

LEGISLATIVE COMMITTEE MINUTES

SB383

Bill as Introduced

SB 383-FN - AS INTRODUCED

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

ANALYSIS

This bill provides for land surveying nonresident licensure and civil penalties for unlicensed practice and establishes surveyor right of entry and landowner liability protections during the performance of certain land surveying activities.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Findings. The general court finds that to conduct a professional survey, it is often necessary
2 for land surveyors to enter upon land that does not belong to the land owner they are specifically
3 working for at the time.

4 I. In order to fulfill the required statutory and administrative rules for professional conduct
5 and data collection, surveyors must cross onto abutting properties to collect property corners of
6 abutting parcels that are needed to properly perform the function of land surveying. Additionally, a
7 surveyor may need to cross abutting properties to collect positions of iron pipes, stone bounds, stone
8 walls, and other existing property boundary monuments.

9 II. While in the process of subdividing land or locating existing wetlands, topographic
10 contours and other property features, municipalities mandate that a land surveyor must cross onto
11 abutting properties to collect certain data through their zoning, subdivision and site plan ordinances.
12 These municipal mandates as well as requirements by statute and administrative rules put a
13 surveyor in conflict with their professional and ethical obligations if they are not able to collect the
14 proper data to make informed boundary opinions. It also allows for potential grey areas of liability
15 with land surveyors and property owners when potential damage or injury occurs. Concerns about
16 trespassing and property damage clouds the potential for recovery of damage by property owners.

17 III. A right of entry law will allow land surveyors to meet their mandated obligations by
18 municipalities, while ensuring for the proper requirements of notification and clear recourse for
19 property damage by the owners. It also protects property owners by preventing potential liability
20 claims as a result of non-authorized entry.

21 IV. A landowner liability protection law during land surveying activities will allow land
22 surveyors to meet their mandated obligations by municipalities, while ensuring for the proper
23 requirements of notification and clear recourse for property damage by the owners. It also protects
24 property owners by preventing potential liability claims as a result of non-authorized entry.

25 V. This act brings the conflicting statutory and administrative rules in line with liability
26 laws and professional conduct requirements.

27 2 New Section; Right of Entry for Surveyors Performing Survey Services. Amend RSA 310-A by
28 inserting after section 53 the following new section:

29 310-A:53-a Right of Entry for Land Surveyors Performing Surveying Services.

30 I. When performing surveying services as a licensed land surveyor licensed under RSA 310-
31 A:55 the land surveyor and authorized agents or employees of any such land surveyor may enter

1 upon or cross any lands only to perform necessary surveying services provided that the surveyor and
2 authorized agents or employees of such land surveyor:

3 (a) Makes a reasonable effort to notify the landowner or, in the case of a lease, the lessee
4 thereof of their intent to enter upon the property to make a land survey according to administrative
5 requirements. Such efforts shall include learning the name of the owner from the county registry
6 and attempting to communicate with the owner by phone or email.

7 (b) Carries means of proper identification as to their licensure or employment and
8 display this identification to anyone requesting identification.

9 (c) Operates upon such lands during reasonable hours.

10 (d) Complies with all federal and state safety rules and regulations that apply to the
11 land that they enter or cross, pursuant to this section.

12 II. Nothing in this section shall be construed to:

13 (a) Remove civil liability for damage to land, chattels, crops, or personal property.

14 (b) Authorize any professional land surveyor, authorized agent, or employee to enter any
15 building or structure used as a residence or for storage.

16 (c) Hold a landowner whose property abuts the subject property being surveyed to be
17 liable to a professional land surveyor and the surveyor's assistant for any injury on their property
18 nor confer a duty of care to such landowner relative to persons on the premises who are engaged in
19 the survey.

20 3 Violations and Penalties. Amend RSA 310-A:72 to read as follows:

21 310-A:72 Violations and Penalties.

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

30 II. *In addition to the criminal penalties in paragraph I, any person who practices,*
31 *offers to practice, attempts to practice, or holds himself or herself out to practice as a*
32 *professional land surveyor or surveyor intern without being licensed or exempt under this*
33 *section shall, in addition to any other penalty provided by law, pay a civil penalty to the*
34 *board in an amount not to exceed \$10,000 for each offense, as determined by the board. The*
35 *civil penalty shall be assessed by the board after a hearing is held in accordance with this*
36 *subdivision regarding the provision of a hearing for the discipline of a licensee. The civil*
37 *penalty shall be paid within 60 days after the effective date of the order imposing the civil*

1 *penalty. The order shall constitute a final judgment and may be filed and executed in the*
2 *same manner as any judgment from any court of record.*

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

4 4 New Section; Nonresident Licensure. Amend RSA 310-A by inserting after section 63 the
5 following new section:

6 310-A:63-a Nonresident Licensure. The board may, upon application and payment of the
7 required fee, issue a license as a licensed land surveyor to any person of any state, territory, or
8 possession of the United States or of any country provided that:

9 I. The applicant is registered or licensed in another state, territory, possession or country
10 whose requirements are equal to, or greater than, the requirements of this state, or;

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

12 5 Effective Date. This act shall take effect January 1, 2023.

