

FIFTY-SIXTH LEGISLATURE
FIRST SESSION

March 1, 2023

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 411

Amendment sponsored by Representative Randall T. Pettigrew

1. On page 17, line 22, through page 19, line 1, strike Section 6 in its entirety and insert in lieu thereof the following new section:

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

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

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

B. An engineer employed by a business entity who performs only the engineering services involved in the operation of the business entity's or an affiliated business entity's business shall be exempt from the provisions of the Engineering and Surveying Practice Act; provided that neither the employee nor the ~~[business entity]~~ employer offers engineering services to the public; and

FIFTY-SIXTH LEGISLATURE
FIRST SESSION

HF1/HB 411

Page 2

provided further that any such engineering services are limited to the legal boundaries of the property owned, leased or lawfully operated by the business entity or an affiliated business entity that employs the engineer. Performance of engineering on public works projects pursuant to Section 61-23-26 NMSA 1978 or within off-premises easements constitutes engineering services to the public and is [~~not exempt~~] subject to the Engineering and Surveying Practice Act."".

2. On page 26, lines 3 through 18, strike Section 11 in its entirety and insert in lieu thereof the following new section:

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

"61-23-27.10. SURVEYING EXEMPTIONS.--~~[An employee of]~~ A surveyor employed by a business entity who performs only the surveying services involved in the operation of the business entity's or an affiliated business entity's business shall be exempt from the provisions of the Engineering and Surveying Practice Act; provided that neither the employee nor the [~~business entity~~] employer offers surveying services to the public; and provided further that any such surveying services are limited to the legal boundaries of the property owned, leased or lawfully operated by the business entity or an affiliated business entity that employs the surveyor; and provided further that the surveying services performed do not include any determination, description, portraying, measuring or monumentation of the boundaries of a tract of land. Performance of surveying on public works projects pursuant to Section 61-23-27.13 NMSA 1978 or within off-premises easements constitutes [~~surveying services to the~~] work within a public space and is [~~not exempt~~] subject to the Engineering and Surveying Practice Act."".

FIFTY-SIXTH LEGISLATURE
FIRST SESSION

HF1/HB 411

Page 3

Randall T. Pettigrew

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____