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## **R079-23**

# Proposed Repeals or Amendments of Miscellaneous Regulations

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Small Business Impact Statement

## **Small Business Impact Statement for proposed repeals and amendments to regulations relating to:**

Miscellaneous Regulations – NAC 625.420; NAC 625.460; NAC 625.620; NAC 625.625; NAC 625.635

### **Summary**

The State Board of Professional Engineers and Land Surveyors has determined that the proposed repeals and amendments will have no negative financial impact on a small business and in some circumstances will likely have a beneficial impact. The proposed regulations have no negative impact on the formation, operation, or expansion of a small business in Nevada.

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

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

### **Background**

The proposed repeals and amendments reduce regulations by eliminating outdated and unnecessary regulations. The rationale for each of the proposed repeals is described in the following:

#### Miscellaneous Regulations

##### [NAC 625.420](#)

→ NAC 625.420 is amended for clarification related to retired and inactive status of a license, and the requirements to move a license back to active status.

##### [NAC 625.460](#)

→ Recommending repeal of this regulation because it is outdated. The Board’s online license renewal system (put into operation in 2015) clearly states the license expiration date, whether a licensee chooses active or inactive status at time of license renewal. The second sentence is already covered by NAC 625.420.

**NAC 625.620**

→ Recommending repeal of this regulation because it is outdated. The Board’s online firm registration process requests the same information that would be included in a “certificate of fictitious name”. The Board requires a Nevada Business License as part of its firm registration and in obtaining a Nevada Business License, a firm would be required to file a certificate of fictitious name in the form required by chapter 602 of NRS with the Nevada Secretary of State’s office.

**NAC 625.625**

→ Recommending repeal of this regulation because it is outdated. Contact information is already addressed in NAC 625.615, and any change relating to discipline of engineering or land surveying is information that is collected at the time of license renewal and no additional notification is required.

**NAC 625.635**

→ Recommending repeal of this regulation as it states the obvious and it does not need to be in regulation, especially in consideration, as stated in item 1, a party can be represented by any person he/she designates.

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

Referencing the requirements of NRS 233B.0608, the Nevada Board of Professional Engineers and Land Surveyors requested input via a survey link sent to all Nevada licensed engineers and land surveyors, and those signed up to receive news and information from the board. The emailed survey link was sent to 18,500 individuals.

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

A summary of the survey results is available for viewing on the Nevada Board of Professional Engineers and Land Surveyors website (see link below) and are included as an attachment.

<https://nvbpels.org/business-impact-survey-results-2023/>

**Manner in which the analysis was conducted**

Survey results were initially reviewed for general comments to gauge if the intent of the proposed regulation changes was adequately conveyed.

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

**1. Estimated economic effects of the proposed regulation on small businesses**

Based on the survey results, there are no adverse economic impacts related to the proposed repeal and amendment of the listed miscellaneous regulations.

**2. Considerations were made to reduce impact of proposed regulation**

The proposed repeal and amendment of the listed miscellaneous regulations was put forward to lessen regulatory burden. No adverse impacts were identified that warranted additional consideration.

**3. Cost estimate for agency enforcement**

At this time there would be no additional cost to the regulatory board to enforce the proposed amendments. Any issues relating to compliance would be absorbed into the existing workload of the current staffing levels.

**4. New fees or increases in existing fees**

The proposed amendments do not involve an increase to existing fees or create any new fees.

**5. Are any duplicative or more stringent provisions involved**

There are no federal regulations associated with professional engineers and land surveyors. However, every state and US territory regulates the professions of engineering and land surveying.

**6. Summary of conclusions**

The proposed repeal and amendment of the listed miscellaneous regulations will have no adverse impacts on small businesses.

**Certification by Person Responsible for the Agency**

I, Patty Mamola, Executive Director of the Nevada Board of Professional Engineers and Land Surveyors certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed amendments to regulation on small business, and the information contained in this statement was prepared properly and is accurate.

A handwritten signature in blue ink, appearing to read "Paul Mando". The signature is fluid and cursive, with a long horizontal stroke at the end.

