

1 SENATE BILL 447

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO LICENSURE; ESTABLISHING AN ENGINEERING AND
12 SURVEYING SCHOLARSHIP PROGRAM; ESTABLISHING ADDITIONAL GROUNDS
13 FOR RECIPROCITY FOR ENGINEERS LICENSED IN OTHER JURISDICTIONS;
14 AMENDING PROVISIONS RELATING TO CERTIFICATION AS A SURVEYOR
15 INTERN; ALLOWING THE BOARD TO ALLOW ALTERNATIVES TO PHYSICAL
16 SEALS; CREATING A FUND; MAKING AN APPROPRIATION.

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

19 SECTION 1. A new section of the Engineering and Surveying
20 Practice Act is enacted to read:

21 "[NEW MATERIAL] ENGINEERING AND SURVEYING SCHOLARSHIP
22 PROGRAM.--

23 A. The board may establish an "engineering and
24 surveying scholarship program" that provides strategies to
25 enhance recruitment and retention of New Mexico professional

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1 engineers and professional surveyors, increase career and
2 educational opportunities and improve interaction with the
3 engineering and surveying professions and institutions of
4 higher education. The program may provide direct educational
5 and training scholarships through qualified New Mexico
6 educational institutions to candidates for the engineering and
7 surveying professions willing to reside and practice in New
8 Mexico in an amount not to exceed annually one hundred thousand
9 dollars (\$100,000) in the aggregate.

10 B. The board may request and utilize appropriations
11 to establish, implement and maintain the scholarship program.
12 Any appropriation shall be deposited in the engineering and
13 surveying scholarship fund."

14 SECTION 2. A new section of the Engineering and Surveying
15 Practice Act is enacted to read:

16 "[NEW MATERIAL] ENGINEERING AND SURVEYING SCHOLARSHIP FUND
17 CREATED.--The "engineering and surveying scholarship fund" is
18 created in the state treasury to support the engineering and
19 surveying scholarship program. The fund consists of
20 appropriations, gifts, grants, donations and income from
21 investment of the fund. Any income earned on investment of the
22 fund shall remain in the fund. Money in the fund shall not
23 revert to any other fund at the end of a fiscal year. The fund
24 shall be administered by the board, and money in the fund is
25 appropriated to the board to carry out the purposes of the

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1 engineering and surveying scholarship program. Disbursements
2 from the fund shall be made by warrant of the secretary of
3 finance and administration pursuant to vouchers approved by the
4 chair and signed by the executive director of the board."

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

7 "61-23-14.1. LICENSURE AS A PROFESSIONAL ENGINEER--
8 REQUIREMENTS.--

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

14 (1) is of good moral character and reputation;
15 and

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

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

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1 (1) the applicant is certified as an engineer
2 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 at least four
9 years of engineering experience subsequent to receiving the
10 degree;

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

19 (c) received a master's degree in an
20 engineering discipline recognized by the board from a program
21 accredited by the engineering accreditation commission or an
22 institution that offers programs accredited by the engineering
23 accreditation commission or that fulfills the required content
24 of the engineering education standard as defined by the
25 national council of examiners for engineering and surveying and

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1 has at least three years of engineering experience subsequent
2 to receiving the degree;

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

11 (e) received a doctorate degree in an
12 engineering discipline recognized by the board from a board-
13 approved engineering curriculum and has at least two years of
14 engineering experience subsequent to receiving the degree; or

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

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

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

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1 program that fulfills the required content of the engineering
2 education standard as defined by the national council of
3 examiners for engineering and surveying and has twelve years of
4 engineering experience subsequent to receiving the degree;

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

14 (c) received a doctorate degree in an
15 engineering discipline recognized by the board from a board-
16 approved engineering curriculum and has at least four years of
17 engineering experience subsequent to receiving the degree.

18 C. Upon successfully completing the examination,
19 required experience and all the requirements as noted in this
20 section, the applicant shall be eligible to be licensed as a
21 professional engineer upon action of the board.

22 D. An applicant may be licensed by endorsement or
23 comity if the applicant:

24 (1) is currently licensed as an engineer in
25 the District of Columbia, another state, a territory or a

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1 possession of the United States; provided that the licensure
2 does not conflict with the provisions of the Engineering and
3 Surveying Practice Act and that the standards required by the
4 licensure or the applicant's qualifications equaled or exceeded
5 the licensure standards in New Mexico at the time the applicant
6 was initially licensed; [~~or~~]

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

14 (3) is currently licensed as an engineer in
15 the District of Columbia, another state, a territory or a
16 possession of the United States; provided that the applicant:

17 (a) has been actively licensed for the
18 contiguous ten years immediately preceding application to New
19 Mexico;

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

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

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1 jurisdiction."

2 SECTION 4. Section 61-23-19 NMSA 1978 (being Laws 1987,
3 Chapter 336, Section 19, as amended) is amended to read:

4 "61-23-19. ENGINEERING--LICENSES--SEALS--INCIDENTAL
5 ARCHITECTURAL WORK--SUPPLEMENTAL SURVEYING WORK.--

6 A. The board shall issue licenses pursuant to the
7 provisions of the Engineering and Surveying Practice Act. The
8 board shall provide for the proper authentication of all
9 documents.

10 B. The board shall regulate the use of seals and
11 may approve alternative authentications to physical or
12 electronic seals.

13 C. An engineer shall have the right to engage in
14 activities properly classified as architecture insofar as it is
15 incidental to the engineer's work as an engineer; provided that
16 the engineer shall not make any representation as being an
17 architect or as performing architectural services unless duly
18 registered as such.

19 D. The board shall recognize that there may be
20 occasions when professional engineers need to obtain
21 supplemental survey information for the planning and design of
22 an engineering project. A professional engineer who has
23 primary engineering responsibility and control of an
24 engineering project may perform supplemental surveying work in
25 obtaining data incidental to that project. Supplemental

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1 surveying work may be performed by a professional engineer only
2 on a project for which the engineer is providing engineering
3 design services."

4 SECTION 5. Section 61-23-27.3 NMSA 1978 (being Laws 1993,
5 Chapter 218, Section 24, as amended) is amended to read:

6 "61-23-27.3. CERTIFICATION OF SURVEYOR INTERN--
7 REQUIREMENTS.--

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

- 11 (1) is of good moral character and reputation;
12 (2) has obtained at least a senior status in a
13 board-approved, four-year curriculum in surveying; and
14 (3) has three references, two of whom shall be
15 licensed professional surveyors having personal knowledge of
16 the applicant's knowledge and experience.

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

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

23 D. The certification of surveyor intern does not
24 permit the intern to practice surveying. Certification as a
25 surveyor intern is intended to demonstrate that the intern has

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1 obtained certain skills in surveying fundamentals and is
2 pursuing a career in surveying.

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

13 SECTION 6. Section 61-23-27.8 NMSA 1978 (being Laws 1993,
14 Chapter 218, Section 29, as amended) is amended to read:

15 "61-23-27.8. SURVEYING LICENSES AND SEALS.--

16 A. The board shall issue surveying licenses
17 pursuant to the Engineering and Surveying Practice Act. The
18 board shall provide for the proper authentication of all
19 documents.

20 B. The board shall regulate the use of seals and
21 may approve alternative authentications to physical or
22 electronic seals."

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