



**AMENDED NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING**

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, February 4, 2022, at 9:00 a.m. to continue accepting public comment on proposed rules, which began with a public rule hearing held on Friday, December 4, 2021. Following the rule hearing, the Full Board will convene a regular board meeting to consider adoption of the rules and address regular business. Due to the COVID-19 pandemic and state of emergency, the rule hearing will be held online and telephonically utilizing the Zoom teleconferencing platform. A Board staff member will also be present on the day of the hearing, Friday, February 4, 2022, from approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3<sup>rd</sup> floor, NM 87505, to accept comments in written form and submit those comments to the Hearing Officer during the hearing. To attend the hearing online, please use the following link:

<https://us02web.zoom.us/j/89653236490?pwd=WW5wTk45QXErd3lJMmpFb111K1RlUT09>

Meeting ID: 896 5323 6490  
Passcode: 749785

One tap mobile  
+16699006833,,89653236490#,,,,\*749785# US (San Jose)  
+12532158782,,89653236490#,,,,\*749785# US (Tacoma)

Dial by your location  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)

Meeting ID: 896 5323 6490  
Passcode: 749785  
Find your local number: <https://us02web.zoom.us/u/kbXun8VvZs>

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

- 12.8.2 NMAC - Minimum Standards for Surveying in New Mexico
- 16.39.1 NMAC - General Provisions
- 16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements
- 16.39.5 NMAC - Surveying
- 16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans
- 16.39.7 NMAC - Misc.

To obtain and review copies of the proposed changes and public comments, you may download them from <https://www.sblpes.state.nm.us/>. A copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at [Isaac.maes@state.nm.us](mailto:Isaac.maes@state.nm.us), via mail at New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Request for Rule P.O. Box 25101, Santa Fe, NM 87504 (505) 476-4565 or (505) 476-4802.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to [board.licensurepeps@state.nm.us](mailto:board.licensurepeps@state.nm.us). Alternatively, members of the public may submit written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 25101, Santa Fe, NM 87504. The Board will accept written public comment received on or before 5:00 PM on January 29, 2022, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3<sup>rd</sup> floor, NM 87505 on the date of the rule hearing, Friday, February 4, 2022. All written comments will be posted to the

Board's website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing via the Zoom teleconferencing platform.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.sblpes.state.nm.us/>.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Board office at (505) 476-4565 or (505) 476-4656. The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

**Statutory Authority:** Subsections B through E of Section 61-23-10 NMSA 1978 of the Engineering and Surveying Practice Act ("ES Practice Act"), Sections 61-23-1 to -36 NMSA 1978, specifically authorizes the Board, the Professional Engineering Committee, the Professional Surveying Committee, and the Joint Engineering and Surveying Committee to promulgate and amend rules of professional responsibility and to effect the provisions of the ES Practice Act. Section 61-23-14.1 NMSA 1978 of the ES Practice Act, provided additional grounds for reciprocity for engineers licensed in other jurisdictions. In addition, Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, changed the experience requirement for licensure as a professional surveyor and Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 states "no rule is valid or enforceable if it conflicts with statute." Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act ("ULA"), Sections 61-1-1 to -36 NMSA 1978, requires the Board to update its expedited licensure for military families. Further, Section 61-1-36 NMSA 1978 of the ULA, requires the Board to "promulgate and post on the board's website rules relating to licensing requirements to list the specific criminal convictions that could disqualify an applicant from receiving a license on the bases of a previous felony conviction." Sections 28-2-3 and 28-2-4 of the Criminal Offender Employment Act, Sections 28-2-1 to -6 NMSA 1978, provide how certain criminal records should be viewed when obtaining a license or other authority to practice the profession pursuant to Section 61-23-4 NMSA 1978.

**Purpose of the Proposed Rules:** The proposed amendment/repeal/replace of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board's obligation "to safeguard life, health and property and to promote the public welfare." Section 61-23-2 NMSA 1978. In addition, there are proposed rule changes intended to address statutory changes to the Engineering and Surveying Practice Act. See S.B. 447, 53<sup>rd</sup> Leg. (N.M. 2019) available at <https://nmlegis.gov/Sessions/19%20Regular/final/SB0447.pdf> and H.B. 105, 46<sup>th</sup> Leg. (N.M. 2012) available at <https://nmlegis.gov/sessions/12%20Regular/final/HB0105.pdf>. Further, several of the proposed rule changes are intended to address recent statutory changes to address recent statutory changes to the Uniform Licensing Act. See S.B. 2, 55<sup>th</sup> Leg., 1<sup>st</sup> S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>, H.B. 120, 55<sup>th</sup> Leg., 1<sup>st</sup> Sess. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Regular/final/HB0120.pdf>, and H.B. 30, 54<sup>th</sup> Legis., 1<sup>st</sup> Sess. (N.M. 2020) available at <https://nmlegis.gov/Sessions/20%20Regular/final/HB0030.pdf>. The proposed rules also incorporate statutory changes to the Criminal Offender Employment Act. See S.B. 2, 55<sup>th</sup> Leg., 1<sup>st</sup> S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>.

#### **Summary of the Proposed Changes:**

##### **12.8.2 NMAC - Minimum Standards for Surveying in New Mexico**

The proposed amendment/repeal/replace to this part is to add "Basis of Bearing" under the definitions by removing the term elevation from the definition.

##### **16.39.1 NMAC - General Provisions**

The proposed amendment/repeal/replace to this part is to insert language regarding the Intern certification status, that it would no longer be active once a person attained a professional license as the professional license supersedes the Intern designation, clarifying that a licensee who requests for retired or inactive status cannot be approved unless the licensee does not have any pending complaints, pending litigation, and has completed any imposed disciplinary actions, and modifying the requirements of the reactivation of an inactive license of six (6) years or more.

