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

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

- A. "approved" means acceptable to the board;
- B. "authorized company officer" means an employee
of a business entity duly authorized by the business entity
to contractually obligate the business entity;
- C. "board" means the state board of licensure for
professional engineers and professional surveyors;

1 D. "business entity" means a corporation,
2 professional corporation, limited liability corporation,
3 professional limited liability corporation, general
4 partnership, limited partnership, limited liability
5 partnership, professional limited liability partnership, a
6 joint stock association or any other form of business,
7 whether or not for profit;

8 E. "conviction" means a final adjudication of
9 guilt, whether pursuant to a plea of nolo contendere or
10 otherwise and whether or not the sentence is deferred or
11 suspended;

12 F. "engineer" means a person who has completed
13 engineering education and has training and experience in the
14 application of engineering principles and the interpretation
15 of engineering data;

16 G. "engineering accreditation commission" means
17 the engineering accreditation commission of the accreditation
18 board for engineering and technology, incorporated, or any
19 successor commission or organization;

20 H. "engineering" or "practice of engineering"
21 means any creative or engineering work that requires
22 engineering education, training and experience in the
23 application of engineering principles and the interpretation
24 of engineering data to such creative work as consultation,
25 investigation, forensic investigation, evaluation, planning

1 and design of engineering works and systems, expert technical
2 testimony, engineering studies and the review of construction
3 for the purpose of ensuring substantial compliance with
4 drawings and specifications; any of which embrace such
5 creative work, either public or private, in connection with
6 any utilities, structures, buildings, machines, equipment,
7 processes, work systems, projects and industrial or consumer
8 products or equipment of a mechanical, electrical, hydraulic,
9 chemical, pneumatic, environmental or thermal nature, insofar
10 as they involve safeguarding life, health or property, and
11 including such other professional services as may be
12 necessary to the planning, progress and completion of
13 engineering work. The "practice of engineering" may include
14 the use of photogrammetric methods to derive topographical
15 and other data. The "practice of engineering" does not
16 include responsibility for the supervision of construction,
17 site conditions, operations, equipment, personnel or the
18 maintenance of safety in the workplace;

19 I. "engineering committee" means a committee of
20 the board entrusted to implement all business of the
21 Engineering and Surveying Practice Act as it pertains to the
22 practice of engineering, including the promulgation and
23 adoption of rules of professional responsibility for
24 professional engineers exclusive to the practice of
25 engineering;

1 J. "engineer intern" means a person who has
2 qualified for, taken and passed an examination in fundamental
3 engineering subjects;

4 K. "fund" means the professional engineers' and
5 surveyors' fund;

6 L. "incidental practice" means the performance of
7 other professional services that are related to a licensee's
8 work as an engineer;

9 M. "person" means an individual or business
10 entity;

11 N. "professional development" means education by a
12 licensee in order to maintain, improve or expand skills and
13 knowledge obtained prior to initial licensure or to develop
14 new and relevant skills and knowledge to maintain licensure;

15 O. "professional engineer", "consulting engineer",
16 "licensed engineer" or "registered engineer" means a person
17 who has been licensed as a professional engineer by the
18 board;

19 P. "responsible charge" means responsibility for
20 the direction, control and supervision of engineering or
21 surveying work, as the case may be, to ensure that the work
22 product has been critically examined and evaluated for
23 compliance with appropriate professional standards by a
24 licensee in that profession, and by sealing or signing the
25 documents, the professional engineer or professional surveyor

1 accepts responsibility for the engineering or surveying work,
2 respectively, represented by the documents and that
3 applicable engineering or surveying standards have been met;

4 Q. "surveying" or "practice of surveying" means
5 any service or work, the substantial performance of which
6 involves the application of the principles of mathematics and
7 the related physical and applied sciences for:

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

13 (2) the monumenting of property boundaries
14 and for the platting and layout of lands and subdivisions;