LBA
22-3048
12/16/21

**SB 383-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to land surveying services.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2022 through 2025.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

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***.
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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

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

SB 383-FN - AS AMENDED BY THE HOUSE

03/17/2022 0827s
4May2022... 1684h

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 changes the penalties for unlicensed land surveyor practice.

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SB 383-FN - AS AMENDED BY THE HOUSE

03/17/2022 0827s
4May2022... 1684h

22-3048
08/10

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 A misdemeanor if a natural person, or guilty of a felony if a business organization.

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

13 2 Nonresident Licensure. RSA 310-A:69, I is repealed and reenacted to read as follows:

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

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

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

21 II.

22 3 Repeal. RSA 310-A:63, III, relative to licensure of nonresident land surveyors, is repealed.

23 4 Effective Date. This act shall take effect January 1, 2023.

SB 383-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-1684h)

AN ACT relative to land surveying services.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

METHODOLOGY:

This bill contains penalties that may have an impact on the New Hampshire judicial. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Council	FY 2022	FY 2023
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400

It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.

NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Departments of Justice, Judicial Council, and New Hampshire Association of Counties

**SB 383-FN FISCAL NOTE
 AS AMENDED BY THE HOUSE (AMENDMENT #2022-1684h)**

AN ACT relative to land surveying services.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
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Revenue	\$0	\$0	\$0	\$0
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AGENCIES CONTACTED:

Judicial Branch, Departments of Justice, Judicial Council, and New Hampshire Association of Counties

CHAPTER 227
SB 383-FN - FINAL VERSION

03/17/2022 0827s
4May2022... 1684h

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 changes the penalties for unlicensed land surveyor practice.

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CHAPTER 227
SB 383-FN - FINAL VERSION

03/17/2022 0827s
4May2022... 1684h

22-3048
08/10

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:

1 227:1 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 A misdemeanor if a natural person, or guilty of a felony if a business organization.

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

13 227:2 Nonresident Licensure. RSA 310-A:69, I is repealed and reenacted to read as follows:

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

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

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

21 II.

22 227:3 Repeal. RSA 310-A:63, III, relative to licensure of nonresident land surveyors, is repealed.

23 227:4 Effective Date. This act shall take effect January 1, 2023.

Approved: June 17, 2022
Effective Date: January 01, 2023

Amendments

Sen. Carson, Dist 14
February 22, 2022
2022-0795s
08/04

Amendment to SB 383-FN

1 Amend the bill by deleting sections 1-2 and renumbering the original sections 3-5 to read as 1-3,
2 respectively.

3

4 Amend RSA 310-A:63-a, I as inserted by section 2 of the bill by replacing it with the following:

5

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

UNAPPROVED

2022-0795s

AMENDED ANALYSIS

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

UNAPPROVED

Senate Executive Departments and Administration
February 23, 2022
2022-0827s
08/04

Amendment to SB 383-FN

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2 respectively.

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Amendment to SB 383-FN
- Page 2 -

2022-0827s

AMENDED ANALYSIS

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Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 3, 2022

HEARINGS

Thursday	01/13/2022	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

- | | | |
|------------|------------------------|--|
| 9:00 a.m. | SB 438-FN-LOCAL | establishing state and local procurement policies intended to promote the use of American materials. |
| 9:20 a.m. | SB 434-FN | relative to the reduction in the calculation of state retirement annuities at age 65. |
| 9:40 a.m. | SB 411-FN | relative to critical incident stress management for emergency services providers, and establishing a violent act injury disability retirement for public safety employees. |
| 10:00 a.m. | SB 383-FN | relative to land surveying services. |
| 10:20 a.m. | SB 433 | relative to online access to state information on economic relief disbursements. |

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 438-FN-LOCAL

Sen. Sherman
Sen. Soucy
Sen. Carson
Rep. Malloy

Sen. Hennessey
Sen. Watters
Sen. Perkins Kwoka
Rep. Potucek

Sen. Ricciardi
Sen. Avard
Rep. Creighton

Sen. Birdsell
Sen. D'Allesandro
Rep. Hamblet

SB 434-FN

Sen. Cavanaugh
Rep. Pratt

Sen. Rosenwald
Rep. Merner

Rep. Deshaies

Rep. Allard

SB 411-FN

Sen. Cavanaugh

SB 383-FN

Sen. Ricciardi

Rep. Dolan

SB 433

Sen. Whitley
Sen. Sherman
Sen. Gannon
Rep. Espitia

Sen. Watters
Sen. Prentiss
Sen. Cavanaugh
Rep. Luneau

Sen. Perkins Kwoka
Sen. Rosenwald
Sen. Reagan
Rep. Myler

Sen. D'Allesandro
Sen. Soucy
Rep. Wilhelm

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

**AMENDED
SENATE CALENDAR NOTICE
Executive Departments and Administration**

Sen Sharon Carson, Chair
Sen John Reagan, Vice Chair
Sen Denise Ricciardi, Member
Sen Kevin Cavanaugh, Member
Sen Suzanne Prentiss, Member

