

HOUSE BILL 411

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING THE ENGINEERING
AND SURVEYING PRACTICE ACT; REVISING REQUIREMENTS FOR
CERTIFICATION AS AN ENGINEER INTERN; REVISING LICENSURE
REQUIREMENTS FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL
SURVEYORS; PROVIDING FOR APPLICATION DENIAL; ALLOWING FOR
NOTIFICATION OF ENGINEERING AND SURVEYING LICENSURE AND RENEWAL
FEES BY MAIL OR OTHER MEANS; REVISING THE EXEMPTIONS FOR THE
INCIDENTAL PRACTICE OF ENGINEERING AND SURVEYING; EXTENDING THE
TERMINATION DATE OF THE STATE BOARD OF LICENSURE FOR
PROFESSIONAL ENGINEERS AND PROFESSIONAL SURVEYORS; RAISING THE
ANNUAL FUNDING AMOUNT FOR THE ENGINEERING AND SURVEYING SUPPORT
PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-23-3 NMSA 1978 (being Laws 1987,

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1 Chapter 336, Section 3, as amended) is amended to read:

2 "61-23-3. DEFINITIONS.--As used in the Engineering and
3 Surveying Practice Act:

4 A. "approved" [~~or "approval"~~] means acceptable to
5 the board;

6 B. "authorized company officer" means an employee
7 of a business entity duly authorized by the business entity to
8 contractually obligate the business entity;

9 C. "board" means the state board of licensure for
10 professional engineers and professional surveyors;

11 D. "business entity" means a corporation,
12 professional corporation, limited liability corporation,
13 professional limited liability corporation, general
14 partnership, limited partnership, limited liability
15 partnership, professional limited liability partnership, a
16 joint stock association or any other form of business, whether
17 or not for profit;

18 E. "conviction" [~~or "convicted"~~] means a final
19 adjudication of guilt, whether pursuant to a plea of nolo
20 contendere or otherwise and whether or not the sentence is
21 deferred or suspended;

22 F. "engineer" [~~"professional engineer", "consulting
23 engineer", "licensed engineer" or "registered engineer"~~] means
24 a person who [~~is qualified to practice engineering by reason of
25 the person's intensive preparation and knowledge in the use of~~

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1 ~~mathematics, chemistry, physics and engineering sciences,~~
2 ~~including the principles and methods of engineering analysis~~
3 ~~and design acquired by professional education and engineering~~
4 ~~experience, and who is licensed by the board to practice~~
5 ~~engineering]~~ has completed engineering education and has
6 training and experience in the application of engineering
7 principles and the interpretation of engineering data;

8 G. "engineering accreditation commission" means the
9 engineering accreditation commission of the accreditation board
10 for engineering and technology, incorporated, or any successor
11 commission or organization;

12 H. "engineering" or "practice of engineering" [~~or~~
13 ~~"engineering practice"~~] means any creative or engineering work
14 that requires engineering education, training and experience in
15 the application of [~~special knowledge of the mathematical,~~
16 ~~physical and engineering sciences]~~ engineering principles and
17 the interpretation of engineering data to such creative work as
18 consultation, investigation, forensic investigation,
19 evaluation, planning and design of engineering works and
20 systems, expert technical testimony, engineering studies and
21 the review of construction for the purpose of [~~assuring]~~
22 ensuring substantial compliance with drawings and
23 specifications; any of which embrace such creative work, either
24 public or private, in connection with any utilities,
25 structures, buildings, machines, equipment, processes, work

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1 systems, projects and industrial or consumer products or
2 equipment of a mechanical, electrical, hydraulic, chemical,
3 pneumatic, environmental or thermal nature, insofar as they
4 involve safeguarding life, health or property, and including
5 such other professional services as may be necessary to the
6 planning, progress and completion of ~~[any]~~ engineering work.
7 The "practice of engineering" may include the use of
8 photogrammetric methods to derive topographical and other data.
9 The "practice of engineering" does not include responsibility
10 for the supervision of construction, site conditions,
11 operations, equipment, personnel or the maintenance of safety
12 in the ~~[work place]~~ workplace;