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

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

25 (5) the preparation and perpetuation of

1 maps, records, plats, field notes, easements and property
2 descriptions; and

3 (6) the depiction and transmittal by paper
4 or digital means of any digital geospatial data for use in
5 geographic information systems or land information systems
6 that purports to be the authoritative location of points or
7 features of a survey regulated by the Engineering and
8 Surveying Practice Act, but excludes data used solely for a
9 cadastre, such as assessment and tax mapping purposes, or
10 general representations of surveyed or historic data used for
11 mapping purposes, such as land parcels and built
12 infrastructure;

13 R. "surveying 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 surveying, including the promulgation and adoption of rules
17 of professional responsibility for professional surveyors
18 exclusive to the practice of surveying;

19 S. "surveyor", "professional surveyor", "licensed
20 surveyor" or "registered surveyor" means a person who is
21 licensed as a professional surveyor by the board and who is a
22 professional specialist qualified to practice surveying by
23 reason of the person's education in the principles of
24 mathematics and the related physical and applied sciences
25 requisite to surveying of real property;

1 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;

5 U. "surveying work" means the work performed in
6 the practice of surveying; and

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

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

16 "61-23-14. CERTIFICATION AS AN ENGINEER INTERN--
17 REQUIREMENTS.--

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

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

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

1 technology that is accredited by the engineering technology
2 accreditation commission of the accreditation board for
3 engineering and technology; and

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

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

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

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

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

25 D. The certification as engineer intern does not

1 permit the intern to practice as a professional engineer.
2 Certification as an engineer intern is intended to
3 demonstrate that the intern has obtained certain skills in
4 engineering fundamentals and is pursuing a career in
5 engineering."

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

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

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

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

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

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

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

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

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;

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

1 engineering accreditation commission or that fulfills the
2 required content of the engineering education standard as
3 defined by the national council of examiners for engineering
4 and surveying and has at least three years of engineering
5 experience;

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

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

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

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

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

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

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

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

25 D. An applicant may be licensed by endorsement or

1 comity if the applicant:

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

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

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

21 (a) has been actively licensed for the
22 continuous ten years immediately preceding application to New
23 Mexico;

24 (b) has not received any form of
25 disciplinary action related to the practice of engineering or

1 professional conduct from any jurisdiction within the five
2 years preceding application to New Mexico;

3 (c) has not had the applicant's
4 professional license suspended or revoked at any time from
5 any jurisdiction; and

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

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

13 "61-23-17. APPLICATION AND EXAMINATION FEES.--

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

23 B. All application, reapplication, examination and
24 reexamination fees shall be set by the board and shall not
25 exceed the actual cost of carrying out the provisions of the

1 Engineering and Surveying Practice Act. No fees shall be
2 refundable.

3 C. Any application may be denied for fraud,
4 deceit, conviction of a felony or any crime that may impede
5 the ability of the applicant to perform professionally as
6 determined by board rules."

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

9 "61-23-20. ENGINEERING--LICENSURE AND RENEWAL FEES--
10 EXPIRATIONS.--

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

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

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

23 D. Each licensee shall have the responsibility to
24 notify the board of any change of address within thirty days
25 of the change.

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

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

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

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

24 A. A New Mexico licensed architect who has
25 complied with all of the laws of New Mexico relating to the

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

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

25 Performance of engineering on public works projects pursuant

1 to Section 61-23-26 NMSA 1978 or within off-premises
2 easements constitutes engineering services to the public and
3 is subject to the Engineering and Surveying Practice Act."

4 SECTION 7. Section 61-23-27.3 NMSA 1978 (being Laws
5 1993, Chapter 218, Section 24, as amended) is amended to
6 read:

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

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

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

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

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

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

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

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

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

16 **SECTION 8.** Section 61-23-27.4 NMSA 1978 (being Laws
17 1993, Chapter 218, Section 25, as amended) is amended to
18 read:

19 "61-23-27.4. LICENSURE AS A PROFESSIONAL SURVEYOR--
20 GENERAL REQUIREMENTS.--

21 A. Licensure as a professional surveyor may be
22 either through examination or through endorsement or comity.
23 In either case, an applicant shall file the appropriate
24 application to demonstrate that the applicant:

25 (1) is of good moral character and

1 reputation as determined by board rules;

2 (2) is certified as a surveyor intern;

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

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

9 (5) if graduated from a board-approved,
10 four-year related science curriculum as specifically defined
11 by board rules, has a minimum of four years of board-approved
12 surveying experience subsequent to certification as a
13 surveyor intern.