Date: January 3, 2022

HEARINGS

Thursday	01/13/2022	
(Day)	(Date)	
Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 438-FN-LOCAL	establishing state and local procurement policies intended to promote the use of American materials.
9:20 a.m.	SB 434-FN	relative to the reduction in the calculation of state retirement annuities at age 65.
9:40 a.m.	SB 411-FN	relative to critical incident stress management for emergency services providers, and establishing a violent act injury disability retirement for public safety employees.
10:00 a.m.	SB 383-FN	relative to land surveying services.
10:20 a.m.	SB 443-FN	relative to municipal authority regarding the state building code.

EXECUTIVE SESSION MAY FOLLOW

Chantell Wheeler 271-1403

Sharon M Carson
Chairman

Sponsors:

SB 438-FN-LOCAL

Sen. Sherman

Sen. Soucy

Sen. Carson

Rep. Malloy

SB 434-FN

Sen. Cavanaugh

Rep. Pratt

SB 411-FN

Sen. Cavanaugh

SB 383-FN

Sen. Ricciardi

SB 443-FN

Sen. Carson

Sen. Hennessey

Sen. Watters

Sen. Perkins Kwoka

Rep. Potucek

Sen. Rosenwald

Rep. Merner

Rep. Dolan

Sen. Giuda

Sen. Ricciardi

Sen. Avar

Rep. Creighton

Rep. Deshaies

Rep. McGuire

Sen. Birdsell

Sen. D'Allesandro

Rep. Hamblet

Rep. Allard

**Senate Executive Departments and Administration
Committee**

Chantell Wheeler 271-1403

SB 383-FN, relative to land surveying services.

Hearing Date: January 13, 2022

Time Opened: 10:19 a.m.

Time Closed: 11:00 a.m.

Members of the Committee Present: Senators Carson, Reagan, Ricciardi, Cavanaugh and Prentiss

Members of the Committee Absent : None

Bill Analysis: This bill provides for land surveying nonresident licensure and civil penalties for unlicensed practice and establishes surveyor right of entry and landowner liability protections during the performance of certain land surveying activities.

Sponsors:

Sen. Ricciardi

Rep. Dolan

Who supports the bill: Senator Ricciardi, Alex Koutroubas (American Council of Engineering Companies of NH), Mark Stevens, Michael Porter (Office of Professional Licensure and Certification), Eric Pauer, William Doucet (NH Land Surveyors Board), Mark Condodemetraky (NH Land Surveyors Association), Simon Thompson (NH Land Surveyors Association),

Who opposes the bill: Robin Vogt, Jason Stock (NH TOA), Robert Johnson (NH Farm Bureau)

Who is neutral on the bill:

Natch Greyes (NH Municipal Association)

Summary of testimony presented in support:

Senator Ricciardi

- This bill provides for land surveying nonresident licensure and civil penalties for unlicensed practice and establishes surveyor right of entry and landowner liability protections during the performance of certain land surveying activities.
- The notification aspect will alleviate confusion by property owners during required land surveying activities.
- This bill does not take rights away but reinforces civil protection.

- Allows for disciplinary action for unlicensed practitioners by providing consumer protection.
- The pool of land surveyors is very small and allowing surveyors in other states to be licensed in NH will help.

Michael Porter, OPLC

- Supports the bill especially as it relates to the enforcement aspect and civil penalties. There is a 12-month statute of limitations for class b misdemeanors.
- There have been incidents where NH property owners have been harmed by unlicensed surveyors.
- Administrative penalties are effective and used in real estate and medicine. A matter involving an unlicensed medical provider resulted in a \$50,000 civil penalty.

Senator Carson suggested adding language to require out of state applicants to be “in good standing” when making application in NH, bill page 3, line 9. Mr. Porter agrees with this change.

Mark Condodemetraky, NH Land Surveyors Association

- Real Estate is a main driver of the NH economy and surveying is a major aspect of that.
- NH Administrative Rules for Land Surveyors provides ethical requirements.
- Many municipalities mandate data collection on abutting property. This could be considered unethical and unconstitutional.
- The Right of Entry section of this bill addresses concerns raised in the *Knick v. Township of Scott, Pennsylvania*.
- There are existing ethical standard for surveyors to notify property owners.
- New England states and NY have right of entry laws without problems.
- Licensure should be based on experience, not residency.

