

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



**Legislative Committee Meeting
October 16, 2025
Virtual Meeting**

1. Meeting Call to Order

2. Public Comment

3. Approval of Minutes
Legislative Committee
Meeting
January 28, 2025

NEVADA STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
Minutes of the Legislative Committee Meeting
Held virtually (zoom) at 10:00am, Tuesday, January 28, 2025

Committee Chair, Greg DeSart, PE, called the meeting to order at 10:00am.
Committee members participating via video conferencing were Jay Dixon, PE; and Matt Gingerich, PLS. Committee member Robert Fyda, PE, was excused. Also joining were Mark Fakler, Executive Director; Murray Blaney, Compliance/Operations; Chirs MacKenize, Board Counsel; Cassidy Wilson, Government Liaison.

1. Meeting conducted by Committee Chair Greg DeSart, call to order and roll call to determine presence of quorum—committee members: Jay Dixon, Matt Gingerich, Robert Fyda.

A quorum was determined, and the meeting was called to order by Mr DeSart.

2. Public comment period.

There was no public comment virtually or via email.

Approval of September 17, 2024, Legislative Committee meeting minutes.

LGC 25-01 A motion was made by Mr Dixon seconded by Mr Gingerich, to approve the September 17, 2024, minutes. The motion passed. Mr Fyda was excused.

3. Update on status of bill draft request for 2025 legislative session relating to amendment in NRS 625.193, NRS 625 270 & NRS 625.280.

Mr DeSart asked staff to provide an update on the NVBPELS bill draft request.

Mr Fakler said the bill draft request is moving forward and it appears that Senator Hafen will be our sponsor and we're looking for co-sponsors. Marzola is a potential co-sponsor that we're approaching.

Mr DeSart thanked Mr Fakler for the update and said we'll just keep watching it and see what happens.

4. Update on status and possible impacts of Senate Bill 78 (SB 78) which revises provisions relating to boards, commissions, councils and similar bodies.

- a. **SB 78 Content**
- b. **Staff Overview**
- c. **Business and Industry Reorganization Summary**
- d. **Business and Industry Position Paper**

Mr DeSart introduced the next agenda item, an update on the potential impacts of Senate Bill 78 (SB 78), which revises provisions related to boards, commissions, councils, and similar entities. He requested staff to provide an overview of the bill.

Mr Fakler reported that the board had received a policy paper from the Department of Business & Industry. He explained that SB 78 includes a legislative digest outlining its provisions. The bill proposes consolidating this board with those governing architects, interior designers, residential

designers, and environmental health specialists. If enacted, the new board would consist of 13 members:

- One medical professional
- One interior decorator
- One residential designer
- One landscape architect
- Two additional landscape architects
- One architect
- Two engineers
- Two surveyors
- Two environmental health specialists (one from Northern Nevada and one from Southern Nevada)

If passed, SB 78 would take effect on July 1, 2026.

Mr Fakler noted that he and Board Chair Spata had been meeting with Dr Chris Sanchez and Nikki Haig from Business & Industry to gather more information on the bill. A follow-up meeting was scheduled for Friday afternoon to review the policy paper and refine the board's position. He sought input from committee members on recommendations for moving forward and outlined how they planned to present their findings at the upcoming meeting with Business & Industry.

Mr DeSart asked Mr Fakler to clarify what he meant by "we present to them" and inquired who "we" and "them" referred to. Mr Fakler clarified that he and Mr Spata would present to Dr Chris Sanchez and Nikki Haig.

Mr DeSart then asked if Mr Fakler expected this committee to develop a recommendation for the Friday meeting with Business & Industry. Mr Fakler confirmed that he was seeking guidance from the board to shape their presentation to Dr Sanchez and Ms Haig.

Mr DeSart recalled that during the last board meeting, there was discussion on whether the board should take a formal position on SB 78. He pointed out that all board members are appointed by the Governor, and since the legislation originates from the Governor's office, it was debated whether it would be appropriate to take a stance. There was also discussion on whether the bill aligned with the board's mission to protect public health. At that time, the board did not have the position paper, so they lacked complete information. While they now had more details, some uncertainties remained.