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

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

23 D. Upon successfully completing the examination,
24 the applicant shall be eligible to be licensed as a
25 professional surveyor upon action of the board.

1 E. If otherwise qualified, an applicant may be
2 licensed if the applicant is currently licensed as a
3 professional surveyor in:

4 (1) another state, the District of Columbia
5 or a territory of the United States; provided that:

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

12 (b) the applicant has passed
13 examinations the board deems necessary to determine the
14 applicant's qualifications, including a written examination
15 that includes questions on laws, procedures and practices
16 pertaining to surveying in this state;

17 (2) another state, the District of Columbia
18 or a territory of the United States; and provided further
19 that the applicant:

20 (a) has been actively licensed for the
21 continuous fifteen years immediately preceding application to
22 New Mexico;

23 (b) has not received any form of
24 disciplinary action related to the practice of surveying or
25 professional conduct from any jurisdiction within the five

1 years preceding application to New Mexico;

2 (c) has not had the applicant's
3 professional license suspended or revoked at any time from
4 any jurisdiction; and

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

10 (3) a foreign country and can demonstrate to
11 the board's satisfaction:

12 (a) evidence that the licensure was
13 based on standards that equal or exceed those currently
14 required for licensure by the Engineering and Surveying
15 Practice Act; and

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

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

25 "61-23-27.5. SURVEYING--APPLICATION AND EXAMINATION

1 FEES.--

2 A. All applicants for licensure pursuant to the
3 Engineering and Surveying Practice Act shall apply for
4 examination, licensure or certification on forms prescribed
5 and furnished by the board. Except as provided in Section
6 61-1-34 NMSA 1978, applications shall be accompanied by the
7 appropriate fee, any sworn statements the board may require
8 to show the applicant's citizenship and education, a detailed
9 summary of the applicant's technical work and appropriate
10 references.

11 B. All application, reapplication, examination and
12 reexamination fees shall be set by the board and shall not
13 exceed the actual cost of carrying out the provisions of the
14 Engineering and Surveying Practice Act. Fees shall not be
15 refundable.

16 C. Any application may be denied for fraud,
17 deceit, conviction of a felony or for any crime that may
18 impede the ability of the applicant to perform professionally
19 as determined by board rules."

20 SECTION 10. Section 61-23-27.7 NMSA 1978 (being Laws
21 1993, Chapter 218, Section 28, as amended) is amended to
22 read:

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

25 A. Licensure for surveyors shall be for a period

1 of two years as prescribed in the rules of procedure.

2 Initial certificates of licensure shall be issued to coincide
3 with the biennial period. Initial licenses shall be issued
4 in accordance with the board's rules.

5 B. The board shall establish by rule a biennial
6 fee for professional surveyors. Except as provided in
7 Section 61-1-34 NMSA 1978, renewal shall be granted upon
8 payment of the required fee and satisfactory completion of
9 the requirements of professional development.

10 C. The executive director of the board shall send
11 a renewal notice to each licensee's last known address.
12 Notice shall be sent at least one month in advance of the
13 date of expiration of the license.

14 D. It shall be the responsibility of the licensee
15 to notify the board of any change of address and to keep the
16 license current.

17 E. Upon receipt of a renewal fee and fulfillment
18 of other requirements, the board shall issue a licensure
19 renewal card that shall show the name and license number of
20 the licensee and shall state that the person named has been
21 granted licensure to practice as a professional surveyor for
22 the biennial period.