April 19, 2024

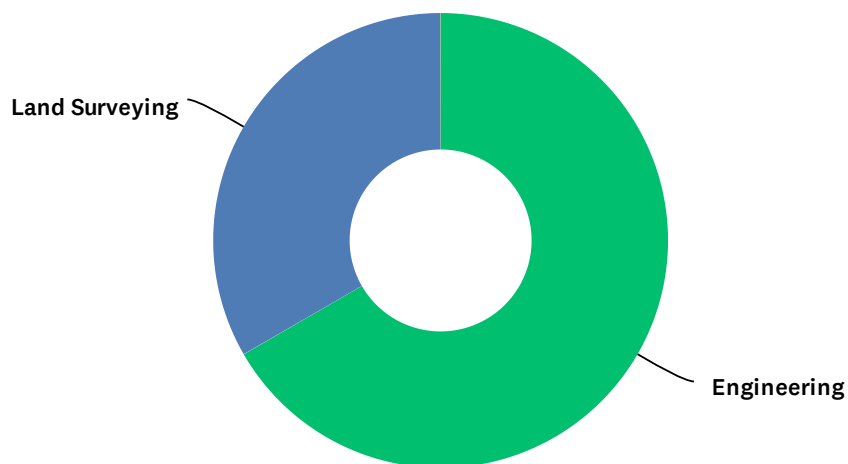


# Business impacts related to proposed repeal of miscellaneous regulations.

Small Business Impact Survey Results

## Q1 Type of Business (primary service offered)

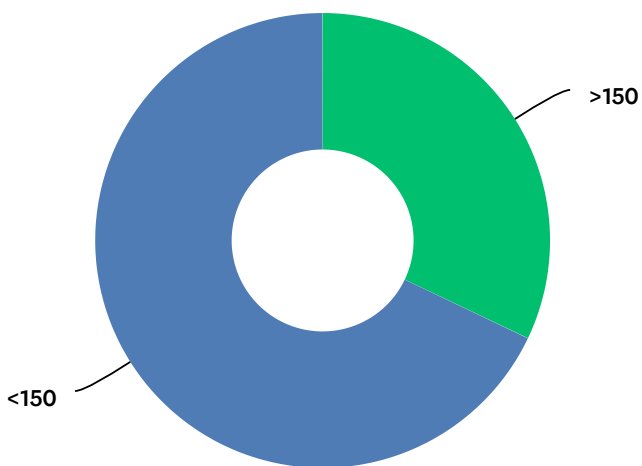
Answered: 54 Skipped: 0



ANSWER CHOICES	RESPONSES	
Engineering	66.67%	36
Land Surveying	33.33%	18
Architectural	0.00%	0
Contractor	0.00%	0
TOTAL		54

## Q2 Number of Full-Time Employees

Answered: 53 Skipped: 1

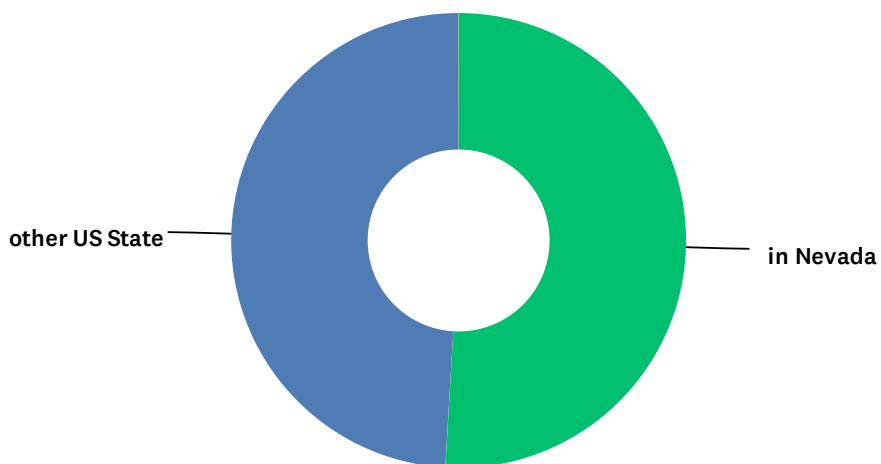


ANSWER CHOICES	RESPONSES	
>150	32.08%	17
<150	67.92%	36
TOTAL		53



### Q3 Business Managing Office Location

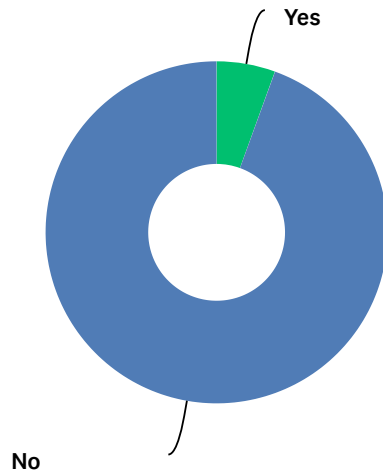
Answered: 53 Skipped: 1



ANSWER CHOICES	RESPONSES	
in Nevada	50.94%	27
other US State	49.06%	26
outside US	0.00%	0
TOTAL		53

### Q4 Will a specific proposed repeal of a regulation(s) relating to standards of practice for land surveyors have a direct adverse economic effect on your business?

Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	5.56%	2
No	94.44%	34
TOTAL		36

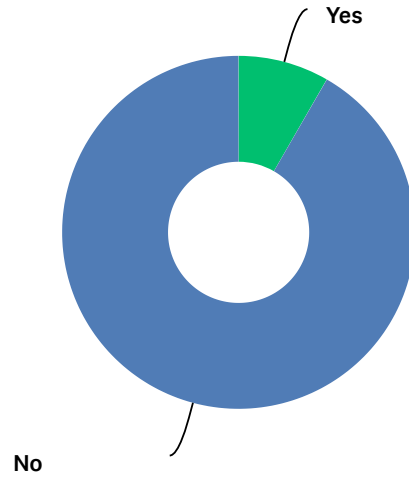
## Q5 Any comments or explanation relating to your answer to Question 4.

Answered: 15 Skipped: 21

#	RESPONSES	DATE
1	None	2/22/2023 2:22 PM
2	Not involved in Land Surveying.	2/15/2023 1:04 PM
3	None	2/14/2023 9:10 PM
4	NAC 625.668 SPEAKS TO THE POSITIONAL CERTAINTY OF AN ESTABLISHED MONUMENT. NAC 625.666 SPEAKS TOP THE POSITIONAL CERTAINTY OF A SURVEY. (NOT THE SAME THING AND SHOULD NOT BE REPEALED). NAC 625.690 PROTECTS THE PROFESSION IN THAT IT SPECIFICALLY STATES THAT 1. THE PROFESSIONAL LAND SURVEYOR SHALL MAKE A FINAL ANALYSIS AND REACH A CONCLUSION AS TO THE MOST PROBABLE LOCATION OF CORNER POSITIONS AND BOUNDARY LINES. AND 2. A PROFESSIONAL LAND SURVEYOR SHALL SET MONUMENTS. PERHAPS THE ONLY CHANGE TO 625.690 SHOULD BE TO TO RE-STATE 2 AS A PROFESSIONAL LAND SURVEYOR SHALL SET MONUMENTS TO MEMORIALIZE THE CORNER POSITIONS DETERMINED IN (1.) PURSUANT TO THE PROVISIONS OF NRS 625.380 AND ALL APPLICABLE ORDINANCES. IT NEEDS TO BE VERY CLEAR THAT PROFESSIONAL LAND SURVEYORS ARE THE ONLY PERSONS QUALIFIED TO MAKE A FINAL ANALYSIS AND REACH A CONCLUSION AS TO THE MOST PROBABLE LOCATION OF CORNER POSITIONS AND BOUNDARY LINES, AND TO SET MONUMENTS MEMORIALIZING THE LOCATIONS OF CORNERS AND BOUNDARY LINES.	2/13/2023 3:06 PM
5	No	2/13/2023 7:41 AM
6	none	2/10/2023 11:07 AM
7	none	2/10/2023 10:12 AM
8	Eliminating needless regulations is a good thing.	2/10/2023 9:49 AM
9	No	2/10/2023 9:28 AM
10	The requirements for Licensed Engineers to become Professional Land Surveyors should be streamlined. We have no Surveyors and nobody wants to go to school to become a surveyor. They might as well go be an Engineer and make more money and do less work. For those that want to excel as an engineer and become a PLS as well, should be welcomed, not monopolized.	2/10/2023 8:16 AM
11	These statutes/regulations were developed by the Department of Redundancy Department	2/10/2023 8:14 AM
12	no comment	2/10/2023 6:30 AM
13	none	2/10/2023 6:04 AM
14	None	2/9/2023 6:40 PM
15	None	2/9/2023 5:42 PM

### Q6 Will a specific proposed repeal of a regulation(s) relating to standards of practice for land surveyors have a direct beneficial effect on your business?

Answered: 36 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	8.33%	3
No	91.67%	33
TOTAL		36

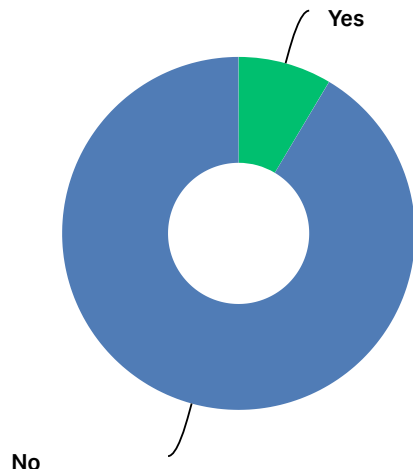
## Q7 Any comments or explanation relating to your answer to Question 6.