Mr DeSart outlined three key discussion points for the committee:

1. Whether to recommend that the board take a position on SB 78.
2. If so, what that position should be.
3. If the board chooses not to take a formal position, whether members should take individual positions instead.

Additionally, the board could consider developing an industry education strategy to inform stakeholders about the bill's contents, implementation timeline, and potential impact.

Mr DeSart then invited Cassidy Wilson, Board Government Liaison, to share her perspective.

Ms Wilson stated that SB 78 is a priority bill from the Governor and the Department of Business & Industry. The Governor mentioned it in his State of the State address as part of his broader legislative agenda, which also includes initiatives on healthcare, education, public safety, economic development, and affordable housing.

She noted that the legislative session begins on Monday, February 3, and at this stage, it is unclear whether SB 78 will be assigned to a committee or receive a hearing. Conversations with legislators indicated that many are unfamiliar with the bill and have numerous questions and concerns. Given its complexity, the bill is expected to undergo significant revisions and amendments throughout the legislative process. She emphasized that legislative proceedings span 120 days, and it remains uncertain whether SB 78 will advance.

Mr DeSart acknowledged that the legislative process is lengthy and unpredictable, making it possible that the bill may not progress this session.

Ms Wilson agreed, noting that SB 431 in the previous session consolidated boards and commissions under Business & Industry. That bill was a priority for Governor Sisolak and ultimately passed.

Mr DeSart emphasized the importance of recognizing that SB 78 is still a proposal and not a guaranteed outcome. Even if it passes, it is likely to undergo significant changes.

Ms Wilson added that Dr Sanchez had repeatedly stated that amendments to the bill were expected, given its length of approximately 4,000 pages. She also pointed out that board reform has been a legislative priority for years but has yet to be fully implemented, except for SB 431.

Mr DeSart shifted the discussion to the findings and recommendations in the Business & Industry policy paper. He noted that the stated goals—such as increasing board accountability, enhancing operations, reducing redundancy, and lowering administrative costs—were reasonable and common-sense objectives. However, he questioned whether SB 78 would achieve these goals. He invited Mr Dixon and Mr Gingerich to share their thoughts.

Mr Dixon questioned whether the proposed new board composition was appropriate and whether adjustments should be considered.

Ms Wilson shared that in her discussions with Dr Sanchez, he had been open to modifying board composition.

Mr Gingerich questioned whether SB 78 would genuinely achieve its stated goals for the Board of Engineers and Land Surveyors. He expressed skepticism that the proposed changes would be beneficial.

Mr DeSart agreed, citing the Board's current efficiency, low fees, and rapid licensing processes. He emphasized that the existing structure already meets the bill's objectives and questioned how the proposed changes would improve efficiency. He suggested exploring a possible carve-out for the Board to maintain its independence.

Mr Gingerich concurred, stating that the proposed restructuring could negatively impact efficiency and increase costs for both the public and licensees.

Mr Fakler noted that discussions with Business & Industry have been ongoing and that Friday's meeting would focus on responding to Business & Industry Policy Paper. He emphasized that the Board's approach should be to demonstrate how it already meets the bill's goals and assess Business & Industry's reaction.

Mr DeSart suggested not only showcasing how the Board currently meets these goals but also highlight how certain proposed changes could hinder progress toward them.

Mr Fakler stated that while board reform is necessary, the Board should collaborate with Business & Industry to ensure changes serve the public and licensees effectively. He recalled Dr Sanchez's past remarks that, if all boards operated as efficiently as NVBPELS, SB 78 might not be necessary. He suggested presenting data on the Board's efficiency, such as rapid licensure processing, direct phone responses, and same-day email replies, and to question how the proposed consolidated board could maintain similar service levels.

Mr DeSart proposed developing a set of bullet points summarizing how the Board already meets the bill's goals and identifying potential drawbacks of the proposed changes. He asked if there was time before Friday's meeting to prepare these points.

Mr Fakler confirmed that he was already compiling such information.

Mr Gingerich asked if the committee would review these bullet points and make a recommendation to the Board.

