada Assembly
Legislative Building
401 South Carson Street
Carson City, NV 89701-4747

Dear Chairwoman Bustamante Adams,

On behalf of the National Society of Professional Engineers and the Nevada Society of Professional Engineers, we write to you today regarding the Sunset Subcommittee of the Legislative Commission's review of the Nevada Board of Professional Engineers and Land Surveyors. The Nevada Board of Professional Engineers and Land Surveyors is the mainstay of engineering licensure in the state and is critical to the protection of the public health, safety, and welfare; Nevada's economic competitiveness; and comity with all other states. We strongly urge the commission to recommend in its final report that no changes be made to the structure or status of the Board.

The professional engineer's foremost responsibility is to protect the public health, safety, and welfare. In that process, professional engineers are involved in conceptualizing, planning, designing, constructing, and maintaining the infrastructure on which we rely. The infrastructure includes bridges, tunnels, buildings, wastewater treatment facilities, plants, factories, processing centers, and many other public and private development projects.

To become licensed as a professional engineer, an applicant must meet specific education, examination, and experience requirements. The Nevada Board of Professional Engineers and Land Surveyors ensures that applicants meet these standards and that they comply with state laws and regulations to ensure public safety. Violation of state requirements can result in disciplinary actions and even license revocation, all of which are tracked and enforced by the Nevada Board of Professional Engineers and Land Surveyors.

Engineering licensure is critical to Nevada's economic competitiveness, in addition to public safety. Professional engineers and engineering firms bring many millions of dollars to the state. Moreover, as all states and territories require licensure as a professional engineer, Nevada's engineering licensure system is necessary to ensure Nevada can continue to attract qualified professional engineers and engineering firms to the state.

The Nevada Board of Professional Engineers and Land Surveyors has shown a strong commitment to continuously enhancing its services and strengthening comity with other states. Nevada is quickly emerging as a leader in facilitating license portability.

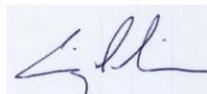
In August 2017, the Nevada licensing board partnered with its Wyoming counterpart to sign a first-of-its-kind pact in which a PE in one state can be accepted as a PE in the other. Under the agreement, an NCEES Model Law Engineer who applies for licensure in either state can choose to be licensed in the other state. Respective application and licensing fees will still be required, but an applicant only completes one application to become licensed in either state. North Dakota will soon also be a signatory to the pact and Nevada is actively working to encourage other states to participate. Please see the attached article “PE Report: Wyoming, Nevada Ink Mobility Agreement” to learn more about the pact.

It is evident that the Nevada Board of Professional Engineers and Land Surveyors plays a critical role in protecting the public health, safety, and welfare; promoting Nevada’s economic competitiveness; and serving as a national leader on licensure portability. We therefore strongly urge the commission to recommend in its final report that no changes be made to the structure or status of the board. If you have any questions, please contact Arielle Eiser, associate director of advocacy and government relations at aeiser@nspe.org.

Sincerely,



Tom C. Roberts, P.E., F.NSPE
NSPE President



Craig Sisco, P.E.
Nevada Society of
Professional Engineers
President

AVE/jk

Attachment: “PE Report: Wyoming, Nevada Ink Mobility Agreement”

Wyoming, Nevada Ink Mobility Agreement

The Wyoming and Nevada licensing boards have signed a first-of-its-kind pact in which a PE in one state can be accepted as a PE in the other.

The boards signed the agreement in August at the annual meeting of the National Council of Examiners for Engineering and Surveying. Under the agreement, an NCEES Model Law Engineer who applies for licensure in either state can choose to be licensed in the other state. State-specific exams and respective fees will still be required, but an applicant must complete only one application to become licensed in either state. Wyoming and Nevada are the first two states to sign this kind of memorandum.

Corky Stetson, P.E., Wyoming board president, says that the memorandum is a great stepping stone toward improved mobility of the PE. It can be a long and trying process to become licensed in more than one state, he says, even if you regularly work in multiple states or just moved to a new state.

"It's so painful," says Stetson. "We've got to do something to make it easier. We just need to keep taking the steps to make mobility easier. We kept talking about it, but we needed to do something."

Patty Mamola, P.E., executive director of the Nevada board, points out that the new memorandum between Nevada and Wyoming benefits the states' economies: When engineers are quickly licensed, they can begin working and generating revenue in that state sooner.

"It saves time," says Mamola. "And since time is money, it provides a financial savings, too."

Mamola adds that several state boards have already asked the Nevada and Wyoming boards about the memorandum. She hopes the agreement encourages more states to adopt similar licensure mobility agreements.

"It's a matter of getting board members to think bigger and challenge the status quo," says Mamola. "We have to do something to improve mobility, and this is a step in that direction."

Obstacles to mobility and uncertainty associated with comity licensure are both persistent problems plaguing the PE license. In the early 1900s, when PE licensure began, it was rare for engineers to practice outside of their own states; with advancements in technology and transportation, it is now common.



NEVADA PEs WHO WANT TO WORK IN WYOMING, AND VICE VERSA, WILL NOW HAVE A MUCH EASIER TIME GETTING LICENSED.

Becoming licensed in multiple states can be a complicated process, however. A PE licensed in one state may not even qualify for licensure in another state due to varying requirements in education and other areas.

According to the 2015 NSPE Engineering Outlook Survey, 50% of PEs, EIs, and students agreed and 38% strongly agreed that states should align licensing requirements to improve licensure mobility for PEs.

Read the full memorandum on the Nevada board's website at <https://nvbpels.org>.

Oregon Case Highlights Free Speech, Engineering Practice

Oregon's attorney general ruled in December that the state engineering and surveying licensing board violated a man's free speech rights after the board fined him \$500 for the unlicensed practice of engineering.

The case began when Oregon resident Mats Järnlström's wife was mailed a \$150 fine for a driving violation at a camera-monitored intersection. Järnlström, who earned an engineering degree in Sweden but is not a PE, conducted his own study of the traffic light's timing and found the timing of the lights unfair. After sharing his finding with the media and state officials, including the engineering and surveying licensing board, he was fined by the board.

The case drew wide attention in the media as an example of government overreach and an infringement of free speech. For example, in June, nationally syndicated columnist George Will wrote, "If you find yourself in Oregon, keep your opinions to yourself, lest you get fined \$500 for practicing engineering without a license." He described the case as "symptoms of something sinister," and mocked the board for considering Järnlström to be, "like Jesse James, Al Capone, and John Dillinger, a dangerous recidivist."

For NSPE, the attention generated by the case put engineering licensure in a bad light. To clarify the need for

licensing, then NSPE president Kodi Verhalen, P.E., Esq., F.NSPE, submitted a letter to the editor of the *Washington Post* explaining that the main distinction between an engineer and a licensed engineer is the legal and ethical duty of PEs. "It isn't a matter of one being superior or smarter than the other, the piece of paper you hold from your college or university, where you earned your degree, or the organizations you've joined," the letter stated. "It is a matter of meeting the legal prerequisites for carrying out the practice of engineering on projects that have public safety implications as defined by that state's laws and rules."