##### **16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements**

The proposed amendment/repeal/replace to this part is to add definitions for electronic signature, engineering experience and signature as well as to move or create subsections to clarify the subject matter related to the practice of engineering and the industrial exemption, and when more than one electronic signature is required. The rule also incorporates

additional grounds for reciprocity for engineers licensed in other jurisdictions as required by Section 61-23-14.1 NMSA 1978 of the Engineering and Surveying Practice Act.

**16.39.5 NMAC - Surveying**

The proposed amendment/repeal/replace to this part is clarify the use of acronyms by adding the definition of NCEES, and to align the rules with Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, which changed the experience requirement for licensure as a professional surveyor and in accordance with Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978. The rule also creates a new subsection and clarifies the industrial exemption and when more than one electronic signature is required.

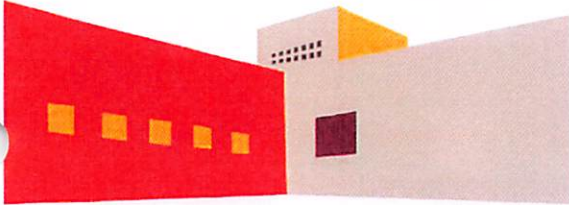
**16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans**

The proposed amendment/repeal/replace to this part is to add subsections to include requiring certain documentation to qualify for expedited licensure for military service members, spouses and veterans, the absence of a license fee for the first three (3) years, and the requirement of the Board to issue the expedited license within 30 days of a completed application pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978.

**16.39.7 NMAC - Misc.**

The proposed amendment/repeal/replace to this part is to modify subsections to comply with the statutory changes to the Criminal Offender Employment Act and the Uniform Licensing Act. The rule also adds new language governing the Board's consideration of criminal convictions in applications and disciplinary matters, pursuant to Section 61-1-36 of the Uniform Licensing Act, listing the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction and adding related limitations on the Board's consideration of such convictions. The purpose of the rule is to ensure that applications and complaints against licensees and certification holders are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public's continued confidence in the profession.

**Technical Information:** No technical information provided the basis for any of the proposed rules.



NM Commission of Public Records  
1205 Camino Carlos Rey  
Santa Fe, NM 87507  
+505 4767912

# Invoice

**BILL TO**

Board of Licensure for Prof.  
Engineers  
2550 Cerrillos Rd  
Santa Fe, NM 87505

INVOICE #	DATE	TOTAL DUE	DUE DATE	ENCLOSED
5907	12/29/2021	\$174.00	12/29/2021	

**VOLUME**

XXXII

**ISSUE**

24

**P.O. NUMBER**

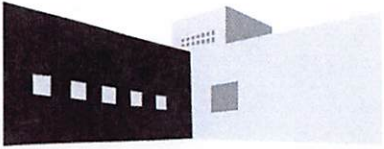
46400-0000000622

DATE	DESCRIPTION	QTY	RATE	AMOUNT
12/28/2021	NM Register - 431902 Amended Notice Of Public Rule Hearing And Regular Board Meeting, hearing date: 2/4/2022	58	3.00	174.00

Thank you for your business!

BALANCE DUE

**\$174.00**



**NEW MEXICO**  
**State Records Center and Archives**  
COMMISSION OF PUBLIC RECORDS  
Your Access to Public Information

**Affidavit of Publication in New Mexico Register**

I, Matthew Ortiz, certify that the agency noted on Invoice # 5907 has published legal notice of rulemaking or rules in the NEW MEXICO REGISTER, VOLUME XXXII, that payment has been assessed for said legal notice of rulemaking or rules, which appears on the publication date and in the issue number noted on Invoice # 5907, and that Invoice # 5907 has been sent electronically to the person(s) listed on the *Billing Information Sheet* provided by the agency.

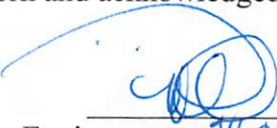
Affiant:

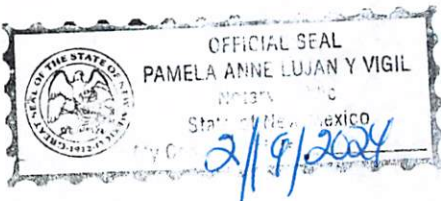
  
Matthew Ortiz

Subscribed, sworn and acknowledged before me this 30<sup>th</sup> day of December, 2021.

Notary Public:

My Commission Expires:

  
2/9/2024



1205 Camino Carlos Rey | Santa Fe, NM 87507 | [www.srca.nm.gov](http://www.srca.nm.gov)

**Hon. Hector Balderas**  
*Attorney General*

**Hon. Brian S. Colón**  
*Chairman/State Auditor*

**Hon. Maggie Toulouse Oliver**  
*Secretary of State*

**Debra Garcia y Griego**  
*Department of Cultural Affairs*

**Stephanie Wilson**  
*Acting Director, Supreme Court Law Library*



## Rule Hearing Search

Hearing Date:  Comments:  Agency:

All  Deadline Date:  Board of Licensure for Professional Engineers & Professional Surveyors

All

## Return to Search Results

## Proposed Rule Name:

NM Board of Licensure for Professional Engineers & Professional Surveyors

## Agency:

Board of Licensure for Professional Engineers & Professional Surveyors

## Purpose:

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

12.8.2 NMAC - Minimum Standards for Surveying in New Mexico

16.39.1 NMAC - General Provisions

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements

16.39.5 NMAC - Surveying

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

16.39.7 NMAC - Misc.

Purpose of the Proposed Rules: The proposed amendment/repeal/replace of the rules is intended to provide greater

clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board's obligation "to safeguard life, health and property and to promote the public welfare." Section 61-23-2 NMSA 1978. In addition, there are proposed rule changes intended to address statutory changes to the Engineering and Surveying Practice Act. See S.B. 447, 53rd Leg. (N.M. 2019) available at

<https://nmlegis.gov/Sessions/19%20Regular/final/SB0447.pdf>

(<https://nmlegis.gov/Sessions/19%20Regular/final/SB0447.pdf>) and H.B. 105, 46th Leg. (N.M. 2012) available at