Mr DeSart agreed, suggesting that the committee strive to finalize a recommendation for Board review. However, he acknowledged that an email vote on the document would not comply with open meeting laws.

Mr MacKenzie confirmed that any vote must be conducted in a public meeting. He suggested that Friday's meeting with Business & Industry was not the final opportunity for discussion and that the response document could be presented at the next interim Board meeting.

Mr DeSart agreed and proposed that staff develop the document for discussion at the next public Board meeting.

Mr MacKenzie supported this approach.

Mr DeSart raised the question of engaging with other stakeholders. He noted that industry professionals had reached out to him with concerns about SB 78 and referenced a recent NSPE luncheon where Dr James discussed the bill. He suggested that the Board focus on educating industry groups about the bill's content rather than advocating for a specific position.

Mr Gingerich supported the idea, suggesting that the response paper be shared with industry associations and the PAL Committee.

Mr DeSart added that the response document could also be made available to business groups, such as chambers of commerce, to ensure accurate information is disseminated. He stressed that, without reliable information, speculation could arise, and the Board should aim to provide clarity.

Mr Gingerich agreed.

Ms Wilson cautioned that, since the full bill had not yet been released, there were still many unknowns, making it difficult to provide complete information.

Mr DeSart acknowledged this but maintained that the Board could educate stakeholders based on currently available details while emphasizing that the final bill may change.

Ms Wilson stated that the legislative session would not begin until Feb 3 and there was no immediate action to take, such as submitting comments or testifying.

Mr DeSart asked if education efforts should wait until the bill is introduced or the legislative session begins.

Ms Wilson agreed, stating that the only current actions are meeting with Dr Sanchez and Business & Industry, asking questions, and providing input.

Mr DeSart supported recommending a public outreach education program after the session starts and the bill is introduced. Mr Gingerich asked if staff should continue drafting the response paper addressing B&I's goals. He also suggested preparing to answer questions with available information while clarifying that not all details are known.

Mr Blaney agreed, noting that the position paper and legislative fact sheet provided a foundation. He explained that Mr Fakler and Board Chair Spata would outline bullet points addressing the goals and the response paper could be shared at the next Board meeting. Staff would be ready with educational materials when the bill is introduced, based on updates from Ms Wilson and Mr MacKenzie. He proposed reconvening the PAL and public outreach committees after the interim Board meeting to ensure readiness for public education efforts.

Mr Blaney highlighted that the proposed board structure includes two engineers and two land surveyors, referencing states with general PE licensure rather than discipline-specific licenses. He pointed out that Nevada's 16 engineering disciplines require technical expertise, making the proposed board structure problematic.

Mr DeSart supported discussing board composition before the bill is issued. He suggested requesting an exemption for the Board, given that it already meets the legislation's goals. Mr Dixon agreed, advocating for formally making the request, as other boards might also seek exemptions. Mr Gingerich noted that some boards were already exempt, and Mr Dixon proposed moving the Engineers Board onto that list.

Mr Fakler mentioned that confirming the exemption criteria would be a key question for Friday's B&I discussion. The committee agreed that now is the time to formally request exemption based on its existing compliance with the bill's objectives.

Mr Blaney noted that the board had previously undergone a Sunset Committee review in either 2017 or 2018 and received strong approval. He asked Mr MacKenzie if he recalled the exact year.

Mr MacKenzie confirmed it was 2017.

Mr DeSart acknowledged the amount of information needed for the Friday B&I meeting but believed it was worth compiling.

Mr Fakler stated that staff had already put significant effort into the document, and while there was still work to do, it was in good shape and could be completed in time for the Friday meeting.

Mr DeSart summarized the discussion, noting the committee's informal agreement on key actions:

1. **Bullet Point List** – Staff will create a list detailing how the Board currently meets the five policy reform goals outlined in the Policy paper for Senate Bill 78. This document will also highlight concerns that certain provisions in the bill may push the Board away from those goals. The list will recognize that the goals are valuable, affirm that the Board is already achieving them, and outline how the bill as currently proposed could undermine them. This document will be prepared for Friday and presented at the next interim Board meeting.
2. **Request for Exemption** – Staff and the Board Chair will formally request that the Board be added to the list of exempt boards, citing the reasons outlined in the first recommendation.
3. **Response Document** – Staff will develop and maintain a summary of the proposed legislation, including known details and unresolved questions. This document will be continuously updated and made available for public outreach and professional organizations as needed.