13 I. "engineering committee" means a committee of the
14 board entrusted to implement all business of the Engineering
15 and Surveying Practice Act as it pertains to the practice of
16 engineering, including the promulgation and adoption of rules
17 of professional responsibility for professional engineers
18 exclusive to the practice of engineering;

19 J. "engineer intern" means a person who has
20 qualified for, taken and passed an examination in ~~[the]~~
21 fundamental engineering subjects ~~[as provided in the~~
22 ~~Engineering and Surveying Practice Act]~~;

23 K. "fund" means the professional engineers' and
24 surveyors' fund;

25 L. "incidental practice" means the performance of

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1 other professional services that are related to a licensee's
2 work as an engineer;

3 M. "person" means an individual [~~corporation,~~
4 ~~business trust, estate, trust, partnership, limited liability~~
5 ~~company, association, joint venture or a legal or commercial~~
6 ~~entity~~] or business entity;

7 N. "professional development" means education by a
8 licensee in order to maintain, improve or expand skills and
9 knowledge obtained prior to initial licensure or to develop new
10 and relevant skills and knowledge to maintain licensure;

11 O. "professional engineer", "consulting engineer",
12 "licensed engineer" or "registered engineer" means a person who
13 has been licensed as a professional engineer by the board;

14 [~~Ø-~~] P. "responsible charge" means responsibility
15 for the direction, control and supervision of engineering or
16 surveying work, as the case may be, to [~~assure~~] ensure that the
17 work product has been critically examined and evaluated for
18 compliance with appropriate professional standards by a
19 licensee in that profession, and by sealing or signing the
20 documents, the professional engineer or professional surveyor
21 accepts responsibility for the engineering or surveying work,
22 respectively, represented by the documents and that applicable
23 engineering or surveying standards have been met;

24 [~~P-~~] Q. "surveying" or "practice of surveying" [~~or~~
25 ~~"surveying practice"~~] means any service or work, the

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1 substantial performance of which involves the application of
2 the principles of mathematics and the related physical and
3 applied sciences for:

4 (1) the measuring and locating of lines,
5 angles, elevations and natural and man-made features in the
6 air, on the surface of the earth, within underground workings
7 and on the beds or bodies of water for the purpose of defining
8 location, areas and volumes;

9 (2) the monumenting of property boundaries and
10 for the platting and layout of lands and subdivisions;

11 (3) the application of photogrammetric methods
12 used to derive topographic and other data;

13 (4) the establishment of horizontal and
14 vertical controls that will be the basis for all geospatial
15 data used for future design surveys, including construction
16 staking surveys, surveys to lay out horizontal and vertical
17 alignments, topographic surveys, control surveys for aerial
18 photography for the collection of topographic and planimetric
19 data using photogrammetric methods and construction surveys of
20 engineering and architectural public works projects;

21 (5) the preparation and perpetuation of maps,
22 records, plats, field notes, easements and property
23 descriptions; and

24 (6) the depiction and transmittal by paper or
25 digital means of any digital geospatial data for use in

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1 geographic information systems or land information systems that
2 purports to be the authoritative location of points or features
3 of a survey regulated by the Engineering and Surveying Practice
4 Act, but excludes data used solely for a cadastre, such as
5 assessment and tax mapping purposes, or general representations
6 of surveyed or historic data used for mapping purposes, such as
7 land parcels and built infrastructure;

8 [Q-] R. "surveying committee" means a committee of
9 the board entrusted to implement all business of the
10 Engineering and Surveying Practice Act as it pertains to the
11 practice of surveying, including the promulgation and adoption
12 of rules of professional responsibility for professional
13 surveyors exclusive to the practice of surveying;

14 [R-] S. "surveyor", "professional surveyor",
15 "licensed surveyor" or "registered surveyor" means a person who
16 is ~~[qualified to practice surveying by reason of the person's~~
17 ~~intensive preparation and knowledge in the use of mathematics,~~
18 ~~physical and applied sciences and surveying, including the~~
19 ~~principles and methods of surveying acquired by education and~~
20 ~~experience and who is licensed by the board to practice~~
21 ~~surveying]~~ licensed as a professional surveyor by the board and
22 who is a professional specialist qualified to practice
23 surveying by reason of the person's education in the principles
24 of mathematics and the related physical and applied sciences
25 requisite to surveying of real property;