<https://nmlegis.gov/sessions/12%20Regular/final/HB0105.pdf>

(<https://nmlegis.gov/sessions/12%20Regular/final/HB0105.pdf>). Further, several of the proposed rule changes are intended

to address recent statutory changes to address recent statutory changes to the Uniform Licensing Act. See S.B. 2, 55th

Leg., 1st S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf> (<https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>), H.B. 120, 55th Leg.,

1st Sess. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Regular/final/HB0120.pdf>

(<https://nmlegis.gov/Sessions/21%20Regular/final/HB0120.pdf>), and H.B. 30, 54th Legis.,

1st Sess. (N.M. 2020) available at <https://nmlegis.gov/Sessions/20%20Regular/final/HB0030.pdf>

(<https://nmlegis.gov/Sessions/20%20Regular/final/HB0030.pdf>). The proposed rules also

incorporate statutory changes to the Criminal Offender Employment Act. See S.B. 2, 55th Leg., 1st S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>

(<https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>).

## Summary:

Summary of the Proposed Changes:

12.8.2 NMAC - Minimum Standards for Surveying in New Mexico

The proposed amendment/repeal/replace to this part is to add "Basis of Bearing" under the definitions by removing the term elevation from the definition.

16.39.1 NMAC - General Provisions

## How to submit Comments:

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to [board.licensurepeps@state.nm.us](mailto:board.licensurepeps@state.nm.us) (<mailto:board.licensurepeps@state.nm.us>). Alternatively, members of the public may submit

written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 25101, Santa Fe, NM 87504. The Board will accept written public comment received on or before 5:00 PM on January 29, 2022, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3rd floor, NM 87505 on the date of the rule hearing, Friday, February 4, 2022. All written comments will be posted to the

Notice Page 1 of 3

[https://www.srcn.nm.gov/nmac/nmregister/xxxii/BLPEPSnotice\\_xxxii24.html](https://www.srcn.nm.gov/nmac/nmregister/xxxii/BLPEPSnotice_xxxii24.html)

([https://www.srcn.nm.gov/nmac/nmregister/xxxii/BLPEPSnotice\\_xxxii24.html](https://www.srcn.nm.gov/nmac/nmregister/xxxii/BLPEPSnotice_xxxii24.html)) 12/28/2021

Board's website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing via the Zoom teleconferencing platform.

When are comments due:

1/29/2022 5:00 PM

Hearing Date:

2/4/2022 9:00 AM

Public Hearing Location:

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, February 4, 2022, at 9:00 a.m. to continue accepting public comment on proposed rules, which began with a public rule hearing held on Friday, December 4, 2021. Following the rule hearing, the Full Board will convene a regular board meeting to consider adoption of the rules and address regular business. Due to the COVID-19 pandemic and state of emergency, the rule hearing will be held online and telephonically utilizing the Zoom teleconferencing platform.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.sblpes.state.nm.us>

(<https://www.sblpes.state.nm.us/>). 2/4/2022 (9:00 AM - )

How to participate:

To attend the hearing

online, please use the following link:

[https://us02web.zoom.us/j/89653236490?](https://us02web.zoom.us/j/89653236490?pwd=VW5wTk45QXErd3JmMmpFb11k1R1UT09)

[pwd=VW5wTk45QXErd3JmMmpFb11k1R1UT09](https://us02web.zoom.us/j/89653236490?pwd=VW5wTk45QXErd3JmMmpFb11k1R1UT09)

([https://us02web.zoom.us/j/89653236490?](https://us02web.zoom.us/j/89653236490?pwd=VW5wTk45QXErd3JmMmpFb11k1R1UT09)

[pwd=VW5wTk45QXErd3JmMmpFb11k1R1UT09](https://us02web.zoom.us/j/89653236490?pwd=VW5wTk45QXErd3JmMmpFb11k1R1UT09))

Meeting ID: 896 5323 6490

Passcode: 749785

One tap mobile

The proposed amendment/repeal/replace to this part is to insert language regarding the Intern certification status, that it would no longer be active once a person attained a professional license as the professional license supersedes the Intern designation, clarifying that a licensee who requests for retired or inactive status cannot be approved unless the licensee does not have any pending complaints, pending litigation, and has completed any imposed disciplinary actions, and modifying the requirements of the reactivation of an inactive license of six (6) years or more.

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements

The proposed amendment/repeal/replace to this part is to add definitions for electronic signature, engineering experience and signature as well as to move or create subsections to clarify the subject matter related to the practice of engineering and the industrial exemption, and when more than one electronic signature is required. The rule also incorporates additional grounds for reciprocity for engineers licensed in other jurisdictions as required by Section 61-23-14.1 NMSA

1978 of the Engineering and Surveying Practice Act.

16.39.5 NMAC - Surveying

The proposed amendment/repeal/replace to this part is clarify the use of acronyms by adding the definition of NCEES, and to align the rules with Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, which changed the experience requirement for licensure as a professional surveyor and in accordance with Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978. The rule also creates a new subsection and clarifies the industrial exemption and when more than one electronic signature is required.

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

The proposed amendment/repeal/replace to this part is to add subsections to include requiring certain documentation to qualify for expedited licensure for military service members, spouses and veterans, the absence of a license fee for the first three (3) years, and the requirement of the Board to issue the expedited license within 30 days of a completed application pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978.

16.39.7 NMAC - Misc.

The proposed amendment/repeal/replace to this part is to modify subsections to comply with the statutory changes to the Criminal Offender Employment Act and the Uniform Licensing Act. The rule also adds new language governing the Board's consideration of criminal convictions in applications and disciplinary matters, pursuant to Section 61-1-36 of the Uniform Licensing Act, listing the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction and adding related limitations on the Board's consideration of such convictions. The purpose of the rule is to ensure that applications and complaints against licensees and certification holders are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public's continued confidence in the profession.