William Doucette, OPLC NH Board of Land Surveyors

- Supports the bill relative to the right of entry.
- Has been involved in 7000+ surveys and the majority require access onto abutting properties. Some municipalities send notices, but not all. Most of the times, surveyors enter without permission. The bill helps by providing procedures for how to address this situation.
- Receives complaints from citizens about unlicensed services and these complaints are passed to the AG office. There do not appear to be any positive results. The monetary penalty will help protect the public and discourage unlicensed practice.

- There are no changes to the qualifications for non-resident licensure. Currently there are qualified surveyors who work in NH but cannot sit for the NH exam because they live across the border in Vermont or Maine.

Dennis McKenney, Forrester and Surveyor

- Supports non-resident licensure and allowing the board of licensure the ability to pursue unlicensed individuals.
- Opposed to Right of Entry section of the bill and recalls 3 instances where the right of entry was contentious and required 911 calls. A business card with statutory authority would not have helped in those situations. Police officer civil stand-by can be used in contentious situations.
- He finds that the status quo works.

Summary of testimony presented in opposition:

Jason Stock, NH Timberland Owners Association (NHTOA)

- Members manage about 1 million acres state-wide.
- Opposed to section 2, right of entry as an infringement on a property owner's right to limit access.
- Supports licensing and liability requirements.
- Asked what has changed so significantly in NH to require this change.
- The problem is when data collection intersects with private property owners' rights.
- States the notification process is ambiguous as to who owns the property in cases of property owned by a trust.
- Suggests that in cases where the landowner is unwilling to allow access, the court address this.

Senator Carson recalled that during the Northern Pass project, notification was required by certified mail and in person. Mr. Stock was not engaged in the Northern Pass process but recalled eminent domain was a concern.

Robert Johnson, NH Farm Bureau

- Opposed to right of way because of the infringement on the rights of property owners and this right should not be abridged unless there is no other option. Currently, there are other remedies.
- Asked what has changed to allow the right of entry.
- The bureau has 2000 family members and 1000 businesses that promote public access to lands including trails for equestrians, hikers and snowmobiles.

Neutral Information Presented:

Natch Greyes, NH Municipal Association

- Raised concerns related to US Supreme Court decision *Knick v. Township of Scott, Pennsylvania*. The municipal ordinance allowed officials to walk across

property to assess whether there is a cemetery and record details. The Supreme Court determined this to be “a taking”.

- Liability should be with surveyors, not the municipality.

cbw

Date Hearing Report completed: January 18, 2022

Speakers

Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB383 on 2022-01-13

Support: 3 Oppose: 1

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Stevens, Mark	A Member of the Public	Myself	Support
Pauer, Eric	A Member of the Public	Myself	Support
Koutroubas, Alex	A Lobbyist	American Council of Engineering Companies of New Hampshire	Support
Vogt, Robin	A Member of the Public	Myself	Oppose

Testimony

William J. Doucet, PS
Chairman OPLC NH Board of Land Surveyors
25 Smith Garrison Road
Newmarket, NH 03857
Ph. 603-231-6134
Email:bsddoucet3@gmail.com

Re:

SB 383-FN

Land Surveying Services

January 10, 2022

Dear Senator Carson,

I intend on being present at the hearing and would welcome the opportunity to speak on behalf of the proposed Bill.

Brief Resume

Education:

University of New Hampshire BSF Forest Management 1986

Professional Licensure:

NH #824 issued 1992, Maine #2263 issued 1994, Massachusetts 45709 issued 2003, Connecticut 0070457 issued 2019

Professional Societies:

New Hampshire Licensing Board of Land Surveyors 2013 – Present (Chairman 2015-Present)

New Hampshire Land Surveyors Association Board of Directors 2004-2007

National Society of Professional Surveyors Governor 2004-2007

Member of NH, ME, MA & CT Professional Surveyor Associations

Employment:

Owner of Doucet Survey from 1993 to 2021 with offices in Newmarket, Bedford, Keene and Kennebunk. I sold the firm to four of my senior staff in October 2021 and am still working full time at their firm.

SB-383

Right of Entry

Most of the 7,000+ surveys I have been involved with required access onto abutting properties. For example, a waterline upgrade project along a mile of road will require access onto several dozen properties. Nearly all land development projects subject to permitting, require survey location of features on abutting properties.

The proposal identifies the professional surveyor as the responsible party, not the Project Landowner, Developer, or Municipality.