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1 ~~[S.]~~ T. "surveyor intern" means a person who is
2 certified as a surveyor intern by the board and who has
3 qualified for, taken and passed an examination in the
4 fundamentals of surveying subjects ~~[as provided in the~~
5 ~~Engineering and Surveying Practice Act]~~;

6 ~~[F.]~~ U. "surveying work" means the work performed
7 in the practice of surveying; and

8 ~~[U.]~~ V. "supplemental surveying work" means
9 surveying work performed in order to densify, augment and
10 enhance previously performed survey work or site information
11 but excludes the surveying of real property for the
12 establishment of land boundaries, rights of way and easements
13 and the dependent or independent surveys or resurveys of the
14 public land system."

15 SECTION 2. Section 61-23-14 NMSA 1978 (being Laws 1993,
16 Chapter 218, Section 11, as amended) is amended to read:

17 "61-23-14. CERTIFICATION AS AN ENGINEER INTERN--
18 REQUIREMENTS.--

19 A. An applicant for certification as an engineer
20 intern shall file the appropriate application that demonstrates
21 that the applicant:

22 (1) is of good moral character and reputation
23 as determined by board rules;

24 (2) has obtained at least a senior status in a
25 board-approved, four-year curriculum in engineering or in a

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1 board-approved, four-year curriculum in engineering technology
2 that is accredited by the [~~technical~~] engineering technology
3 accreditation commission of the accreditation board for
4 engineering and technology; and

5 (3) has three references, one of whom shall be
6 a licensed professional engineer.

7 B. After acceptance of the application by the
8 board, the applicant shall be allowed to take the appropriate
9 examination for certification as an engineer intern.

10 C. An applicant may be certified as an engineer
11 intern upon successfully completing the examination; provided
12 that the applicant has:

13 (1) graduated from a board-approved [~~four-~~
14 ~~year~~] engineering curriculum of four years or more or graduated
15 from an engineering master's program that is accredited by the
16 engineering accreditation commission or a program that fulfills
17 the required content of the engineering education standard as
18 defined by the national council of examiners for engineering
19 and surveying; or

20 (2) graduated from a board-approved, four-year
21 engineering technology program accredited by the [~~technical~~]
22 engineering technology accreditation commission of the
23 accreditation board for engineering and technology and
24 augmented by at least two years of board-approved, post-
25 graduate engineering experience.

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1 D. The certification as engineer intern does not
2 permit the intern to practice as a professional engineer.
3 Certification as an engineer intern is intended to demonstrate
4 that the intern has obtained certain skills in engineering
5 fundamentals and is pursuing a career in engineering."

6 **SECTION 3.** Section 61-23-14.1 NMSA 1978 (being Laws 1993,
7 Chapter 218, Section 12, as amended) is amended to read:

8 "61-23-14.1. LICENSURE AS A PROFESSIONAL ENGINEER--
9 REQUIREMENTS.--

10 A. Licensure as a professional engineer may be
11 either through examination or through endorsement or comity.
12 In either case, an applicant shall file the appropriate
13 application in which it shall be demonstrated that the
14 applicant:

15 (1) is of good moral character and reputation
16 as determined by board rules; and

17 (2) has five references, three of whom shall
18 be licensees practicing in the branch of engineering for which
19 the applicant is applying and who have personal knowledge of
20 the applicant's engineering experience and reputation. The use
21 of non-licensed engineer references having personal knowledge
22 of the applicant's engineering experience and reputation may be
23 accepted by the board [~~provided that~~] if a satisfactory written
24 explanation is given.

25 B. An applicant may be licensed through examination
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1 if the applicant can demonstrate the following:

2 (1) the applicant is certified as an engineer
3 intern and has at least one of the following combinations of
4 education and experience; provided that experience shall only
5 be considered after receiving the first qualifying engineering
6 degree:

7 (a) received a bachelor's degree in an
8 engineering discipline recognized by the board from a program
9 accredited by the engineering accreditation commission or a
10 program that fulfills the required content of the engineering
11 education standard as defined by the national council of
12 examiners for engineering and surveying and has at least four
13 years of engineering experience [~~subsequent to receiving the~~
14 ~~degree~~];