**Rule Complete Copy :**

To obtain and review copies of the proposed changes and public comments, you may download them from

<https://www.sblpes.state.nm.us> (<https://www.sblpes.state.nm.us/>). A

copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at

[Isaac.maes@state.nm.us](mailto:Isaac.maes@state.nm.us) (<mailto:Isaac.maes@state.nm.us>), via mail at New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN:

BLPEPS Request for Rule P.O. Box 25101, Santa Fe, NM 87504 (505) 476-4565 or (505) 476-4802.

+16699006833,,89653236490#,,,,\*749785# US (San Jose)

+12532158782,,89653236490#,,,,\*749785# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 896 5323 6490

Passcode: 749785

Find your local number: <https://us02web.zoom.us/j/kbXun8VvZs>

(<https://us02web.zoom.us/j/kbXun8VvZs>)

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Board office at (505) 476-4565 or (505) 476-4656.

The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

**Corrections:**

Not available

**Rule Explanatory Statement:**

Not available

**Related New Mexico Register Publications:**

[Click Here to access Related New Mexico Publications](#)

[https://www.srca.nm.gov/nmac/nmregister/xxxii/BLPEPSnotice\\_xxxii24.html](https://www.srca.nm.gov/nmac/nmregister/xxxii/BLPEPSnotice_xxxii24.html)

For any additional information or questions concerning this rule making or posting please contact:

Perry Valdez, Executive Director  
board.licensurepeps@state.nm.us  
(505) 476-4565

**Last Updated Date**

12/28/2021 11:43 AM

① If the document is not visible on the previewer, please download the file.

File	File Name	File Type	Description
------	-----------	-----------	-------------

SUNSHINE

NM.COI



ALBUQUERQUE PUBLISHING COMPANY

7777 Jefferson St. NE, Albuquerque, NM 87109

Ad Proof/Order Confirmation

Account Number

1010566

Ad Order Number

0001535095

N M BOARD REGISTRATION FOR  
PROF ENGINEERS & SURVEYORS  
2550 CERRILLOS RD  
SANTA FE, NM 87505 USA

Ordered By Miranda Gonzales

Customer Phone 5058277561

Joint Ad #

Customer EMail

PO Number 46400-0000000617

Ad Cost \$733.28

Sales Rep erodriguez

Tax Amount \$57.75

Order Taker erodriguez

Total Amount \$791.03

Payment Method Credit Card

Amount Due \$791.03

Payment Amount \$0.00

Affidavits 0

Pick Up # 0001524478

Product Albuquerque Journal

Order Number 0001535095-01

Ad Type 0 Legals Multi Col

Ad Size 3 X 17.75"

Color

Placement 0Legal Notices

Classification 0Government

Sort Text AMENDEDNOTICEOFPUBLICRULEHE  
ARINGANDREGULARBOARDMEETIN  
GTHENEWMEXICOBORADOFLICENS  
UREFORPROFESSIONALENGINEERS  
ANDPROFESSIONALSURVEYORSHA  
SSC

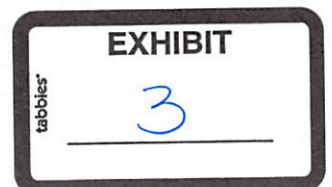
Run Date

12/28/2021

12/28/2021

12/28/2021

WYSIWYG Content





## AMENDED NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, February 4, 2022, at 9:00 a.m. to continue accepting public comment on proposed rules, which began with a public rule hearing held on Friday, December 4, 2021. Following the rule hearing, the Full Board will convene a regular board meeting to consider adoption of the rules and address regular business. Due to the COVID-19 pandemic and state of emergency, the rule hearing will be held online and telephonically utilizing the Zoom teleconferencing platform. A Board staff member will also be present on the day of the hearing, Friday, February 4, 2022, from approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3rd floor, NM 87505, to accept comments in written form and submit those comments to the Hearing Officer during the hearing. To attend the hearing online, please use the following link:

<https://us02web.zoom.us/j/89653236490?pwd=WW5wTk45QXErZ3lJNmpFb111K1R1UT09>

Meeting ID: 896 5323 6490  
Passcode: 749785

One tap mobile  
+16699006833,,89653236490#,,,,\*749785# US (San Jose)  
+12532158782,,89653236490#,,,,\*749785# US (Tacoma)

Dial by your location  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US (Tacoma)  
+1 346 248 7799 US (Houston)  
+1 929 205 6099 US (New York)  
+1 301 715 8592 US (Washington DC)  
+1 312 626 6799 US (Chicago)

Meeting ID: 896 5323 6490  
Passcode: 749785  
Find your local number: <https://us02web.zoom.us/j/89653236490>

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

12.B.2 NMAC - Minimum Standards for Surveying in New Mexico  
16.39.1 NMAC - General Provisions  
16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensure and Endorsements  
16.39.5 NMAC - Surveying  
16.39.8 NMAC - Licensure for Military Service Members, Spouses and Veterans  
16.39.7 NMAC - Misc.

To obtain and review copies of the proposed changes and public comments, you may download them from <https://www.blpeps.state.nm.us/>. A copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at [Isaac.maes@state.nm.us](mailto:Isaac.maes@state.nm.us), via mail at New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Request for Rule P.O. Box 25101, Santa Fe, NM 87504 (505) 476-4565 or (505) 476-4802.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to [board.licensurepeps@state.nm.us](mailto:board.licensurepeps@state.nm.us). Alternatively, members of the public may submit written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 25101, Santa Fe, NM 87504. The Board will accept written public comment received on or before 5:00 PM on January 29, 2022, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3rd floor, NM 87505 on the date of the rule hearing, Friday, February 4, 2022. All written comments will be posted to the Board's website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing via the Zoom teleconferencing platform.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.blpeps.state.nm.us/>.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Board office at (505) 476-4565 or (505) 476-4656. The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