LGC 25-02 A motion was made by Mr Dixon, seconded by Mr Gingerich for the Board to consider creating a Bullet Point List, Request an Exemption from the bill, and draft a Response Document—all as described above—related to B&I's Bill Draft Request and Policy Paper. The motion passed. Mr Fyda was excused.

5. Discuss on other bill draft requests from bill draft tracker.

Mr DeSart asked Ms Wilson and Mr Fakler if any other bill draft requests from the tracker needed discussion.

Mr Fakler replied that there were none at the moment.

Mr Dixon mentioned a bill from Senator Titus related to surveying channels, likely connected to flood control, and suggested keeping it on their radar.

6. Discuss possible statutory and regulatory impact for NCEES PLS Test Module update.

Mr DeSart initiated a discussion on the potential statutory and regulatory impacts of the upcoming NCEES PS test module update and asked Mr Gingerich to provide details.

Mr Gingerich explained that in 2027, NCEES will introduce a PLSS module for the exam. The Board will need to decide whether to require this module for licensure and review the state-specific exam accordingly. He noted that the Survey Standards of Practice Committee recently met and provided positive feedback on transitioning to the new test and modifying the state-specific exam to remove PLSS-related questions. He suggested that this change would likely only require regulatory updates

and that the state-specific exam might become a take-home exam. He said one concern raised was how applicants seeking reciprocity from states that do not require the new NCEES PLSS test would qualify for licensure. The committee discussed whether the existing state-specific exam could serve as an alternative. Staff was tasked with reviewing the regulations to determine if any changes were necessary. (Action item)

Mr Blaney emphasized the need to understand the format and cost of the new module to assess the burden on applicants before determining if statutory or regulatory changes are required.

Mr DeSart asked whether the survey committee should continue handling this issue as an ongoing agenda item until it is ready to present a recommendation. (Action item)

Mr Gingerich agreed that this approach was appropriate.

7. Update next steps in the regulatory process for LCB file R007-24 (PLS Standards of Practice regulations).

Mr DeSart inquired about the status of agenda item 8, regarding the next steps in the regulatory process for LCB file R007-24, the PLS standard of practice regulations.

Mr Gingerich reported that the committee met yesterday to address public comments from the adoption hearing. The committee agreed on minor edits and rewording. To expedite the process, he proposed the revised wording be sent to the Board for approval.

8. Discussion on status of committee and staff assignments.

Mr DeSart noted that there was nothing to discuss for this item. After confirming with Mr Blaney, he moved on to the next agenda item.

9. Open discussion of items related to the Legislative Committee.

Mr DeSart asked if there were any additional items for discussion.

Mr Dixon referenced SB 108, the bill he had mentioned earlier.

Mr DeSart confirmed it would be added to the list of tracked bills and considered at the next meeting. (Action item)

10. Public comment period.

Mr DeSart opened the meeting to public comment.

Mr Carrington:

Mr Chair. My name is Robert Carrington. I'm the Legislative Committee chairman for the Nevada Association of Land Surveyors. We've attended a few meetings with some of your Board's different groups, and we are committed to supporting your Board the way it exists today and not being tied under some new business and industry Board that we don't think will represent the best interest of engineering

and surveying, as it relates to us, our role in the public and life health and safety, so just wanted to know. That's why we, Trent and I are both here today. Legislative items on this item especially. I've never seen more threat to our profession than putting us under a Board that will not regulate us very well, not to the level that our Board's regulating now. And so that's why we're here.

Mr DeSart thanked Mr Carrington for his comments.