15 (b) received a bachelor's degree in an
16 engineering discipline recognized by the board from a foreign
17 educational institution where the program that was completed
18 fulfills the required content of the engineering education
19 standard as defined by the national council of examiners for
20 engineering and surveying and has at least four years of
21 engineering experience [~~in the United States subsequent to~~
22 ~~receiving the degree~~];

23 (c) received a master's degree in an
24 engineering discipline recognized by the board from a program
25 accredited by the engineering accreditation commission or an

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1 institution that offers programs accredited by the engineering
2 accreditation commission or that fulfills the required content
3 of the engineering education standard as defined by the
4 national council of examiners for engineering and surveying and
5 has at least three years of engineering experience [~~subsequent~~
6 ~~to receiving the degree~~];

7 (d) received a master's degree in an
8 engineering discipline recognized by the board from a foreign
9 educational institution where the program that was completed
10 fulfills through evaluation the required curricular content and
11 educational standards as defined by the national council of
12 examiners for engineering and surveying and has at least three
13 years of engineering experience [~~in the United States~~
14 ~~subsequent to receiving the degree~~];

15 (e) received a doctorate degree in an
16 engineering discipline recognized by the board from a board-
17 approved engineering curriculum and has at least two years of
18 engineering experience [~~subsequent to receiving the degree~~]; or

19 (f) at least six years of board-approved
20 engineering experience after graduation from a school offering
21 a board-approved, four-year engineering technology curriculum
22 accredited by the engineering technology accreditation
23 commission of the accreditation board for engineering and
24 technology, including the two years for engineer intern
25 certification; or

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1 (2) the applicant is not certified as an
2 engineer intern and has at least one of the following:

3 (a) received a bachelor's degree in an
4 engineering discipline recognized by the board from a program
5 accredited by the engineering accreditation commission or a
6 program that fulfills the required content of the engineering
7 education standard as defined by the national council of
8 examiners for engineering and surveying and has twelve years of
9 engineering experience subsequent to receiving the degree;

10 (b) received a master's degree in an
11 engineering discipline recognized by the board from a program
12 accredited by the engineering accreditation commission or an
13 institution that offers programs accredited by the engineering
14 accreditation commission or that fulfills the required content
15 of the engineering education standard as defined by the
16 national council of examiners for engineering and surveying and
17 has at least six years of engineering experience subsequent to
18 receiving the degree; or

19 (c) received a doctorate degree in an
20 engineering discipline recognized by the board from a board-
21 approved engineering curriculum and has at least four years of
22 engineering experience subsequent to receiving the degree.

23 C. Upon successfully completing the examination,
24 required experience and all the requirements as noted in this
25 section, the applicant shall be eligible to be licensed as a

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1 professional engineer upon action of the board.

2 D. An applicant may be licensed by endorsement or
3 comity if the applicant:

4 (1) is currently licensed as an engineer in
5 [~~the District of Columbia~~] another state, the District of
6 Columbia or a territory [~~or a possession~~] of the United States;
7 provided that the licensure does not conflict with the
8 provisions of the Engineering and Surveying Practice Act and
9 that the standards required by the licensure or the applicant's
10 qualifications equaled or exceeded the licensure standards in
11 New Mexico at the time the applicant was initially licensed;

12 (2) is currently licensed as an engineer in a
13 foreign country and can demonstrate, to the board's
14 satisfaction, evidence that the licensure was based on
15 standards that equal or exceed those currently required for
16 licensure by the Engineering and Surveying Practice Act and can
17 satisfactorily demonstrate to the board competence in current
18 engineering standards and procedures; or

19 (3) is not applying for licensure in the
20 structural discipline but is currently licensed as an engineer
21 in [~~the District of Columbia~~] another state, the District of
22 Columbia or a territory [~~or a possession~~] of the United States;
23 provided that the applicant:

24 (a) has been actively licensed for the
25 [~~contiguous~~] continuous ten years immediately preceding

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1 application to New Mexico;

2 (b) has not received any form of
3 disciplinary action related to the practice of engineering or
4 professional conduct from any jurisdiction within the five
5 years preceding application to New Mexico; ~~and~~

6 (c) has not had the applicant's
7 professional license suspended or revoked at any time from any
8 jurisdiction; and

9 (d) has passed the principles and
10 practice of engineering examination administered by the
11 national council of examiners for engineering and surveying
12 relevant to the discipline in which the applicant is seeking
13 licensure."