**Statutory Authority:** Subsections B through E of Section 61-23-10 NMSA 1978 of the Engineering and Surveying Practice Act ("ES Practice Act"), Sections 61-23-1 to -36 NMSA 1978, specifically authorizes the Board, the Professional Engineering Committee, the Professional Surveying Committee, and the Joint Engineering and Surveying Committee to promulgate and amend rules of professional responsibility and to effect the provisions of the ES Practice Act. Section 61-23-14.1 NMSA 1978 of the ES Practice Act, provided additional grounds for reciprocity for engineers licensed in other jurisdictions. In addition, Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, changed the experience requirement for licensure as a professional surveyor and Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 states "no rule is valid or enforceable if it conflicts with statute." Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act ("ULA"), Sections 61-1-1 to -36 NMSA 1978, requires the Board to update its expedited licensure for military families. Further, Section 61-1-36 NMSA 1978 of the ULA, requires the Board to "promulgate and post on the board's website rules relating to licensing requirements to list the specific criminal convictions that could disqualify an applicant from receiving a license on the bases of a previous felony conviction." Sections 28-2-3 and 28-2-4 of the Criminal Offender Employment Act, Sections 28-2-1 to -6 NMSA 1978, provide how certain criminal records should be viewed when obtaining a license or other authority to practice the profession pursuant to Section 61-23-4 NMSA 1978.

**Purpose of the Proposed Rules:** The proposed amendment/repeal/replace of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board's obligation "to safeguard life, health and property and to promote the public welfare." Section 61-23-2 NMSA 1978. In addition, there are proposed rule changes intended to address statutory changes to the Engineering and Surveying Practice Act. See S.B. 447, 53rd Leg. (N.M. 2019) available at <https://nmtlegis.gov/Sessions/19%20Regular/final/SB0447.pdf> and H.B. 105, 46th Leg. (N.M. 2012) available at <https://nmtlegis.gov/sessions/12%20Regular/final/HB0105.pdf>. Further, several of the proposed rule changes are intended to address recent statutory changes to address recent statutory changes to the Uniform Licensing Act. See S.B. 2, 55th Leg., 1st S.S. (N.M. 2021) available at <https://nmtlegis.gov/Sessions/21%20Special/final/SB0002.pdf>, H.B. 120, 55th Leg., 1st Sess. (N.M. 2021) available at <https://nmtlegis.gov/Sessions/21%20Regular/final/HB0120.pdf>, and H.B. 30, 54th Legis., 1st Sess. (N.M. 2020) available at <https://nmtlegis.gov/Sessions/20%20Regular/final/HB0030.pdf>. The proposed rules also incorporate statutory changes to the Criminal Offender Employment Act. See S.B. 2, 55th Leg., 1st S.S. (N.M. 2021) available at <https://nmtlegis.gov/Sessions/21%20Special/final/SB0002.pdf>.

**Summary of the Proposed Changes:**

**12.B.2 NMAC - Minimum Standards for Surveying in New Mexico**

The proposed amendment/repeal/replace to this part is to add "Basis of Bearing" under the definitions by removing the term elevation from the definition.

**16.39.1 NMAC - General Provisions**

The proposed amendment/repeal/replace to this part is to insert language regarding the Intern certification status, that it would no longer be active once a person attained a professional license as the professional license supersedes the Intern designation, clarifying that a licensee who requests for relief or inactive status cannot be approved unless the licensee does not have any pending complaints, pending litigation, and has completed any imposed disciplinary actions, and modifying the requirements of the reactivation of an inactive license of six (6) years or more.

**16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements**

The proposed amendment/repeal/replace to this part is to add definitions for electronic signature, engineering experience and signature as well as to move or create subsections to clarify the subject matter related to the practice of engineering and the industrial exemption, and when more than one electronic signature is required. The rule also incorporates additional grounds for reciprocity for engineers licensed in other jurisdictions as required by Section 61-23-14.1 NMSA 1978 of the Engineering and Surveying Practice Act.

**16.39.5 NMAC - Surveying**

The proposed amendment/repeal/replace to this part is clarify the use of acronyms by adding the definition of NCEES, and to align the rules with Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, which changed the experience requirement for licensure as a professional surveyor and in accordance with Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978. The rule also creates a new subsection and clarifies the industrial exemption and when more than one electronic signature is required.

**16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans**

The proposed amendment/repeal/replace to this part is to add subsections to include requiring certain documentation to qualify for expedited licensure for military service members, spouses and veterans, the absence of a license fee for the first three (3) years, and the requirement of the Board to issue the expedited license within 30 days of a completed application pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978.

**16.39.7 NMAC - Misc.**

The proposed amendment/repeal/replace to this part is to modify subsections to comply with the statutory changes to the Criminal Offender Employment Act and the Uniform Licensing Act. The rule also adds new language governing the Board's consideration of criminal convictions in applications and disciplinary matters, pursuant to Section 61-1-36 of the Uniform Licensing Act, listing the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction and adding related limitations on the Board's consideration of such convictions. The purpose of the rule is to ensure that applications and complaints against licensees and certification holders are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public's continued confidence in the profession.

**Technical Information:** No technical information provided the basis for any of the proposed rules.

Journal: December 28, 2021



New Mexico State Board of Licensure for Professional Engineers and Professional Surveyors

PO Box 25101 • Santa Fe, New Mexico 87504
Information (505) 476-4565 • Fax (505) 476-4802
www.sblpes.state.nm.us

Michelle Lujan Grisham
Governor

Perry Valdez
Executive Director

Clifford Spirock, PS
Board Chair

Karl Tonander, PE
Board Vice-Chair

Ronald Bohannon, PE
Board Secretary

Professional Engineering Committee

Walter Gerstle, PhD, PE
PEC Chair

Karl Tonander, PE

Ahmed Elaksher, PhD, PE

Ronald Bohannon, PE

Stephen Ney, PE

Karen Nichols
Public Member

Professional Surveying Committee

David Cooper, PS
PSC Chair

Clifford Spirock, PS

Maxine McReynolds, Esq.
Public Member

TO: Legislative Council Services LCS@nmlegis.gov
FROM: Miranda Gonzales
DATE: 12/28/2021
RE: Rule Hearing/Regular Full Board Meeting