Mr Keenan:

This is Trent Keenan, Mr Chairman. I represent Westfed. So, it's the Western Federation of Professional Surveyors, and we are part of 12 Western States, and I'm the current chair elect for that as well. And so, having meetings like this that I can take back to our neighboring states as well that we can plan, have letters of support issued, or whatever the case may be, from other things. That's why I wanted to sit in and, like Robert said, this is a huge bill that's pretty impactful. So just wanted to keep up to date with it, so we can always support it back to the members. I'm also the editor of our Nevada Traverse. So going back to your point about personal opinions and how it can definitely turn into a phone game. It is very important that we stay in contact with the right information. So, appreciate it.

Mr DeSart thanked Mr Keenan for his comments.

11. Adjourn

Mr DeSart thanked the committee members for their participation and adjourned the meeting at 11:00 am.

Respectfully, Mark Fakler
Executive Director

4. Overview of Senate Bill 78

5. Update on the Department of Business and Industry Proposed Regulation Changes to NAC 232

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

Mark Fakler

From: Mark Fakler
Sent: Friday, October 10, 2025 9:55 AM
To: Nikki Haag; Kristopher Sanchez
Cc: Murray Blaney
Subject: NBCCS Office Regulations
Attachments: NVBPELS NAC 232.XXX Draft Regulations Response Ltr 10.10.25.pdf; NVBPELS Proposed Updates to NAC 323.XXX.pdf

Good morning, Nikki and Kris.

Please see our response and proposed edits to the Department of Business and Industry's Draft Regulations. (NAC 323.XXX)

Thank you.

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', with a stylized, cursive script.

Mark J Fakler, PE
Executive Director.

Mark J Fakler
Executive Director

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6. Experience Given to Accelerated Bachelor's Degree and Post-Graduate Master's Programs



Memorandum

August 27, 2025

To: Board Members
From: Board Staff
Subject: Experience Credit for Master's Degrees

Background

At its August 14, 2025, Interim Meeting, the Board reviewed an application for initial licensure that included a nine-month master's degree in engineering. NRS 625.183 requires four years of active engineering experience and grants two years' credit for a master's degree, without reference to program length. The Board questioned whether an accelerated degree qualifies for the full two years' credit, tabled the matter, and directed staff to research and provide additional information for consideration at a future meeting.

Discussion

NRS 625.183 states the qualifications required for licensure as a professional engineer:

1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.
2. An applicant for licensure as a professional engineer must:
 - (a) Be of good character and reputation; and
 - (b) Pass the examination on the:
 - (1) Fundamentals of engineering or receive a waiver of that requirement; and
 - (2) Principles and practices of engineering, pursuant to NRS 625.193.
3. An applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and **has a record of 4 years or more of active experience in engineering which is satisfactory to the Board** and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.
4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:
 - (a) **Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience**, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

(Added to NRS by 1997, 1038; A 1999, 2434, 2435; 2005, 206, 208; 2011, 227; 2019, 1527, 4259)

The statute clearly provides that the awarding of a master's degree in engineering is equivalent to **two years of active engineering experience**. It does not include any conditions related to the length of the program or the time taken to complete the degree.

When the statute was written in 1997, most master's degrees took two years to complete. Today, higher education has evolved. Many accredited universities now offer accelerated programs that allow students to complete the same curriculum in a shorter period, sometimes under a year.

Regardless of the program's length, the degree awarded is the same, the accreditation standards are the same, and the academic rigor is equivalent. The degree represents the completion of advanced study in engineering, and the statute ties experience credit to **the degree itself**, not the time in school.

Summary

A completed master's degree in engineering that is recognized by the Board carry's **two years of experience credit**.

This credit is granted **without regard to program length or format**, as long as the degree is from an accredited institution.

This approach ensures consistent treatment of applicants, aligns with the wording of NRS 625.183(4)(a).

NRS 625.183 Qualifications of applicant for licensure as professional engineer.

1. A person who is 21 years of age or older may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

↪ pursuant to [NRS 625.193](#).

3. An applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of [NRS 625.193](#) may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

130 LICENSURE

130.10 General Requirements for Licensure

Education, experience, and examinations are required for licensure as a professional engineer or professional surveyor as set forth by the jurisdiction.