Answered: 13 Skipped: 23

#	RESPONSES	DATE
1	None	2/22/2023 2:22 PM
2	Not involved in Land Surveying.	2/15/2023 1:04 PM
3	None	2/14/2023 9:10 PM
4	THERE IS NO BENEFIT TO DIMINISHING THE PROFESSION OF LAND SURVEYING. IF YOU REPEAL NAC 625.795 THERE WILL BE NO BENEFIT TO ANY DATA PROVIDED TO A GIS BECASUE WITHOUT META DATA THE DATA IS SPATIALLY WORTHLESS.	2/13/2023 3:06 PM
5	No	2/13/2023 7:41 AM
6	none	2/10/2023 11:07 AM
7	none	2/10/2023 10:12 AM
8	Any time you can reduce the length of the laws we have to read saves time and money.	2/10/2023 9:49 AM
9	No	2/10/2023 9:28 AM
10	no comment	2/10/2023 6:30 AM
11	none	2/10/2023 6:04 AM
12	None	2/9/2023 6:40 PM
13	None	2/9/2023 5:42 PM

## Q8 Do you anticipate any indirect adverse effects from the proposed repeal on your business?

Answered: 35 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	8.57%	3
No	91.43%	32
TOTAL		35

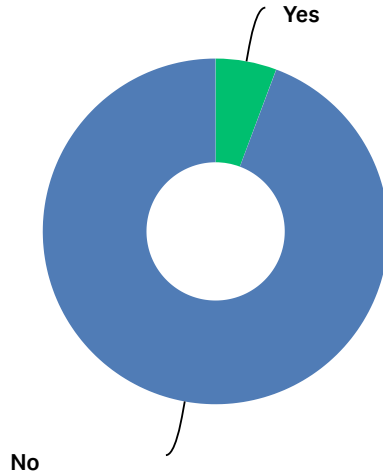
## Q9 Any comments or explanation relating to your answer to Question 8.

Answered: 14 Skipped: 22

#	RESPONSES	DATE
1	None	2/22/2023 2:22 PM
2	Not involved in Land Surveying.	2/15/2023 1:04 PM
3	None	2/14/2023 9:10 PM
4	This section of the law sets the ground roles on responsibility. No law is needed until someone decides that they will not follow it. This section of the law is essential.	2/14/2023 7:41 AM
5	REPEALING THESE PROPOSED CODES WOULD SIGNIFICANTLY HINDER THE PROFESSION AND ALLOW FOR NON-PROFESSIONALS TO DO THE WORK THAT ONLY PROFESSIONAL LAND SURVEYORS ARE QUALIFIES TO DO. THIS WILL UNDERMINE THE RELIABILITY OF ANY FOUND MONUMENT AND DIMINISH THE RELIABILITY OF ANY CORNER OR BOUNDARY LINE IF IT IS NOT SPECIFICALLY DETERMINED BY A LAND SURVEYOR. THESE CODES ALLOW FOR SPECIFICITY THAT THE STATUTE IS VAGUE ON.	2/13/2023 3:06 PM
6	No	2/13/2023 7:41 AM
7	While many regulations appear to state the obvious, they must be in place to support discipline against substandard practitioners. A regulation that is innocuous to the majority of licensees and supports discipline of those failing to meet the standard of care is a good regulation...	2/13/2023 7:03 AM
8	none	2/10/2023 11:07 AM
9	none	2/10/2023 10:12 AM
10	No	2/10/2023 9:28 AM
11	no comment	2/10/2023 6:30 AM
12	none	2/10/2023 6:04 AM
13	None	2/9/2023 6:40 PM
14	None	2/9/2023 5:42 PM

### Q10 Do you anticipate any indirect beneficial effects from the proposed repeal on your business?

Answered: 35 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	5.71%	2
No	94.29%	33
TOTAL		35



## Q11 Any comments or explanation relating to your answer to Question 10.

Answered: 14 Skipped: 22

#	RESPONSES	DATE
1	None	2/22/2023 2:22 PM
2	Not involved in Land Surveying.	2/15/2023 1:04 PM
3	None	2/14/2023 9:10 PM
4	THERE IS NO BENIFIT TO DIMINISHING THE PROFESSION OF LAND SURVEYING.	2/13/2023 3:06 PM
5	No	2/13/2023 7:41 AM
6	none	2/10/2023 11:07 AM
7	none	2/10/2023 10:12 AM
8	Reduction of the regulations is helpful.	2/10/2023 9:49 AM
9	Finally a public entity recognizes licensed professionals are responsible for their duties. Babysitting is not necessary.	2/10/2023 9:35 AM
10	No	2/10/2023 9:28 AM
11	no comment	2/10/2023 6:30 AM
12	none	2/10/2023 6:04 AM
13	None	2/9/2023 6:40 PM
14	Ease of reading up on regulations	2/9/2023 5:42 PM