AMENDED NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, February 4, 2022, at 9:00 a.m. to continue accepting public comment on proposed rules, which began with a public rule hearing held on Friday, December 4, 2021. Following the rule hearing, the Full Board will convene a regular board meeting to consider adoption of the rules and address regular business. Due to the COVID-19 pandemic and state of emergency, the rule hearing will be held online and telephonically utilizing the Zoom teleconferencing platform. A Board staff member will also be present on the day of the hearing, Friday, February 4, 2022, from approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3rd floor, NM 87505, to accept comments in written form and submit those comments to the Hearing Officer during the hearing. To attend the hearing online, please use the following link:

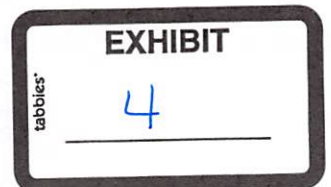
https://us02web.zoom.us/j/89653236490?pwd=WW5wTk45QXErd3lJMpFb1l1KlRlU09

Meeting ID: 896 5323 6490
Passcode: 749785

One tap mobile
+16699006833,,89653236490#,,,,\*749785# US (San Jose)
+12532158782,,89653236490#,,,,\*749785# US (Tacoma)

Dial by your location
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)

Meeting ID: 896 5323 6490
Passcode: 749785
Find your local number: https://us02web.zoom.us/j/89653236490



The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

12.8.2 NMAC - Minimum Standards for Surveying in New Mexico

16.39.1 NMAC - General Provisions

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements

16.39.5 NMAC - Surveying

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

16.39.7 NMAC - Misc.

To obtain and review copies of the proposed changes and public comments, you may download them from <https://www.sblpes.state.nm.us/>. A copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at [Isaac.maes@state.nm.us](mailto:Isaac.maes@state.nm.us), via mail at New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Request for Rule P.O. Box 25101, Santa Fe, NM 87504 (505) 476-4565 or (505) 476-4802.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to [board.licensurepeps@state.nm.us](mailto:board.licensurepeps@state.nm.us). Alternatively, members of the public may submit written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 25101, Santa Fe, NM 87504. The Board will accept written public comment received on or before 5:00 PM on January 29, 2022, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3<sup>rd</sup> floor, NM 87505 on the date of the rule hearing, Friday, February 4, 2022. All written comments will be posted to the Board's website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing via the Zoom teleconferencing platform.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.sblpes.state.nm.us/>.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Board office at (505) 476-4565 or (505) 476-4656. The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

**Statutory Authority:** Subsections B through E of Section 61-23-10 NMSA 1978 of the Engineering and Surveying Practice Act ("ES Practice Act"), Sections 61-23-1 to -36 NMSA 1978, specifically authorizes the Board, the Professional Engineering Committee, the Professional Surveying Committee, and the Joint Engineering and Surveying Committee to promulgate and amend rules of professional responsibility and to effect the provisions of the ES Practice Act. Section 61-23-14.1 NMSA 1978 of the ES Practice Act, provided additional grounds for reciprocity for engineers licensed in other jurisdictions. In addition, Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, changed the experience requirement for licensure as a professional surveyor and Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 states "no rule is valid or enforceable if it conflicts with statute." Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act ("ULA"),

Sections 61-1-1 to -36 NMSA 1978, requires the Board to update its expedited licensure for military families. Further, Section 61-1-36 NMSA 1978 of the ULA, requires the Board to “promulgate and post on the board’s website rules relating to licensing requirements to list the specific criminal convictions that could disqualify an applicant from receiving a license on the bases of a previous felony conviction.” Sections 28-2-3 and 28-2-4 of the Criminal Offender Employment Act, Sections 28-2-1 to -6 NMSA 1978, provide how certain criminal records should be viewed when obtaining a license or other authority to practice the profession pursuant to Section 61-23-4 NMSA 1978.

**Purpose of the Proposed Rules:** The proposed amendment/repeal/replace of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board’s obligation “to safeguard life, health and property and to promote the public welfare.” Section 61-23-2 NMSA 1978. In addition, there are proposed rule changes intended to address statutory changes to the Engineering and Surveying Practice Act. See S.B. 447, 53<sup>rd</sup> Leg. (N.M. 2019) available at <https://nmlegis.gov/Sessions/19%20Regular/final/SB0447.pdf> and H.B. 105, 46<sup>th</sup> Leg. (N.M. 2012) available at <https://nmlegis.gov/sessions/12%20Regular/final/HB0105.pdf>. Further, several of the proposed rule changes are intended to address recent statutory changes to address recent statutory changes to the Uniform Licensing Act. See S.B. 2, 55<sup>th</sup> Leg., 1<sup>st</sup> S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>, H.B. 120, 55<sup>th</sup> Leg., 1<sup>st</sup> Sess. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Regular/final/HB0120.pdf>, and H.B. 30, 54<sup>th</sup> Legis., 1<sup>st</sup> Sess. (N.M. 2020) available at <https://nmlegis.gov/Sessions/20%20Regular/final/HB0030.pdf>. The proposed rules also incorporate statutory changes to the Criminal Offender Employment Act. See S.B. 2, 55<sup>th</sup> Leg., 1<sup>st</sup> S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>.

#### **Summary of the Proposed Changes:**

##### **12.8.2 NMAC - Minimum Standards for Surveying in New Mexico**

The proposed amendment/repeal/replace to this part is to add “Basis of Bearing” under the definitions by removing the term elevation from the definition.

##### **16.39.1 NMAC - General Provisions**

The proposed amendment/repeal/replace to this part is to insert language regarding the Intern certification status, that it would no longer be active once a person attained a professional license as the professional license supersedes the Intern designation, clarifying that a licensee who requests for retired or inactive status cannot be approved unless the licensee does not have any pending complaints, pending litigation, and has completed any imposed disciplinary actions, and modifying the requirements of the reactivation of an inactive license of six (6) years or more.

