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AN ACT

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

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

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

"ENGINEERING AND SURVEYING SCHOLARSHIP PROGRAM.--

A. The board may establish an "engineering and surveying scholarship program" that provides strategies to enhance recruitment and retention of New Mexico professional engineers and professional surveyors, increase career and educational opportunities and improve interaction with the engineering and surveying professions and institutions of higher education. The program may provide direct educational and training scholarships through qualified New Mexico educational institutions to candidates for the engineering and surveying professions willing to reside and practice in New Mexico in an amount not to exceed annually one hundred thousand dollars (\$100,000) in the aggregate.

1 B. The board may request and utilize
2 appropriations to establish, implement and maintain the
3 scholarship program. Any appropriation shall be deposited in
4 the engineering and surveying scholarship fund."

5 **SECTION 2.** A new section of the Engineering and
6 Surveying Practice Act is enacted to read:

7 "ENGINEERING AND SURVEYING SCHOLARSHIP FUND CREATED.--
8 The "engineering and surveying scholarship fund" is created
9 in the state treasury to support the engineering and
10 surveying scholarship program. The fund consists of
11 appropriations, gifts, grants, donations and income from
12 investment of the fund. Any income earned on investment of
13 the fund shall remain in the fund. Money in the fund shall
14 not revert to any other fund at the end of a fiscal year.
15 The fund shall be administered by the board, and money in the
16 fund is appropriated to the board to carry out the purposes
17 of the engineering and surveying scholarship program.
18 Disbursements from the fund shall be made by warrant of the
19 secretary of finance and administration pursuant to vouchers
20 approved by the chair and signed by the executive director of
21 the board."

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

25 "61-23-14.1. LICENSURE AS A PROFESSIONAL ENGINEER--

1 REQUIREMENTS.--

2 A. Licensure as a professional engineer may be
3 either through examination or through endorsement or comity.
4 In either case, an applicant shall file the appropriate
5 application in which it shall be demonstrated that the
6 applicant:

7 (1) is of good moral character and
8 reputation; and

9 (2) has five references, three of whom shall
10 be licensees practicing in the branch of engineering for
11 which the applicant is applying and who have personal
12 knowledge of the applicant's engineering experience and
13 reputation. The use of non-licensed engineer references
14 having personal knowledge of the applicant's engineering
15 experience and reputation may be accepted by the board;
16 provided that a satisfactory written explanation is given.

17 B. An applicant may be licensed through
18 examination if the applicant can demonstrate the following:

19 (1) the applicant is certified as an
20 engineer intern and has at least one of the following:

21 (a) received a bachelor's degree in an
22 engineering discipline recognized by the board from a program
23 accredited by the engineering accreditation commission or a
24 program that fulfills the required content of the engineering
25 education standard as defined by the national council of

1 examiners for engineering and surveying and has at least four
2 years of engineering experience subsequent to receiving the
3 degree;

4 (b) received a bachelor's degree in an
5 engineering discipline recognized by the board from a foreign
6 educational institution where the program that was completed
7 fulfills the required content of the engineering education
8 standard as defined by the national council of examiners for
9 engineering and surveying and has at least four years of
10 engineering experience in the United States subsequent to
11 receiving the degree;

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

21 (d) received a master's degree in an
22 engineering discipline recognized by the board from a foreign
23 educational institution where the program that was completed
24 fulfills through evaluation the required curricular content
25 and educational standards as defined by the national council

1 of examiners for engineering and surveying and has at least
2 three years of engineering experience in the United States
3 subsequent to receiving the degree;

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

8 (f) at least six years of board-
9 approved engineering experience after graduation from a
10 school offering a board-approved, four-year engineering
11 technology curriculum accredited by the technology
12 accreditation commission of the accreditation board for
13 engineering and technology, including the two years for
14 engineer intern certification; or

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

17 (a) received a bachelor's degree in an
18 engineering discipline recognized by the board from a program
19 accredited by the engineering accreditation commission or a
20 program that fulfills the required content of the engineering
21 education standard as defined by the national council of
22 examiners for engineering and surveying and has twelve years
23 of engineering experience subsequent to receiving the degree;

24 (b) received a master's degree in an
25 engineering discipline recognized by the board from a program

1 accredited by the engineering accreditation commission or an
2 institution that offers programs accredited by the
3 engineering accreditation commission or that fulfills the
4 required content of the engineering education standard as
5 defined by the national council of examiners for engineering
6 and surveying and has at least six years of engineering
7 experience subsequent to receiving the degree; or

8 (c) received a doctorate degree in an
9 engineering discipline recognized by the board from a board-
10 approved engineering curriculum and has at least four years
11 of engineering experience subsequent to receiving the degree.

12 C. Upon successfully completing the examination,
13 required experience and all the requirements as noted in this
14 section, the applicant shall be eligible to be licensed as a
15 professional engineer upon action of the board.

16 D. An applicant may be licensed by endorsement or
17 comity if the applicant:

18 (1) is currently licensed as an engineer in
19 the District of Columbia, another state, a territory or a
20 possession of the United States; provided that the licensure
21 does not conflict with the provisions of the Engineering and
22 Surveying Practice Act and that the standards required by the
23 licensure or the applicant's qualifications equaled or
24 exceeded the licensure standards in New Mexico at the time
25 the applicant was initially licensed;

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

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

11 (a) has been actively licensed for the
12 contiguous ten years immediately preceding application to New
13 Mexico;

14 (b) has not received any form of
15 disciplinary action related to the practice of engineering or
16 professional conduct from any jurisdiction within the five
17 years preceding application to New Mexico; and

18 (c) has not had the applicant's
19 professional license suspended or revoked at any time from
20 any jurisdiction."

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

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

25 A. The board shall issue licenses pursuant to the

1 provisions of the Engineering and Surveying Practice Act.

2 The board shall provide for the proper authentication of all
3 documents.

4 B. The board shall regulate the use of seals and
5 may approve alternative authentications to physical or
6 electronic seals.

7 C. An engineer shall have the right to engage in
8 activities properly classified as architecture insofar as it
9 is incidental to the engineer's work as an engineer; provided
10 that the engineer shall not make any representation as being
11 an architect or as performing architectural services unless
12 duly registered as such.

13 D. The board shall recognize that there may be
14 occasions when professional engineers need to obtain
15 supplemental survey information for the planning and design
16 of an engineering project. A professional engineer who has
17 primary engineering responsibility and control of an
18 engineering project may perform supplemental surveying work
19 in obtaining data incidental to that project. Supplemental
20 surveying work may be performed by a professional engineer
21 only on a project for which the engineer is providing
22 engineering design services."

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

1 "61-23-27.3. CERTIFICATION OF SURVEYOR INTERN--
2 REQUIREMENTS.--

3 A. An applicant for certification as a surveyor
4 intern shall file the appropriate application and demonstrate
5 that the applicant:

6 (1) is of good moral character and
7 reputation;

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

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

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

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

20 D. The certification of surveyor intern does not
21 permit the intern to practice surveying. Certification as a
22 surveyor intern is intended to demonstrate that the intern
23 has obtained certain skills in surveying fundamentals and is
24 pursuing a career in surveying.

25 E. If otherwise qualified, a graduate of a board-

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

10 SECTION 6. Section 61-23-27.8 NMSA 1978 (being Laws
11 1993, Chapter 218, Section 29, as amended) is amended to
12 read:

13 "61-23-27.8. SURVEYING LICENSES AND SEALS.--

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

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