A. Eligibility for Licensure

To be eligible for licensure as a professional engineer or professional surveyor, an individual must meet all of the following requirements:

1. Be of good character and reputation
2. Satisfy the education criteria set forth by the board
3. Satisfy the experience criteria set forth by the board
4. Pass the applicable examinations set forth by the board
5. Submit five references acceptable to the board

B. Engineering

1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

- a. Graduating from an engineering bachelor's program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), graduating from an engineering master's program accredited by EAC/ABET, graduating from an engineering technology bachelor's program accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or meeting the requirements of the NCEES *Engineering Education Standard*

b. Passing the NCEES Fundamentals of Engineering (FE) examination

2. Licensure as a Professional Engineer

The board may designate a professional engineer as being licensed in a specific discipline or branch of engineering, signifying the area in which the engineer has demonstrated competence.

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

- (a) A degree in engineering from an EAC/ABET-accredited bachelor's program
- (b) A degree in engineering from an EAC/ABET-accredited master's program
- (c) A degree in engineering technology from an ETAC/ABET-accredited bachelor's program
- (d) A bachelor's, master's, or doctoral degree in engineering or engineering technology from a non-ABET-accredited program. This individual's education must be shown to meet the NCEES *Engineering Education Standard*.

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination, and any jurisdiction-specific examination.

45 (3) Experience Requirements

46 An individual seeking licensure as a professional engineer shall present evidence of a
47 specific record of four years of progressive engineering experience after a qualifying
48 degree is conferred as described in a(1)(a), a(1)(b), or a(1)(d) above or evidence of a
49 specific record of six years of progressive engineering experience after a qualifying
50 degree is conferred as described in a(1)(c) above. This experience should be of a grade
51 and character that indicate to the board that the applicant may be competent to
52 practice engineering. The following educational criteria may apply as a substitute to
53 the length of experience set forth above:

- 54 (a) An individual with a master's degree in engineering acceptable to the board:
55 three years of experience after the qualifying bachelor's degree is conferred as
56 described in a(1)(a) or a(1)(d) above
- 57 (b) An individual with a master's degree in engineering acceptable to the board: five
58 years of experience after the qualifying bachelor's degree is conferred as described
59 in a(1)(c) above
- 60 (c) An individual with an earned doctoral degree in engineering acceptable to the
61 board and who has passed the FE exam: two years of experience
- 62 (d) An individual with an earned doctoral degree in engineering acceptable to the
63 board and who has elected not to take the FE exam: four years of experience
- 64 A graduate degree that is used to satisfy education requirements cannot be applied for
65 experience credit toward licensure. To be eligible for experience credit, graduate
66 degrees shall be relevant to the applicant's area of professional practice.
67 Experience credit for a graduate degree cannot be earned concurrently with work
68 experience credit.

69 b. Licensure by Comity for a Professional Engineer^{3,4}

70 The following shall be considered as minimum evidence satisfactory to the board being
71 applied to that the applicant is qualified for licensure by comity as a professional engineer:

- 72 (1) An individual holding a license to engage in the practice of engineering issued by a
73 proper authority of any jurisdiction or any foreign country, based on requirements
74 that do not conflict with the provisions of this Act and possessing credentials that are,
75 in the judgment of the board, of a standard that provides proof of minimal
76 competency and is comparable to the applicable licensure act in effect in this
77 jurisdiction at the time such license was issued may, upon application, be licensed
78 without further examination except as required to examine the applicant's knowledge
79 of statutes, rules, and other requirements unique to this jurisdiction; or
- 80 (2) An individual holding an active Council Record with NCEES, whose qualifications as
81 evidenced by the Council Record meet the requirements of this Act, may, upon
82 application, be licensed without further examination except as required to examine
83 the applicant's knowledge of statutes, rules, and other requirements unique to this
84 jurisdiction; or
- 85 (3) An individual (not applying for licensure in the structural discipline) who holds a
86 license to engage in the practice of engineering issued by another state, the District of
87 Columbia, or a territory of the United States may, upon application, be licensed
88 without further examination except as required to examine the applicant's knowledge

³ Jurisdictions (boards) that do not license by discipline may license an individual as a professional engineer.