Private Cause of Action

It is common for the board to receive a complaint from a citizen about a person performing unlicensed practice of land surveying. Regardless of the severity of the action, the Land Surveyors Board of Licensure currently has no authority in such a matter. When the board passes on the complaint to the A.G. Office, we always offer our support in technical matters such as assistance in identifying if the action falls within the statutory definition of land surveying. Rarely is this offer of technical support accepted. We are sympathetic to both the case load, and the impact of many of the cases the A.G. Office has. The solution, like several other boards, is for the Board to use their special knowledge to make the determination if a person was offering to provide or providing land surveying services without the required license.

The addition of a monetary penalty that can be levied onto unlicensed practitioners would add a meaningful deterrent that the board feels would have a significant positive impact on consumer protection.

Non-Resident Licensure

The standard for becoming Licensed Land Survey should be meeting the State minimum requirements for experience and examination, not what state you sleep in at night. Many professions are struggling with a measurable decrease of young people entering the market. Land Surveying is one of those professions. There are several current situations where a qualified person who has worked for many years at a New Hampshire based firm, can not sit for the exam in New Hampshire simply because they live across the board in Maine, Vermont, or Massachusetts. No infrastructure improvement project or real estate development happens without the oversight of a Licensed Land Surveyor. We need your support, to fix this law, so we can have more licensed surveyors to help keep up with demand.

Chantell Wheeler

From: Simon P. Thomson <sthomson@sheehan.com>
Sent: Tuesday, January 11, 2022 2:45 PM
To: Sharon Carson
Cc: Bruce Berke; Chantell Wheeler
Subject: SB 383, Land Surveyor bill
Attachments: Londodnerry subdivisionregs8-13-14 Page 17.pdf

Senator Carson,

This afternoon I am writing to you on behalf of one of my clients, the NH Land Surveyors Association, regarding a bill your fellow committee member, Sen. Ricciardi, has filed on our behalf. The bill is SB 383, relative to Land Surveyors. The hearing for this bill is in your ED&A committee this Thursday.

I wanted to touch base to let you know that the Board of Land Surveyors supports this bill. Additionally, although OPLC is not officially taking a position on the bill, they have told me in an email that they have no issues with the bill. Additionally, you should have a letter from the NH Municipal Association that states they are neutral on the bill, but they do find certain aspects of the bill as clarifying and important for both the surveying industry and municipalities.

The bill aims to do three things. First, it creates a private cause of action against unlicensed individuals who perform surveying services. Secondly, the bill addresses the issue of nonresident licensure to allow out of state licensed surveyor's to practice in NH as long they meet the licensure standards set forth in our statutes.

Lastly, the bill allows for a right of entry for surveyors and provides the land owners with liability protection and shift the entire liability on to the surveyor. Something that does not exist at this moment at the state level. Many municipalities in the state have already adopted a right of entry ordinance, and in fact your home town of Londonderry has a right of entry ordinance that allows surveyors to enter an abutting landowners land up to 50 feet in order to complete their surveying work. I have attached your town's ordinance for you to review if you desire to confirm (its page 17 of attached document and I have put a red box around the pertinent language).

I look forward to the hearing and I will have the Government Affairs Director of the NH Land Surveyors Association at the hearing to answer any specific questions you and your fellow committee members may have.

Regards,

Simon P. Thomson

Direct Dial: (603) 627-8360

Cell: (603) 254-8285

Email: sthomson@sheehan.com

www.spcapitolgroup.com



January 13, 2022

Honorable Sharon Carson, Chair
Senate Executive Departments and Administration Committee
State House
Concord, New Hampshire

Via Electronic Delivery Only

Re: SB 383, relative to land surveying services

Dear Senator Carson:

The New Hampshire Municipal Association has no position on SB 383 but did want to share information that may be of assistance to the committee.

Surveyors often find it necessary to enter properties adjoining those that they are surveying for the purpose of ensuring that any plans they prepare are accurate. These plans detail important information such as the location of wells, septic or sewer systems, structures, and other uses of land that may impact the feasibility of a neighbor's proposed project. SB 383 is designed to clarify the relative rights and liabilities of the involved parties.

Importantly, SB 383 provides a statewide right-of-entry for licensed land surveyors, echoing a right given to surveyors in neighboring states. This statewide right-of-entry would address any concern raised by the U.S. Supreme Court's decision in *Knick v. Township of Scott, Pennsylvania*, 588 U.S. ___ (2019), of a municipal "taking" and remove municipalities from being subject to such a suit as any such entry would occur in accordance with state law.

In the case of a neighboring property that denies a surveyor entry, the surveying property owner would have two options – (1) challenge the denial of entry in court, or (2) find another means of obtaining the desired information, to include a request for a variance from any requirement that that information be obtained. In either case, the extent to which a municipality is involved in the process would appear to be no more than current law requires. At most, a municipal zoning board may be required to evaluate a request for a variance from any specific requirement that could not see the information obtained via other, non-entry means.

Sincerely,

A handwritten signature in black ink that reads 'Natch Greyes'.

