

CONSENT CALENDAR

April 26, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred SB 383-FN,

AN ACT relative to land surveying services. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Carol McGuire

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	SB 383-FN
Title:	relative to land surveying services.
Date:	April 26, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-1684h

STATEMENT OF INTENT

As amended, this bill expands the opportunity for non resident licensing for land surveyors, and requires the board to present its investigations into unlicensed practice to the Attorney General for prosecution.

Vote 19-0.

Rep. Carol McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

SB 383-FN, relative to land surveying services. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. As amended, this bill expands the opportunity for non resident licensing for land surveyors, and requires the board to present its investigations into unlicensed practice to the Attorney General for prosecution.

Vote 19-0.

Original: House Clerk

Cc: Committee Bill File

Amendment to SB 383-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Violations and Penalties. Amend RSA 310-A:72 to read as follows:

4 310-A:72 Violations and Penalties.

5 **I.** Any person who shall practice or offer to practice land surveying in this state for others
6 without being licensed in accordance with this subdivision, or any person presenting or attempting
7 to use as one's own the license or the seal of another, or any person who shall give any false or forged
8 evidence of any kind to the board or to any board member in obtaining or attempting to obtain a
9 license, or any person who shall falsely impersonate any other licensee of like or different name, or
10 any person who shall attempt to use an expired or non-existent or revoked license or authorization,
11 or any person who shall violate any of the provisions of this subdivision shall be guilty of a class [B]
12 **A** misdemeanor if a natural person, or guilty of a felony if a business organization.

13 **II.** *The board may investigate any actual, alleged, or suspected unlicensed activity*
14 *and report the findings of such investigations to the attorney general for prosecution.*

15 2 Nonresident Licensure. RSA 310-A:69, I is repealed and reenacted to read as follows:

16 **I.** The board may, upon application and payment of the required fee, issue a license as a
17 licensed land surveyor to any person of any state, territory, or possession of the United States or of
18 any country provided that:

19 (a) The applicant is registered or licensed in another state, territory, possession or
20 country whose requirements are equal to, or greater than, the requirements of this state, and is in
21 good standing with the registering or licensing body; and

22 (b) The applicant has met the requirements for licensure as set forth in RSA 310-A:63, I-

23 **II.**

24 3 Repeal. RSA 310-A:63, III, relative to licensure of nonresident land surveyors, is repealed.

25 4 Effective Date. This act shall take effect January 1, 2023.

Amendment to SB 383-FN
- Page 2 -

2022-1684h

AMENDED ANALYSIS

This bill provides for land surveying nonresident licensure and changes the penalties for unlicensed land surveyor practice.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 383-FN

BILL TITLE: relative to land surveying services.

DATE: April 25, 2022

LOB ROOM: 302 - 304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. McGuire

Seconded by Rep. Goley

AM Vote: 19-0

Amendment # 2022-1684h

Moved by Rep. McGuire

Seconded by Rep. Goley

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jaci Grote, Acting Clerk



2022 SESSION

Executive Departments and Administration

Bill #: SB383 Motion: OTPA AM #: 168th Exec Session Date: 1/25

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Rhodes, Jennifer M. Vice Chairman	✓		
Sytek, John Clerk <i>Plett</i> <i>Merner</i>	✓		
Pearson, Stephen C.	✓		
Yakubovich, Michael <i>Jolsom</i>	✓		
Lekas, Tony	✓		
Alliegro, Mark C.	✓		
Bailey, Glenn	✓		
Lanzara, Tom E.	✓		
Santonastaso, Matthew	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.	✓		
Jeudy, Jean L.	✓		
Schmidt, Peter B.	✓		
Marsh, William M.	✓		
Fellows, Sallie D.	✓		
Fontneau, Timothy J.	✓		
Grote, Jaci L.	✓		
O'Brien, Michael B. <i>Soriano</i>	✓		
TOTAL VOTE:	19	0	