14 SECTION 4. Section 61-23-17 NMSA 1978 (being Laws 1987,
15 Chapter 336, Section 17, as amended) is amended to read:

16 "61-23-17. APPLICATION AND EXAMINATION FEES.--

17 A. All applicants for licensure pursuant to the
18 Engineering and Surveying Practice Act shall apply for
19 examination, licensure or certification on forms prescribed and
20 furnished by the board. Except as provided in Section 61-1-34
21 NMSA 1978, applications shall be accompanied by the appropriate
22 fee, any sworn statements the board may require to show the
23 applicant's citizenship and education, a detailed summary of
24 the applicant's technical work and appropriate references.

25 B. All application, reapplication, examination and

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1 reexamination fees shall be set by the board and shall not
2 exceed the actual cost of carrying out the provisions of the
3 Engineering and Surveying Practice Act. No fees shall be
4 refundable.

5 C. Any application may be denied for fraud, deceit,
6 conviction of a felony or any crime [~~involving moral turpitude~~]
7 that may impede the ability of the applicant to perform
8 professionally as determined by board rules."

9 SECTION 5. Section 61-23-20 NMSA 1978 (being Laws 1987,
10 Chapter 336, Section 20, as amended) is amended to read:

11 "61-23-20. ENGINEERING--LICENSURE AND RENEWAL FEES--
12 EXPIRATIONS.--

13 A. Licensure shall be for a period of two years as
14 prescribed in the rules of procedure. Initial licenses shall
15 be issued in accordance with the board's rules.

16 B. The board shall establish by rule a biennial fee
17 for professional engineers. Except as provided in Section
18 61-1-34 NMSA 1978, licensure renewal is accomplished upon
19 payment of the required fee and satisfactory completion of the
20 requirements of professional development.

21 C. The executive director of the board shall send a
22 renewal notice to each licensee's last known address. Notice
23 shall be [~~mailed~~] sent at least one month in advance of the
24 date of expiration of the license.

25 D. Each licensee shall have the responsibility to

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1 notify the board of any change of address within thirty days of
2 the change.

3 E. Upon receipt of a renewal fee and fulfillment of
4 other requirements, the board shall issue a licensure renewal
5 card that shall show the name and license number of the
6 licensee and shall state that the person named has been granted
7 licensure to practice as a professional engineer for the
8 biennial period.

9 F. Every license shall automatically expire if not
10 renewed on or before December 31 of the applicable biennial
11 period. A delinquent licensee may renew a license by the
12 payment of twice the biennial renewal fee at any time before
13 March 1, but the delinquent licensee shall not practice during
14 this period. Should the licensee apply to renew an expired
15 license after the March 1 deadline has elapsed, the licensee
16 shall submit a formal application and fee as provided in
17 Section 61-23-17 NMSA 1978. The board, in considering the
18 reapplication, may consider the applicant's qualifications for
19 licensure if the requirements for licensure have changed since
20 the applicant was first licensed. The board may adopt rules
21 for inactive and retired status."

22 SECTION 6. Section 61-23-22 NMSA 1978 (being Laws 1993,
23 Chapter 218, Section 17, as amended) is amended to read:

24 "61-23-22. ENGINEERING--EXEMPTIONS.--

25 A. A New Mexico licensed architect who has complied
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1 with all of the laws of New Mexico relating to the practice of
2 architecture has the right to engage in the incidental
3 practice, as defined by regulation, of activities properly
4 classified as engineering; provided that the architect shall
5 not make any representation as being ~~[an]~~ a professional
6 engineer or as performing engineering services; and further
7 provided that the architect shall perform only that part of the
8 work for which the architect is professionally qualified and
9 shall use qualified professional engineers or others for those
10 portions of the work in which the contracting architect is not
11 qualified. Furthermore, the architect shall assume all
12 responsibility for compliance with all laws, codes, regulations
13 and ordinances of the state or its political subdivisions
14 pertaining to all documents bearing the architect's
15 professional seal.

16 B. An engineer employed by a business entity who
17 performs only the engineering services involved in the
18 operation of the business entity's business shall be exempt
19 from the provisions of the Engineering and Surveying Practice
20 Act; provided that neither the employee nor the business entity
21 offers engineering services to the public; and provided further
22 that the engineering services are limited to the legal
23 boundaries of the property owned or leased by that business.

24 Performance of engineering on public works projects pursuant to
25 Section 61-23-26 NMSA 1978 constitutes engineering services to

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1 the public and is not exempt."

2 SECTION 7. Section 61-23-27.3 NMSA 1978 (being Laws 1993,
3 Chapter 218, Section 24, as amended) is amended to read:

4 "61-23-27.3. CERTIFICATION OF SURVEYOR INTERN--
5 REQUIREMENTS.--

6 A. An applicant for certification as a surveyor
7 intern shall file the appropriate application and demonstrate
8 that the applicant:

9 (1) is of good moral character and reputation
10 as determined by board rules;

11 (2) has obtained at least a senior status in a
12 board-approved, four-year curriculum in surveying; and

13 (3) has three references, two of whom shall be
14 licensed professional surveyors having personal knowledge of
15 the applicant's knowledge and experience.

16 B. After acceptance of the application by the
17 board, the applicant shall be allowed to take the appropriate
18 examination for certification as a surveyor intern.

19 C. Upon successfully completing the examination and
20 an approved four-year surveying curriculum, then by action of
21 the board, the applicant may be certified as a surveyor intern.

22 D. The certification of surveyor intern does not
23 permit the intern to practice surveying. Certification as a
24 surveyor intern is intended to demonstrate that the intern has
25 obtained certain skills in surveying fundamentals and is

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1 pursuing a career in surveying.

2 E. If otherwise qualified, a graduate of a board-
3 approved but related curriculum of at least four years, to be
4 considered for certification as a surveyor intern, shall have a
5 specific record of two years of combined office and field
6 board-approved surveying experience obtained under the
7 direction of a licensed professional surveyor. Class time will
8 not be counted in the two years of required experience, but
9 work prior to or while attending school may be counted toward
10 the two years of required experience at the discretion of the
11 board."

12 SECTION 8. Section 61-23-27.4 NMSA 1978 (being Laws 1993,
13 Chapter 218, Section 25, as amended) is amended to read:

14 "61-23-27.4. LICENSURE AS A PROFESSIONAL SURVEYOR--
15 GENERAL REQUIREMENTS.--

16 A. Licensure as a professional surveyor may be
17 either through examination or through endorsement or comity.
18 In either case, an applicant shall file the appropriate
19 application to demonstrate that the applicant:

20 (1) is of good moral character and reputation
21 as determined by board rules;

22 (2) is certified as a surveyor intern;

23 (3) has at least four years of board-approved
24 surveying experience if graduated from a four-year, board-
25 approved surveying curriculum as defined by board rule;

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1 (4) has five references, three of which shall
2 be from licensed professional surveyors having personal
3 knowledge of the applicant's surveying experience; and

4 (5) if graduated from a board-approved, four-
5 year related science curriculum as specifically defined by
6 board rules, has a minimum of four years of board-approved
7 surveying experience subsequent to certification as a surveyor
8 intern.

9 B. The applicant's experience pursuant to
10 Paragraphs (3) and (5) of Subsection A of this section shall,
11 at a minimum, include three years of increasingly responsible
12 experience in boundary surveying and four years of increasingly
13 responsible experience under the direct supervision of a
14 licensed professional surveyor.

15 C. After acceptance of the application by the
16 board, the applicant shall be allowed to take the appropriate
17 examination for licensure as a professional surveyor.

18 D. Upon successfully completing the examination,
19 the applicant shall be eligible to be licensed as a
20 professional surveyor upon action of the board.

21 E. If otherwise qualified, an applicant may be
22 licensed if the applicant is currently licensed as a
23 professional surveyor in:

24 (1) ~~[the District of Columbia]~~ another state,
25 the District of Columbia or a territory ~~[or a possession]~~ of

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1 the United States; provided that:

2 (a) licensure does not conflict with the
3 provisions of the Engineering and Surveying Practice Act and
4 that the standards required for licensure and the applicant's
5 qualifications equaled or exceeded the licensure standards in
6 New Mexico at the time the applicant was initially licensed;
7 and