Natch Greyes
Government Affairs Counsel

cc: Committee members

NEW ENGLAND FORESTRY CONSULTANTS, INC.

Dennis D. McKenney & Hunter Payeur
Consulting Foresters and Land Surveyor
569 North Bennington Road
Bennington, New Hampshire 03442-4505

Telephone (603) 588-2638 voice and fax E-mail: dmckenney@neforestryconsultants.com; hpayeur@neforestryconsultants.com
Internet: www.neforestryconsultants.com

January 13, 2022

To: Chair and members of the NH Senate Executive Departments and Administration Committee

From: Dennis D. McKenney, Licensed Land Surveyor and Licensed Forester

RE: Senate Bill 383—relative to land surveying services

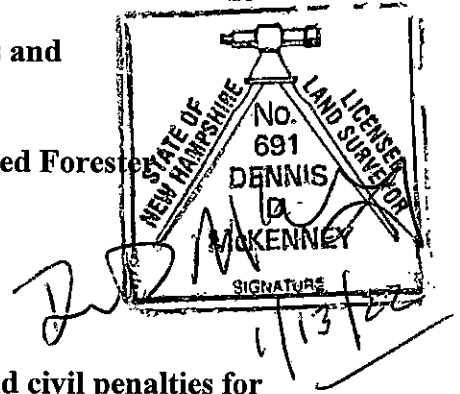
I offer the following testimony regarding this bill.

I support the proposed changes to allow non-resident licensure and civil penalties for unlicensed practitioners.

However, I am opposed to this proposed legislative solution granting a licensed surveyor a right of entry to perform our work. My reasons are several:

1. Existing practices, all of which I have used in my 30+ year career, have proved quite adequate. These are:
 - a. Direct face to face contact with the abutter, occupant, etc. asking permission.
 - b. Utilizing the USPS and delivering a written notice to the landowner of record that explains the who, what, why, when and how of the land surveying work I must perform.
 - c. A request of the local police department to conduct a civil standby to allow me to safely execute my work.
2. I can recall only 3 occasions over 30+ years when the techniques listed above failed me.
 - a. one incident involved a former member of the NH House of Representatives over a disputed boundary involving land owned by his family.
 - b. The other two incidents involved male landowners with serious mental health issues. Each resulted in one or more calls to 911.
3. My experience as briefly outlined was clearly not going to be remedied by my recitation of any statute granting me the right of entry. Thus, I am opposed to that portion of Senate Bill 383 proposing to establish a legal right of entry to perform land surveying work.

Thank you.



Chantell Wheeler

From: Mark Condodemetraky <mark@gcengineering.com>
Sent: Thursday, January 13, 2022 4:07 PM
To: Sharon Carson; John Reagan; Denise Ricciardi; Kevin Cavanaugh; Suzanne Prentiss
Cc: Simon P. Thomson
Subject: SB 383 follow up

Dear Senator Carson

Thank you for taking the time to hear public testimony at today's hearing and for the opportunity to speak on behalf of the legislation.

I would like to follow up on several points that were made in opposition to this legislation, and particularly the Right of Entry portion.

Please keep in mind the very narrow focus of this bill. This does not at all provide any "Carte Blanche" access to anyone's property. It only allows for access to property by a Licensed Land Surveyor or their agent while performing surveying services, and it requires notification and identification. This is inline with the current state ethical standards. This in no way allows for any other use or entry in any capacity other than mandated surveying services.

When the question was asked about "what has changed" since the last hearing of this bill, please keep in mind the US supreme court ruling. Please see the link below.

https://www.supremecourt.gov/opinions/18pdf/17-647_m648.pdf

This clearly holds municipalities accountable and could create significant liability. It clearly puts the surveyor in a position of being unethical or unconstitutional and creates other issues for professionals and municipalities.

I would also like to clear up the issue of data collection and the "privacy" argument. The information a surveyor collects is public information. It is boundaries that are on record in the registry, such as stonewalls, streams and rivers, iron pipes and stone monuments. It is also buildings that will be on the local assessing card. Also keep in mind large tracts in current use are required to have a current use plan on file in the town office that details many significant features on the land. As a result, unless someone is trying to hide something nefarious or illegal, the information and data sufficient to produce a survey is typically all information that is available publicly and would fall under 91A:IV.

Every other state in New England and New York has this law and there is little to no issue with it. As the NHMA stated this resolves the issues created by municipalities that have adopted these access mandates, and most communities in NH have these mandates already.

Please let me know if there is any other information, I can provide that will help the committee make an informed decision.