2022 SESSION

Executive Departments and Administration

Bill #: SB383 Motion: Adopt amended AM #: 1684h Exec Session Date: 1/25

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Rhodes, Jennifer M. Vice-Chairman	✓		
Sytek, John Clerk <i>Mennar</i>	✓		
Pearson, Stephen C. <i>Plett</i>	✓		
Yakubovich, Michael <i>Shorn</i>	✓		
Lekas, Tony	✓		
Alliegro, Mark C.	✓		
Bailey, Glenn	✓		
Lanzara, Tom E.	✓		
Santonastaso, Matthew	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.	✓		
Judy, Jean L.	✓		
Schmidt, Peter B.	✓		
Marsh, William M.	✓		
Fellows, Sallie D.	✓		
Fontneau, Timothy J.	✓		
Grote, Jaci L.	✓		
O'Brien, Michael B. <i>Jormalo</i>	✓		
TOTAL VOTE:	19	0	

***William Doucet - NH Board of Licensed Land Surveyors**

- Unlicensed practice - no jurisdiction of (un)licensed
- Referred to AG. Not asked for input.
- OPLC would provide guidance for fines, etc. Monetary fines would be a deterrent
- Up until now is a cease and desist letter
- License must be origin(?) NH to take NH test - deterrent for needed profession
- Amendment is important - supports bill as amended

Rep. Sytek

- Sub Committee

Respectfully submitted,

Rep. John Sytek, Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB383 on 2022-04-12

Support: 1 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Ricciardi, Senator Denise	Stoddard, NH denise.ricciardi@leg.state.nh.us	An Elected Official	Senate District 9	Support	No	No	3/30/2022 3:50 PM

SB 383

Testimony in Support

My name is Mark Condodemetraky and I am the Government Affairs Director for the NH Land Surveyors Association. I am here to testify in favor of and offer my support for the legislation that is in front of this committee today, specifically Senate Bill 383.

Real estate is one of the main drivers of the NH economy. Surveying is an extremely important aspect, and the backbone of the real estate transaction.

Whether it is determining property boundaries and verifying title for real estate transfers, to determining areas of parcels for the levying of taxes and everything in between, surveying is a major aspect of the NH real estate economy.

This bill is incredibly important to many stakeholders in the real estate industry, from realtors, lenders, property owners and the courts. Unlicensed practice occurs often and in many cases with disastrous results that can create significant financial hardships for property owners.

This is why the violations and penalties aspect of this bill is needed. As stated previously surveying plays a significant part in the real estate economy. Due to technology and over burdening of the enforcing party, there are currently many instances where companies and individuals hold themselves out as professionals and perform or advertise work illegally. The loser in this scenario is not only the consumer and other stakeholders I mentioned, but the NH court system and budget as a whole, as it is judges that are tasked with making property and boundary decisions. As our society is becoming more confrontational, we will see our court systems overburdened with the errors of unprofessional and unlicensed work. This legislation will allow the board to hold a fair hearing and levy a monetary fine to deter this kind of work from being performed.

Several recent examples include a contractor who was setting property corners in Gilford NH. The property owner that engaged the contractor was very happy to pay a reduced price for the service. However when the neighbor thought there was an issue and hired a surveyor, the property corners, with surveying caps, were found to be set in the wrong location. The issue was resolved, however this could have created significant economic damage for both parties.

Another example is a homeowner hired a contractor to set an elevation benchmark in order to build a new home in compliance with the town floodplain ordinance. The contractor held themselves out as someone that can perform "survey quality" work. Unfortunately the elevation benchmark set was 13" lower than what was reported due to an error. The homeowners house is now out of compliance with the floodplain ordinance and there are tens of thousands of dollars in damages due to flood insurance requirements.

There are multiple companies advertising in NH on the internet stating on their website that they are "Professional Land Surveyors by state agency" When in fact they hold no licenses or credentials.

There are also multiple examples where contractors have altered existing plans that are on file in the town offices that have the potential to create major hardships.