8 (b) the applicant has passed
9 examinations the board deems necessary to determine the
10 applicant's qualifications, including a written examination
11 that includes questions on laws, procedures and practices
12 pertaining to surveying in this state; ~~[or]~~

13 (2) another state, the District of Columbia or
14 a territory of the United States; and provided further that the
15 applicant:

16 (a) has been actively licensed for the
17 continuous fifteen years immediately preceding application to
18 New Mexico;

19 (b) has not received any form of
20 disciplinary action related to the practice of surveying or
21 professional conduct from any jurisdiction within the five
22 years preceding application to New Mexico;

23 (c) has not had the applicant's
24 professional license suspended or revoked at any time from any
25 jurisdiction; and

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1 (d) has passed examinations the board
2 deems necessary to determine the applicant's qualifications,
3 including a written examination that includes questions on
4 laws, procedures and practices pertaining to surveying in New
5 Mexico; or

6 ~~[(2)]~~ (3) a foreign country and can
7 demonstrate to the board's satisfaction:

8 (a) evidence that the licensure was
9 based on standards that equal or exceed those currently
10 required for licensure by the Engineering and Surveying
11 Practice Act; and

12 (b) competence in current surveying
13 standards and procedures by passing examinations the board
14 deems necessary to determine the applicant's qualification,
15 including a written examination that includes questions on
16 laws, procedures and practices pertaining to surveying in New
17 Mexico."

18 SECTION 9. Section 61-23-27.5 NMSA 1978 (being Laws 1993,
19 Chapter 218, Section 26, as amended) is amended to read:

20 "61-23-27.5. SURVEYING--APPLICATION AND EXAMINATION
21 FEES.--

22 A. All applicants for licensure pursuant to the
23 Engineering and Surveying Practice Act shall apply for
24 examination, licensure or certification on forms prescribed and
25 furnished by the board. Except as provided in Section 61-1-34
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1 NMSA 1978, applications shall be accompanied by the appropriate
2 fee, any sworn statements the board may require to show the
3 applicant's citizenship and education, a detailed summary of
4 the applicant's technical work and appropriate references.

5 B. All application, reapplication, examination and
6 reexamination fees shall be set by the board and shall not
7 exceed the actual cost of carrying out the provisions of the
8 Engineering and Surveying Practice Act. Fees shall not be
9 refundable.

10 C. Any application may be denied for fraud, deceit,
11 conviction of a felony or for any crime [~~involving moral~~
12 ~~turpitude~~] that may impede the ability of the applicant to
13 perform professionally as determined by board rules."

14 SECTION 10. Section 61-23-27.7 NMSA 1978 (being Laws
15 1993, Chapter 218, Section 28, as amended) is amended to read:

16 "61-23-27.7. SURVEYING--LICENSURE AND RENEWAL FEES--
17 EXPIRATIONS.--

18 A. Licensure for surveyors shall be for a period of
19 two years as prescribed in the rules of procedure. Initial
20 certificates of licensure shall be issued to coincide with the
21 biennial period. Initial licenses shall be issued in
22 accordance with the board's rules.

23 B. The board shall establish by rule a biennial fee
24 for professional surveyors. Except as provided in Section
25 61-1-34 NMSA 1978, renewal shall be granted upon payment of the

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1 required fee and satisfactory completion of the requirements of
2 professional development.

3 C. The executive director of the board shall send a
4 renewal notice to each licensee's last known address. Notice
5 shall be ~~[mailed]~~ sent at least one month in advance of the
6 date of expiration of the license.

7 D. It shall be the responsibility of the licensee
8 to notify the board of any change of address and to keep the
9 license current.

10 E. Upon receipt of a renewal fee and fulfillment of
11 other requirements, the board shall issue a licensure renewal
12 card that shall show the name and license number of the
13 licensee and shall state that the person named has been granted
14 licensure to practice as a professional surveyor for the
15 biennial period.

16 F. Every license shall automatically expire if not
17 renewed on or before December 31 of the applicable biennial
18 period. A delinquent licensee may renew a license by the
19 payment of twice the biennial renewal fee at any time before
20 March 1, but the delinquent licensee shall not practice during
21 this period. Should the licensee wish to renew an expired
22 license after the March 1 deadline has elapsed, the licensee
23 shall submit a formal application as provided in Section
24 61-23-27.4 NMSA 1978. The board, in considering the
25 reapplication, need not question the applicant's qualifications

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1 for licensure unless the qualifications have changed since the
2 license expired."

