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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/02/17  
 LAST UPDATED 03/10/17

SPONSOR Larrañaga HB 188/aHTPWC/aHJC

SHORT TITLE Engineer & Surveyors Requirements SB \_\_\_\_\_

ANALYST Amacher

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 87  
 Relates to HB 295

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Board of Licensure for Professional Engineers and Land Surveyors (PELS)  
 Office of the Attorney General (OAG)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendments make clear a sole proprietorship is not referenced in the definition of “business entity”, and provides grammatical changes to Section 18 “Surveying – Record of Survey”.

#### Synopsis of HTPWC Amendment

The House Transportation, Public Works and Capital Improvements Committee amendments remove the statute of limitations for actions against professional surveyors; and ensures that a professional engineer (*versus a person*) is subject to disciplinary action and penalties.

#### Synopsis of Bill

House Bill 188, as amended, corrects and updates the Engineering and Surveying Practice Act (Act). Section 6 spells out the licensure qualifications that must be met by first time engineering applicants on or after July 1, 2017, who graduate from programs that are accredited by the

engineering accreditation commission and those with a degree from a foreign educational institution. Sections 9 and 14 require business entities to identify who is the licensed professional engineer or licensed professional surveyor on staff. Sections 10 and 15 add language clarifying that engineering and surveying services on any public works project are not exempt from the licensing requirements of the Act. Section 19 extends the sunset date of the PELS by six years to July 1, 2023.

The effective date of this bill is July 1, 2017.

## **FISCAL IMPLICATIONS**

There are no known fiscal impacts.

## **SIGNIFICANT ISSUES**

House Bill 188, as amended corrects and updates the Engineering and Surveying Practice Act (Act).

Section 2 broadens the definition of “engineer” to include “professional engineer”, “consulting engineer”, “licensed engineer” or “registered engineer” and requires all to be licensed by the board to practice engineering.

Section 5 ensures the roster of licensed professional engineers also includes licensed and professional surveyors.

Section 6 spells out the licensure qualifications that must be met by first time engineers on or after July 1, 2017, who graduate from programs that are accredited by the engineering accreditation commission and those with a degree from a foreign educational institution. An applicant must demonstrate at least four years of engineering experience subsequent to receiving a bachelor’s degree and a master’s degree in an engineering discipline.

Section 7 amends the title to read as “engineering-licenses—seals-incidental architectural work—supplemental surveying work”. An additional amendment requires the board to recognize there may be occasions when professional engineers need to obtain supplemental survey information for the planning and design of an engineering project. A professional engineer who has primary engineering responsibility and control of an engineering project may perform supplemental surveying work in obtaining data incidental to that project. Supplemental surveying work may be performed only on a project for which the engineer is providing engineering design services.

Section 8 permits the board to consider prior licensure requirements, if they have changed, upon reapplication. This is a change from the “need not question” practice of prior licensure requirements.

Sections 9 and 14 require business entities to identify who is the licensed professional engineer or licensed professional surveyor on staff through a signed affidavit filed with the board.

Sections 10 and 15 add language clarifying that engineering and surveying services on any public works project are not exempt from the licensing requirements of the Act.

Section 12 amends engineering public work by removing the exemption for conducting surveys for public projects under \$100,000 from the Act.

Section 18 eliminates the time constraint of “within sixty calendar days” that a professional surveyor must file with the county clerk’s office those surveys that do not create a division of land but only show existing tracts of record.

Section 19 extends the sunset date of the PELS by six years to July 1, 2023.

### **ADMINISTRATIVE IMPLICATIONS**

The OAG’s Open Government Division provides legal counsel to RLD boards and commissions, including the Engineers and Professional Surveyors Board. Changes to the board’s statute from this bill may require additional assistance from OAG, including necessary changes to the board’s administrative rules.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Section 19 of this bill, extends the sunset date of the PELS to July 1, 2023, and duplicates Section 8 of HB 295.

SB 87 as amended duplicates the provisions outlined in HB 188 as amended.

### **OTHER SUBSTANTIVE ISSUES**

The NMAG points out that the term “qualified” is used throughout the statute in various contexts and is not clear. While some may imply a professional must be “licensed” as their “qualification”, other instances simply refer to an individual being “qualified”. It would be helpful to clarify and further denote what constitutes adequate qualification if it does not refer to licensure.

Another area for clarification is the use of “all actions”. The NMAG comments the proposed language of Section 20 of HB 188 regarding statute of limitations appears to only relate to civil actions to recover monetary damages. However, the use of “all actions” is ambiguous. This could be interpreted to apply to a statute of limitations to Board action, which would already be consistent with the statute of limitations under the Uniform Licensing Act (2 year limitation). The NMAG notes this is somewhat unique to licensing boards and should be reviewed.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Under existing law, PELS terminates on July 1, 2017.

JMA/al/sb