I cannot stress how important this legislation is to the consumers and property owners of NH.

The second aspect of this legislation is the elimination of the residency requirement for initial licensure as a surveyor in NH.

As the world and our region is growing smaller, so too is the pool of candidates that are looking to enter the surveying field. There are many instances where a potential candidate for licensure may live in MA, ME or VT but practices for a firm exclusively in NH. Residency should not be a roadblock to licensure.

In fact Land Surveying is the only profession that requires residency for initial licensure. Physicians, Engineers, Attorneys, Landscape Architects and so on do not have a residency requirement.

By striking this aspect of the law we are bringing our profession in line with the other state licensing requirements and allowing the board to determine the eligibility of licensure based on experience and not residency.

Archived: Thursday, May 19, 2022 9:57:02 AM
From: [Mark Condodemetraky](#)
Sent: Tuesday, April 12, 2022 9:15:33 AM
To: [~House Executive Departments and Administration](#)
Subject: SB 383 Written testimony
Importance: Normal

Please accept this written testimony in support of SB 383

Thank you
Mark

Mark Condodemetraky, PE, PLS
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Professional Land Surveyor
President
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SB 383-FN - AS AMENDED BY THE SENATE

03/17/2022 0827s

2022 SESSION

22-3048

08/10

SENATE BILL

383-FN

AN ACT

relative to land surveying services.

SPONSORS:

Sen. Ricciardi, Dist 9; Rep. Dolan, Rock. 5

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill provides for land surveying nonresident licensure and civil penalties for unlicensed land surveyor practice.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to land surveying services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Violations and Penalties. Amend RSA 310-A:72 to read as follows:

2 310-A:72 Violations and Penalties.

3 I. Any person who shall practice or offer to practice land surveying in this state for others
4 without being licensed in accordance with this subdivision, or any person presenting or attempting
5 to use as one's own the license or the seal of another, or any person who shall give any false or forged
6 evidence of any kind to the board or to any board member in obtaining or attempting to obtain a
7 license, or any person who shall falsely impersonate any other licensee of like or different name, or
8 any person who shall attempt to use an expired or non-existent or revoked license or authorization,
9 or any person who shall violate any of the provisions of this subdivision shall be guilty of a class B
10 misdemeanor if a natural person, or guilty of a felony if a business organization.

11 II. *In addition to the criminal penalties in paragraph I, any person who practices,*
12 *offers to practice, attempts to practice, or holds himself or herself out to practice as a*
13 *professional land surveyor or surveyor intern without being licensed or exempt under this*
14 *section shall, in addition to any other penalty provided by law, pay a civil penalty to the*
15 *board in an amount not to exceed \$10,000 for each offense, as determined by the board. The*
16 *civil penalty shall be assessed by the board after a hearing is held in accordance with this*
17 *subdivision regarding the provision of a hearing for the discipline of a licensee. The civil*
18 *penalty shall be paid within 60 days after the effective date of the order imposing the civil*
19 *penalty. The order shall constitute a final judgment and may be filed and executed in the*
20 *same manner as any judgment from any court of record.*

21 III. *The board may investigate any actual, alleged, or suspected unlicensed activity.*

22 2 New Section; Nonresident Licensure. Amend RSA 310-A by inserting after section 63 the
23 following new section:

24 310-A:63-a Nonresident Licensure. The board may, upon application and payment of the
25 required fee, issue a license as a licensed land surveyor to any person of any state, territory, or
26 possession of the United States or of any country provided that:

27 I. The applicant is registered or licensed in another state, territory, possession or country
28 whose requirements are equal to, or greater than, the requirements of this state, and is in good
29 standing with the registering or licensing body, or;

30 II. The applicant has met the requirements for licensure as set forth in RSA 310-A:63, I-II.

31 3 Effective Date. This act shall take effect January 1, 2023.

LBA
22-3048
Amended 3/21/22

SB 383-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDEMENT #2022-0827s)

AN ACT relative to land surveying services.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2023 through 2025.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification