

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, November 4, 2022, at 9:00 a.m. Following the rule hearing, the Full Board will convene a regular board meeting to consider the adoption of the rules and address regular business. These meetings are being conducted in a hybrid format where the public may choose to participate in person at New Mexico State University, Goddard Hall, 1100 S Horseshoe Street, Room 200, Las Cruces, NM, 88003, through a teleconference platform or by telephone. To attend the hearing online, please use the following link:

<https://us02web.zoom.us/j/89508046339?pwd=NkdwYzA2UHllOUNxa2o3SzdTSk9WUT09>

Meeting ID: 895 0804 6339

Passcode: 670847

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The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

16.39.2 NMAC - Continuing Professional Development

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements.

16.39.5 NMAC - Surveying

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans

16.39.8 NMAC - Code of Professional Conduct - Engineering and Surveying

To obtain and review copies of the proposed changes and public comments, you may download them from <https://www.sblpes.state.nm.us/>. A copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at Isaac.maes@state.nm.us, via mail at New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Request for Rules P.O. Box 1967, Santa Fe, NM 87504. Phone: (505) 476-4565. Fax: (505) 476-4802.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to board.licensurepeps@state.nm.us. Alternatively, members of the public may submit written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 1967, Santa Fe, NM 87504. The Board will accept written public comments received on or before 5:00 PM on October 28, 2022, as well as written public comments hand-delivered between approximately 8:00 a.m. to 9:00 a.m. New Mexico State University, Goddard Hall, 1100 S Horseshoe Street, Room 200, Las Cruces, NM, 88003 on Friday, November 4, 2022. All written comments will be posted to the Board's website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.sblpes.state.nm.us/> and 2550 Cerrillos Road, Santa Fe, NM 87505 or by contacting the Board at board.licensurepeps@state.nm.us.

If you are a person with a disability and you require this information in an alternate format or require a special accommodation to participate in the public hearing, please contact the Board office at phone number (505) 476-4565 or fax number (505) 476-4803. The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Statutory Authority: Subsections B through E of Section 61-23-10 NMSA 1978 of the Engineering and Surveying Practice Act (“ES Practice Act”), Sections 61-23-1 to 61-23-36 NMSA 1978, specifically authorizes the Board, the Professional Engineering Committee, the Professional Surveying Committee, and the Joint Engineering and Surveying Committee to promulgate and amend rules of professional responsibility and to effect the provisions of the ES Practice Act. Sections 61-1-34 of the Uniform Licensing Act (“ULA”), Sections 61-1-1 to -36 NMSA 1978, requires the Board to update how military service members, veterans and military families may apply for expedited licensure.

Purpose of the Proposed Rules: The proposed amendment/repeal/replace of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board’s obligation “to safeguard life, health and property and to promote the public welfare.” Section 61-23-2 NMSA 1978. Further, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act. See H.B. 191, 57th Leg., regular session (N.M. 2022) available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of the Proposed Changes:

16.39.2 NMAC – Continuing Professional Development:

The proposed amendment/repeal/replacement to this part is to clarify language that may have caused confusion because previous strikeouts submitted were never removed in the 2017 adopted rules.

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements:

The proposed amendment/repeal/replacement to this part is to add geotechnical, mineral and materials to the list of engineering disciplines. Updates to the height of the text used in the design for an alternative Professional Engineer seal/stamp were made.

16.39.5 NMAC - Surveying:

The proposed amendment/repeal/replacement of this part is to add the New Mexico State Specific Exam as a requirement for licensure as a Professional Surveyor. Updates to the height of the text used in the design for an alternative Professional Surveyor seal/stamp were made.

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans:

Pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978, the proposed amendment/repeal/replacement of this part is to update the definitions that were changed and to update how military service members, spouses, and veterans may apply for expedited licensure.

16.39.8 NMAC - Code of Professional Conduct – Engineering and Surveying:

The proposed amendment/repeal/replacement to this part is to correct the reference by removing the word subparagraph and changing it to paragraph. Also, the word licenses will be corrected to licensees.

Technical Information: No technical information provided the basis for any of the proposed rules.

At the hearing, the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors will take oral and written comments related to the rulemaking actions.