Sincerely,
Mark

Mark Condodemetraky, PE, PLS
Professional Engineer
Professional Land Surveyor
President

State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

ENFORCEMENT DIVISION

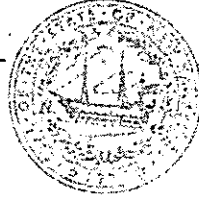
7 Eagle Square, Suite 100

Concord, N.H. 03301-2412

Telephone 603-271-2152 · Fax 603-271-6702

Lindsey B. Courtney
Executive Director

Jessica F. Kallipolites
Director



January 12, 2022

Honorable Committee Members
Senate Executive Departments
And Administration Committee
107 North Main Street
Concord, NH 03301

Re: Support of SB 383 Relative to Land Surveying Services

Honorable Chairwoman Carson;

The Office of Professional Licensure and Certification ("OPLC") supports the newly drafted language contained in SB 383 relative to Violations and Penalties for the Board of Land Surveyors ("Board"). Currently RSA 310-A: 72, I addresses the criminality of unauthorized or unlicensed practice. The proposed language provides an additional administrative remedy available to the Board in the event criminal penalties are not available. The goal of ensuring unauthorized or unlicensed parties are held accountable is to uphold consumer confidence in professionals already licensed and for the overall protection of the public health, safety, and welfare.

RSA 310-A: 72, I currently allows for criminal penalties for unauthorized or unlicensed practice which include a Class B Misdemeanor for a natural person or Felony if a business organization. The statute of limitations for a Class B Misdemeanor is one year. In many instances unauthorized or unlicensed practice involves an individual and often times a complaint may not be generated until the 1- year statute of limitations for a Class B Misdemeanor has expired, at which time the Board of Land Surveyors would have no authority to uphold public confidence if the Board is unable to hold the unauthorized or unlicensed party accountable.

While the statutes governing Land Surveyors does not specify a set statute of limitations for investigation or the commencement of administrative proceedings, administrative rule 402.03 alludes to a 5 -year statute of limitations. When a statute governing an administrative body is silent on statute of limitations, we turn to RSA Chapter 541-A Administrative Procedure Act for guidance. RSA 541-A: 31, II authorizes administrative bodies to commence administrative adjudicatory proceedings *within 5 years of the date upon which the alleged violation of an applicable rule or statute occurred, or within 5 years of the date upon which the violation could reasonably have been discovered.* See 541-A: 31, (a)(b)(c).

The proposed language in RSA 310-A: 72, II allows for the Board of Land Surveyors to maintain an action against an unauthorized or unlicensed party even if criminal penalties are not available, thereby allowing consumers to feel confident in contracting the services of a licensee. Unauthorized or unlicensed practice erodes trust the public places in a particular profession in the event a consumer is harmed by an unauthorized or unlicensed party.

The Board of Medicine authorizes administrative penalties in addition to criminal penalties for the unauthorized or unlicensed practice of medicine. We recently prosecuted a matter where the criminality of the action was in question. See RSA 329:24, III. The Board of Medicine was able to make specific findings of fact and not only levied a \$50,000 fine against the unlicensed party, but also made appropriate referrals for additional criminal prosecution and injunctive relief.

The New Hampshire Real Estate Commission has statutory authority to levy administrative penalties for unlicensed practice. If a party has engaged in the unlicensed practice of brokerage related activities, they may not only be prosecuted criminally (Class B Misdemeanor for a natural person or Felony for other) but the Real Estate Commission may also assess administrative penalties in the amount of \$10,000 per occurrence or the economic gain or benefit the unlicensed party realized as a result of their unlicensed practice. See RSA 331-A: 34, III.

While this legislation addresses the Board of Land Surveyors, our hope is to eventually have consistent statutory language for all administrative boards to bring continuity and consistency across the boards.

Sincerely,

/s/ Michael Porter

Michael Porter
Investigations Bureau Chief
OPLC Division of Enforcement

Chantell Wheeler

From: Teri Hardwick <teri@dhhardwick.com>
Sent: Tuesday, February 22, 2022 4:27 PM
To: Sharon Carson; John Reagan; Kevin Cavanaugh; Denise Ricciardi; Suzanne Prentiss; Chantell Wheeler
Subject: Senate Bill 383

I am writing to ask that you remove the right of entry part of this Bill 383.

My family owns 7000 acres here in NH. We have many activities on our land and value the continued ability to keep our privacy. In fact, we choose to not have any of our land in Recreational Current Use. We pay extra in real estate taxes due to this choice we have made. Some of our land is posted but most parcels are not. Just because we have not posted ALL of our land, this and many other situations should not allow surveyors to roam on our property without our permission (especially on our homesteads where we live (remember that some homes are situated on hundreds of acres). Do you want someone in your backyard (without advance notice and permission)? It should also be considered that there are particular dangers on land that will be unknown unless a person contacts the owner for permission to enter. Recent logging is one of them (widowmakers not downed yet), also consider makeshift/family shooting ranges for sighting in hunting rifles that may exist or other dangers that are not even thought of at this time. You know the story with "unknowns".... dangerous ground.... and just not right! A hunter in a tree stand sitting all day waiting for a buck and along comes a surveyor ruining the sportsmans day in the woods. Peace, tranquility and a tie with his/her heritage ruined!