3 SECTION 11. Section 61-23-27.10 NMSA 1978 (being Laws
4 1993, Chapter 218, Section 31, as amended) is amended to read:

5 "61-23-27.10. SURVEYING EXEMPTIONS.--An employee of a
6 business entity who performs only the surveying services
7 involved in the operation of the business entity's business
8 shall be exempt from the provisions of the Engineering and
9 Surveying Practice Act; provided that neither the employee nor
10 the business entity offers surveying services to the public;
11 and provided further that the surveying services are limited to
12 only the legal boundaries of the property owned or leased by
13 that business; and provided further that the surveying services
14 performed do not include any determination, description,
15 portraying, measuring or monumentation of the boundaries of a
16 tract of land. Performance of surveying on public works
17 projects pursuant to Section 61-23-27.13 NMSA 1978 constitutes
18 surveying services to the public and is not exempt."

19 SECTION 12. Section 61-23-32 NMSA 1978 (being Laws 1987,
20 Chapter 336, Section 32, as amended by Laws 2017, Chapter 42,
21 Section 19 and by Laws 2017, Chapter 52, Section 7) is amended
22 to read:

23 "61-23-32. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--
24 The state board of licensure for professional engineers and
25 professional surveyors is terminated on July 1, [2023] 2029

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1 pursuant to the Sunset Act. The board shall continue to
2 operate according to the provisions of the Engineering and
3 Surveying Practice Act until July 1, ~~[2024]~~ 2030. Effective
4 July 1, ~~[2024]~~ 2030, the Engineering and Surveying Practice Act
5 is repealed."

6 SECTION 13. Section 61-23-35 NMSA 1978 (being Laws 2019,
7 Chapter 220, Section 1) is amended to read:

8 "61-23-35. ENGINEERING AND SURVEYING ~~[SCHOLARSHIP]~~
9 UNIVERSITY SUPPORT PROGRAM.--

10 A. The board may establish an "engineering and
11 surveying ~~[scholarship]~~ university support program" that
12 provides strategies to enhance recruitment and retention of New
13 Mexico professional engineers and professional surveyors,
14 increase career and educational opportunities and improve
15 interaction with the engineering and surveying professions and
16 institutions of higher education. The program may provide
17 direct educational and training scholarships through qualified
18 New Mexico educational institutions to candidates for the
19 engineering and surveying professions willing to reside and
20 practice in New Mexico. ~~[in an]~~ The program may also provide
21 funding for equipment and related materials at qualified New
22 Mexico educational institutions to support the education of
23 engineering and surveying students. The amount of funding
24 provided pursuant to the program shall not ~~[to]~~ exceed annually
25 ~~[one hundred thousand dollars (\$100,000)]~~ two hundred fifty

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1 thousand dollars (\$250,000) in the aggregate.

2 B. The board may request and [~~utilize~~] use
3 appropriations to establish, implement and maintain the
4 [~~scholarship~~] engineering and surveying university support
5 program. Any appropriation shall be deposited in the
6 engineering and surveying [~~scholarship~~] university support
7 fund."

8 SECTION 14. Section 61-23-36 NMSA 1978 (being Laws 2019,
9 Chapter 220, Section 2) is amended to read:

10 "61-23-36. ENGINEERING AND SURVEYING [~~SCHOLARSHIP~~]
11 UNIVERSITY SUPPORT FUND CREATED.--The "engineering and
12 surveying [~~scholarship~~] university support fund" is created in
13 the state treasury to support the engineering and surveying
14 [~~scholarship~~] university support program. The fund consists of
15 appropriations, gifts, grants, donations and income from
16 investment of the fund. Any income earned on investment of the
17 fund shall remain in the fund. Money in the fund shall not
18 revert to any other fund at the end of a fiscal year. The fund
19 shall be administered by the board, and money in the fund is
20 appropriated to the board to carry out the purposes of the
21 engineering and surveying [~~scholarship~~] university support
22 program. Disbursements from the fund shall be made by warrant
23 of the secretary of finance and administration pursuant to
24 vouchers approved by the chair and signed by the executive
25 director of the board."

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