##### **16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements**

The proposed amendment/repeal/replace to this part is to add definitions for electronic signature, engineering experience and signature as well as to move or create subsections to clarify the subject matter related to the practice of engineering and the industrial exemption, and when more than one electronic signature is required. The rule also incorporates additional grounds for reciprocity for engineers licensed in other jurisdictions as required by Section 61-23-14.1 NMSA 1978 of the Engineering and Surveying Practice Act.

### **16.39.5 NMAC - Surveying**

The proposed amendment/repeal/replace to this part is clarify the use of acronyms by adding the definition of NCEES, and to align the rules with Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, which changed the experience requirement for licensure as a professional surveyor and in accordance with Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978. The rule also creates a new subsection and clarifies the industrial exemption and when more than one electronic signature is required.

### **16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans**

The proposed amendment/repeal/replace to this part is to add subsections to include requiring certain documentation to qualify for expedited licensure for military service members, spouses and veterans, the absence of a license fee for the first three (3) years, and the requirement of the Board to issue the expedited license within 30 days of a completed application pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978.

### **16.39.7 NMAC - Misc.**

The proposed amendment/repeal/replace to this part is to modify subsections to comply with the statutory changes to the Criminal Offender Employment Act and the Uniform Licensing Act. The rule also adds new language governing the Board's consideration of criminal convictions in applications and disciplinary matters, pursuant to Section 61-1-36 of the Uniform Licensing Act, listing the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction and adding related limitations on the Board's consideration of such convictions. The purpose of the rule is to ensure that applications and complaints against licensees and certification holders are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public's continued confidence in the profession.

**Technical Information:** No technical information provided the basis for any of the proposed rules.



# New Mexico State Board of Licensure for Professional Engineers and Professional Surveyors

PO Box 25101 • Santa Fe, New Mexico 87504  
Information (505) 476-4565 • Fax (505) 476-4802  
www.sblpcs.state.nm.us



**Michelle Lujan Grisham**  
Governor

**Perry Valdez**  
Executive Director

**Clifford Spirock, PS**  
Board Chair

**Karl Tonander, PE**  
Board Vice-Chair

**Ronald Bohannon, PE**  
Board Secretary

*Professional Engineering  
Committee*

**Walter Gerstle, PhD, PE**  
PEC Chair

**Karl Tonander, PE**

**Dr. Ahmed Elaksher, PE**

**Ronald Bohannon, PE**

**Stephen Ney, PE**

**Karen Nichols**  
Public Member

*Professional Surveying  
Committee*

**David Cooper, PS**  
PSC Chair

**Clifford Spirock, PS**

**Maxine McReynolds, Esq.**  
Public Member

**TO: Members of the Board of Licensure for Professional Engineers and Professional Surveyors:**

Clifford Spirock, PS, Professional Member  
Karl Tonander, PE, Professional Member  
Ronald Bohannon, PE, Professional Member  
David Cooper, PS, Professional Member  
Dr. Walter Gerstle, PE, Professional Member  
Stephen Ney, PE, Professional Member  
Karen Nichols, Public Member  
Dr. Ahmed Elaksher, PE, Professional Member  
Maxine McReynolds, Public Member

The Honorable Michelle Lujan Grisham, Governor  
Matthew L. Garcia, Office of the Governor  
Melissa Salazar, Office of the Governor  
Valerie Joe, Assistant Attorney General  
Nicholas McDonald, Assistant Attorney General  
Jessica Hitzman, LFC Fiscal Analyst  
Donna Rivera, Executive Budget Analyst, DFA  
Darryl Coster, President, NMPS  
Rob Hanks, PE, President, NMSPE  
Melarie Gonzales, NMBEA Executive Director  
Hector Barragan, Administrator, Board of Landscape Architects  
Ronald Forstbauer, PS  
Earl Burkholder, PEPS

**FROM: Miranda Gonzales, Administrative Manager**  
**DATE: December 28, 2021**  
**RE: Rule Hearing/Regular Full Board Meeting**

## AMENDED NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, February 4, 2022, at 9:00 a.m. to continue accepting public comment on proposed rules, which began with a public rule hearing held on Friday, December 4, 2021. Following the rule hearing, the Full Board will convene a regular board meeting to consider adoption of the rules and address regular business. Due to the COVID-19 pandemic and state of emergency, the rule hearing will be held online and telephonically utilizing the Zoom teleconferencing platform. A Board staff member will also be present on the day of the hearing, Friday, February 4, 2022, from approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3<sup>rd</sup> floor, NM 87505, to accept comments in written form and submit those comments to the Hearing Officer during the hearing. To attend the hearing online, please use the following link:

<https://us02web.zoom.us/j/89653236490?pwd=WW5wTk45QXERd3lJMmpFb1l1K1R1UT09>

Meeting ID: 896 5323 6490  
Passcode: 749785



One tap mobile

+16699006833,,89653236490#,,,,\*749785# US (San Jose)

+12532158782,,89653236490#,,,,\*749785# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 896 5323 6490

Passcode: 749785

Find your local number: <https://us02web.zoom.us/j/89653236490>

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

12.8.2 NMAC - Minimum Standards for Surveying in New Mexico

16.39.1 NMAC - General Provisions

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and

Endorsements

16.39.5 NMAC - Surveying

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

16.39.7 NMAC - Misc.

To obtain and review copies of the proposed changes and public comments, you may download them from <https://www.sblpes.state.nm.us/>. A copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at [Isaac.maes@state.nm.us](mailto:Isaac.maes@state.nm.us), via mail at New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Request for Rule P.O. Box 25101, Santa Fe, NM 87504 (505) 476-4565 or (505) 476-4802.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to [board.licensurepeps@state.nm.us](mailto:board.licensurepeps@state.nm.us). Alternatively, members of the public may submit written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 25101, Santa Fe, NM 87504. The Board will accept written public comment received on or before 5:00 PM on January 29, 2022, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00 a.m. at the Toney Anaya Building, located at 2550 Cerrillos Road, Santa Fe, 3<sup>rd</sup> floor, NM 87505 on the date of the rule hearing, Friday, February 4, 2022. All written comments will be posted to the Board's website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing via the Zoom teleconferencing platform.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.sblpes.state.nm.us/>.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Board office at (505) 476-4565 or (505) 476-4656. The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