⁴ Jurisdictions (boards) that license by discipline may license an individual in any discipline in which the individual can verify competency.

of statutes, rules, and other requirements unique to this jurisdiction, if the applicant meets all of the following criteria:

- (a) The professional engineering qualifications of the applicant include a minimum of seven years of continuous and verifiable experience as a professional engineer that is acceptable to the board being applied to;
- (b) Applicant has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five years immediately preceding application to this jurisdiction;
- (c) Applicant's professional license has not been suspended or revoked at any time from any jurisdiction; and
- (d) Applicant has passed the Principles and Practice of Engineering examination administered by the National Council of Examiners for Engineering and Surveying relevant to the discipline in which the applicant is seeking licensure.

C. Surveying

1. Certification or Enrollment as a Surveying Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as a surveying intern.

- a. Graduating from a surveying bachelor's program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET); graduating from a bachelor's program related to surveying with 30 or more semester course hours in core surveying topics; or meeting the requirements of the NCEES *Surveying Education Standard*
- b. Passing the NCEES Fundamentals of Surveying (FS) examination

2. Licensure as a Professional Surveyor

a. Initial Licensure as a Professional Surveyor

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional surveyor.

(1) Education Requirements

An individual seeking licensure as a professional surveyor shall possess one or more of the following education qualifications (a degree in surveying includes surveying, surveying engineering, mapping, geodesy, and geomatics):

- (a) A bachelor's degree in surveying accredited by the Engineering Accreditation Commission of ABET (EAC/ABET)
- (b) A bachelor's degree in surveying accredited by the Engineering Technology Accreditation Commission of ABET (ETAC/ABET)
- (c) A bachelor's degree in surveying accredited by the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET)
- (d) A bachelor's degree with 30 or more semester course hours in core surveying topics
- (e) A bachelor's, master's, or doctoral degree from a non-accredited program related to surveying. This individual's education must be shown to meet the NCEES *Surveying Education Standard*

(2) Examination Requirements

An individual seeking licensure as a professional surveyor shall take and pass the NCEES Fundamentals of Surveying (FS) examination and the NCEES Principles and Practice of Surveying (PS) examination, and any jurisdiction-specific examination.

7. Status of Committee and Staff Assignments

Legislative Committee Action Item List

Items for discussion

Summary of past legislative session in relation to SB 78, moved to **10.16.2025 LegComm agenda**

Concurrent experience as it relates to NRS 625.183 and NRS 625.270. See related memo from 9.11.2025 Board meeting. **Future discussion**

Letter from NALS relating to NRS 625.380. **Future discussion**, move to **PLS Subcommittee**

As a result of NCEES Annual Meeting vote on *Engineering Licensure Task Force Motion 1*, the proposed pathway for comity licensure for non-degree applicants. To be vetted by LegComm (for review against current regulations). **Future discussion**

Consider future licensing of engineers as it relates to emerging technologies and blended engineering degrees including considering retention and/or modification of specific disciplines licensed by the board. Develop position statement before end of FY 2023/2024 of the issues to be addressed. This item encompasses discipline specific vs PE state discussion. Mr Fyda and Mr Fakler to discuss and identify possible solutions to the issues identified by position statement. **Future discussion**

Possible NRS changes for consideration

NRS 327 (National datum update), moved to **PLS Subcommittee**

NRS 625.280 (regarding release of NCEES PLSS module), moved to **PLS Subcommittee**

NRS 625.183 (Engineering master's/doctorate experience equivalent), moved to **10.16.2025 LegComm agenda**

Possible NAC changes for consideration

NAC Chapter 232 (draft regulations proposed by B&I, related to board oversight), moved to **10.16.2025 LegComm agenda**

NAC 625.310 (impact of NCEES PLSS module), moved to **PLS Subcommittee**

NAC 625.240 (relates to comity licensure – discussion item above). **Future discussion**

Schedule for codification approved NAC changes

R 077-23 Licensure and Examinations	R 126-23 PLS Standards of Practice
R 079-23 Miscellaneous	R 006-24 Written Contracts
R 105-23 PLS Standards of Practice	R 007-24 PLS Standards of Practice

Have connected with LCB, **awaiting timeline update**

8. Open Discussion

9. Public Comment

10. Adjourn