23 F. Every license shall automatically expire if not
24 renewed on or before December 31 of the applicable biennial
25 period. A delinquent licensee may renew a license by the

1 payment of twice the biennial renewal fee at any time before
2 March 1, but the delinquent licensee shall not practice
3 during this period. Should the licensee wish to renew an
4 expired license after the March 1 deadline has elapsed, the
5 licensee shall submit a formal application as provided in
6 Section 61-23-27.4 NMSA 1978. The board, in considering the
7 reapplication, need not question the applicant's
8 qualifications for licensure unless the qualifications have
9 changed since the license expired."

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

13 "61-23-27.10. SURVEYING EXEMPTIONS.--A surveyor
14 employed by a business entity who performs only the surveying
15 services involved in the operation of the business entity's
16 or an affiliated business entity's business shall be exempt
17 from the provisions of the Engineering and Surveying Practice
18 Act; provided that neither the employee nor the employer
19 offers surveying services to the public; and provided further
20 that any such surveying services are limited to the legal
21 boundaries of the property owned, leased or lawfully operated
22 by the business entity or an affiliated business entity that
23 employs the surveyor; and provided further that the surveying
24 services performed do not include any determination,
25 description, portraying, measuring or monumentation of the

1 boundaries of a tract of land. Performance of surveying on
2 public works projects pursuant to Section 61-23-27.13 NMSA
3 1978 or within off-premises easements constitutes work within
4 a public space and is subject to the Engineering and
5 Surveying Practice Act."

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

10 "61-23-32. TERMINATION OF AGENCY LIFE--DELAYED
11 REPEAL.--The state board of licensure for professional
12 engineers and professional surveyors is terminated on July 1,
13 2029 pursuant to the Sunset Act. The board shall continue to
14 operate according to the provisions of the Engineering and
15 Surveying Practice Act until July 1, 2030. Effective July 1,
16 2030, the Engineering and Surveying Practice Act is
17 repealed."

18 SECTION 13. Section 61-23-35 NMSA 1978 (being Laws
19 2019, Chapter 220, Section 1) is amended to read:

20 "61-23-35. ENGINEERING AND SURVEYING UNIVERSITY SUPPORT
21 PROGRAM.--

22 A. The board may establish an "engineering and
23 surveying university support program" that provides
24 strategies to enhance recruitment and retention of New Mexico
25 professional engineers and professional surveyors, increase

1 career and educational opportunities and improve interaction
2 with the engineering and surveying professions and
3 institutions of higher education. The program may provide
4 direct educational and training scholarships through
5 qualified New Mexico educational institutions to candidates
6 for the engineering and surveying professions willing to
7 reside and practice in New Mexico. The program may also
8 provide funding for equipment and related materials at
9 qualified New Mexico educational institutions to support the
10 education of engineering and surveying students. The amount
11 of funding provided pursuant to the program shall not exceed
12 annually two hundred fifty thousand dollars (\$250,000) in the
13 aggregate.

14 B. The board may request and use appropriations to
15 establish, implement and maintain the engineering and
16 surveying university support program. Any appropriation
17 shall be deposited in the engineering and surveying
18 university support fund."

19 SECTION 14. Section 61-23-36 NMSA 1978 (being Laws
20 2019, Chapter 220, Section 2) is amended to read:

21 "61-23-36. ENGINEERING AND SURVEYING UNIVERSITY SUPPORT
22 FUND CREATED.--The "engineering and surveying university
23 support fund" is created in the state treasury to support the
24 engineering and surveying university support program. The
25 fund consists of appropriations, gifts, grants, donations and

1 income from investment of the fund. Any income earned on
2 investment of the fund shall remain in the fund. Money in the
3 fund shall not revert to any other fund at the end of a fiscal
4 year. The fund shall be administered by the board, and money
5 in the fund is appropriated to the board to carry out the
6 purposes of the engineering and surveying university support
7 program. Disbursements from the fund shall be made by warrant
8 of the secretary of finance and administration pursuant to
9 vouchers approved by the chair and signed by the executive
10 director of the board."

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