**Statutory Authority:** Subsections B through E of Section 61-23-10 NMSA 1978 of the Engineering and Surveying Practice Act (“ES Practice Act”), Sections 61-23-1 to -36 NMSA 1978, specifically authorizes the Board, the Professional Engineering Committee, the Professional Surveying Committee, and the Joint Engineering and Surveying Committee to promulgate and amend rules of professional responsibility and to effect the provisions of the ES Practice Act. Section 61-23-14.1 NMSA 1978 of the ES Practice Act, provided additional grounds for reciprocity for engineers licensed in other jurisdictions. In addition, Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, changed the experience requirement for licensure as a professional surveyor and Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 states “no rule is valid or enforceable if it conflicts with statute.” Sections 61-1-31.1 and 61-1-34 of the Uniform Licensing Act (“ULA”), Sections 61-1-1 to -36 NMSA 1978, requires the Board to update its expedited licensure for military families. Further, Section 61-1-36 NMSA 1978 of the ULA, requires the Board to “promulgate and post on the board’s website rules relating to licensing requirements to list the specific criminal convictions that could disqualify an applicant from receiving a license on the bases of a previous felony conviction.” Sections 28-2-3 and 28-2-4 of the Criminal Offender Employment Act, Sections 28-2-1 to -6 NMSA 1978, provide how certain criminal records should be viewed when obtaining a license or other authority to practice the profession pursuant to Section 61-23-4 NMSA 1978.

**Purpose of the Proposed Rules:** The proposed amendment/repeal/replace of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board’s obligation “to safeguard life, health and property and to promote the public welfare.” Section 61-23-2 NMSA 1978. In addition, there are proposed rule changes intended to address statutory changes to the Engineering and Surveying Practice Act. See S.B. 447, 53<sup>rd</sup> Leg. (N.M. 2019) available at <https://nmlegis.gov/Sessions/19%20Regular/final/SB0447.pdf> and H.B. 105, 46<sup>th</sup> Leg. (N.M. 2012) available at <https://nmlegis.gov/sessions/12%20Regular/final/HB0105.pdf>. Further, several of the proposed rule changes are intended to address recent statutory changes to address recent statutory changes to the Uniform Licensing Act. See S.B. 2, 55<sup>th</sup> Leg., 1<sup>st</sup> S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>, H.B. 120, 55<sup>th</sup> Leg., 1<sup>st</sup> Sess. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Regular/final/HB0120.pdf>, and H.B. 30, 54<sup>th</sup> Legis., 1<sup>st</sup> Sess. (N.M. 2020) available at <https://nmlegis.gov/Sessions/20%20Regular/final/HB0030.pdf>. The proposed rules also incorporate statutory changes to the Criminal Offender Employment Act. See S.B. 2, 55<sup>th</sup> Leg., 1<sup>st</sup> S.S. (N.M. 2021) available at <https://nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>.

**Summary of the Proposed Changes:**

**12.8.2 NMAC - Minimum Standards for Surveying in New Mexico**

The proposed amendment/repeal/replace to this part is to add “Basis of Bearing” under the definitions by removing the term elevation from the definition.

**16.39.1 NMAC - General Provisions**

The proposed amendment/repeal/replace to this part is to insert language regarding the Intern certification status, that it would no longer be active once a person attained a professional license as the professional license supersedes the Intern designation, clarifying that a licensee who requests for retired or inactive status cannot be approved unless the licensee does not have any pending complaints, pending litigation, and has completed any imposed disciplinary actions, and modifying the requirements of the reactivation of an inactive license of six (6) years or more.

**16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements**

The proposed amendment/repeal/replace to this part is to add definitions for electronic signature, engineering experience and signature as well as to move or create subsections to clarify the subject matter related to the practice of engineering and the industrial exemption, and when more than one electronic signature is required. The rule also incorporates additional grounds for reciprocity for engineers licensed in other jurisdictions as required by Section 61-23-14.1 NMSA 1978 of the Engineering and Surveying Practice Act.

**16.39.5 NMAC - Surveying**

The proposed amendment/repeal/replace to this part is clarify the use of acronyms by adding the definition of NCEES, and to align the rules with Section 61-23-17.4(A) NMSA 1978 of the ES Practice Act, which changed the experience requirement for licensure as a professional surveyor and in accordance with Section 14-4-5.7 of the State Rules Act, Sections 14-4-1 to -11 NMSA 1978. The rule also creates a new subsection and clarifies the industrial exemption and when more than one electronic signature is required.

**16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans**

The proposed amendment/repeal/replace to this part is to add subsections to include requiring certain documentation to qualify for expedited licensure for military service members, spouses and veterans, the absence of a license fee for the first three (3) years, and the requirement of the Board to issue the expedited license within 30 days of a completed application pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978.

**16.39.7 NMAC - Misc.**

The proposed amendment/repeal/replace to this part is to modify subsections to comply with the statutory changes to the Criminal Offender Employment Act and the Uniform Licensing Act. The rule also adds new language governing the Board’s consideration of criminal convictions in applications and disciplinary matters, pursuant to Section 61-1-36 of the Uniform Licensing Act, listing the specific criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction and adding

related limitations on the Board's consideration of such convictions. The purpose of the rule is to ensure that applications and complaints against licensees and certification holders are evaluated and adjudicated in a fair and impartial manner that complies with due process while ensuring the public's continued confidence in the profession.

**Technical Information:** No technical information provided the basis for any of the proposed rules.