Some of us live for our short moments of time with nature and "no intrusions of the crazy world happenings around us". We pay for our land and we have that right, as do each of you!
Peace of mind and a piece of land that we can really call our own, is a treasure that you just can't put a value on. I do think you will agree with me on this one.

The most comment argument for trespassing with no permission is simply, **we pay for our land and we should continue to hold the right to say who enters on our land (for any reason)**. However, there are thousands of acres of land that are designated for public use, those lands will likely not need permission to enter (land with easements allowing public to hike etc.).

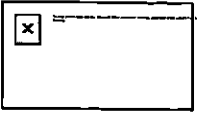
*If this law passes with the "right of entry" language in the bill, who is to say other encroachments of our rights will not follow (even in our homes)?

As a Voting resident of NH, I am always hopeful that our chosen representatives will hold steady on our personal rights of freedom and privacy here in our great state. Please take the time to carefully and completely understand all implications of a Bill like this. It may not seem like much of an issue right now but unintended, negative events can follow new regulations and rule changes. This particular change is really not needed. Control to access property should not be taken away from a landowner. The land is being surveyed today without this BY-RIGHT access being granted (the particular language in this Bill needs to be removed).

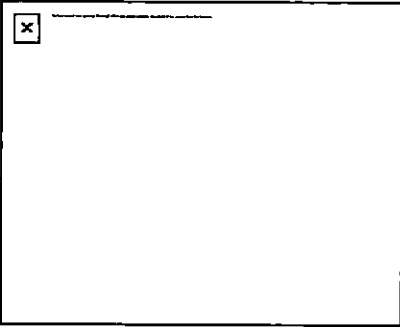
Thank you for your time and your dedication to our State and to all that live here.

Best Regards

--



Teri Hardwick
D.H. Hardwick & Sons, Inc.
P.O Box 430, Antrim NH 03440
603-588-6618



<https://www.dhhardwick.com>
<https://www.facebook.com/dhhardwick/>

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Voting Sheets

**Senate Executive Departments and
Administration Committee**
EXECUTIVE SESSION RECORD
2022 Session

Bill # SB 383

Hearing date: 4/13/2022

Executive Session date: 2/23/2022

Motion of: amendment 07953 Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTR/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Carson, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Reagan, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Ricciardi

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, February 23, 2022

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, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0827s

Senator Denise Ricciardi
For the Committee

This bill, as amended, provides for land surveying nonresident licensure and civil penalties for unlicensed practice. In recognition of the limited number of land surveyors in New Hampshire, this bill allows for land surveyors who are licensed or registered in another state with similar requirements as New Hampshire, and who are in good standing, to apply for licensure in New Hampshire. Additionally, this bill allows the board to investigate suspected unlicensed activity and provides additional consumer protection by enacting civil penalties for violations.

Chantell Wheeler 271-1403

General Court of New Hampshire - Bill Status System

Docket of SB383

Docket Abbreviations

Bill Title: relative to land surveying services.*Official Docket of SB383.:*

Date	Body	Description
12/21/2021	S	To Be Introduced 01/05/2022 and Referred to Executive Departments and Administration; SJ 1
1/3/2022	S	Hearing: 01/13/2022, Room 103, SH, 10:00 am; SC 2
3/9/2022	S	Committee Report: Ought to Pass with Amendment #2022-0827s , 03/17/2022; Vote 5-0; CC; SC 11
3/17/2022	S	Committee Amendment #2022-0827s , AA, VV; 03/17/2022; SJ 5
3/17/2022	S	Ought to Pass with Amendment 2022-0827s, MA, VV; OT3rdg; 03/17/2022; SJ 5
3/23/2022	H	Introduced 03/17/2022 and referred to Executive Departments and Administration
3/30/2022	H	Public Hearing: 04/12/2022 11:15 am LOB 302-304
4/18/2022	H	Subcommittee Work Session: 04/20/2022 10:00 am LOB 306-308
4/26/2022	H	Committee Report: Ought to Pass with Amendment #2022-1684h (Vote 19-0; CC)
5/4/2022	H	Amendment # 1684h: AA VV 05/04/2022 HJ 11
5/4/2022	H	Ought to Pass with Amendment 1684h: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 05/12/2022; SJ 12
6/7/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	S	Signed by the Governor on 06/17/2022; Chapter 0227; Effective 01/01/2023

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 383

Senate Committee: EDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 07955 ___ - amendment # _____
- amendment # 08275 ___ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- ___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

CRAWL
Committee Aide

3-1-22
Date

Senate Clerk's Office AK