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SENATE BILL 315

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Phillip A Griego

AN ACT

RELATING TO LICENSING; MAKING CHANGES IN THE REAL ESTATE APPRAISERS ACT.

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

Section 1. Section 61-30-5 NMSA 1978 (being Laws 1990, Chapter 75, Section 5, as amended) is amended to read:

"61-30-5. REAL ESTATE APPRAISERS BOARD CREATED. --

A. There is created a "real estate appraisers board" consisting of [~~nine~~] seven members.

B. There shall be [~~five~~] four real estate appraiser members of the board who shall be licensed or certified. Membership in a professional appraisal organization or association shall not be a prerequisite to serve on the board. [~~No real estate appraisal organization or association shall have a majority membership on the board.~~]

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1 No more than [~~three~~] two real estate appraiser members shall
2 be from any one licensed or certified category.

3 C. [~~The initial real estate appraiser members~~
4 ~~shall be appointed by the governor for three-year terms. At~~
5 ~~the expiration of these initial terms, the governor shall~~
6 ~~appoint or reappoint one or more of the real estate appraiser~~
7 ~~members for terms of five years.] Board members shall be
8 appointed to five-year terms and shall serve until their
9 successor is appointed and qualified. Real estate appraiser
10 members may be appointed for no more than two five-year terms.~~

11 D. No more than two members shall be from any one
12 county within New Mexico, and at least one real estate
13 appraiser member shall be from each congressional district.

14 E. [~~Two members~~] One member of the board shall
15 represent lenders or their assignees engaged in the business
16 of lending funds secured by mortgages. Two members shall be
17 appointed to represent the public. The public members shall
18 not have been real estate appraisers or engaged in the
19 business of real estate appraisals or have any financial
20 interest, direct or indirect, in real estate appraisal or any
21 real-estate-related business. [~~The lender member and public~~
22 ~~members shall each be appointed for five-year terms.]~~

23 F. Vacancies on the board [~~for real estate~~
24 ~~appraiser members due to that member's failure to obtain~~
25 ~~certification or any other vacancy on the board for any other~~

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1 ~~member~~] shall be filled by appointment by the governor for the
2 unexpired term within sixty days of the vacancy. "

3 Section 2. Section 61-30-7 NMSA 1978 (being Laws 1990,
4 Chapter 75, Section 7, as amended) is amended to read:

5 "61-30-7. BOARD--POWERS--DUTIES.--The board shall:

6 A. adopt [~~such regulations as are~~] rules necessary
7 to implement the provisions of the Real Estate Appraisers Act;

8 B. establish educational programs and research
9 projects related to the appraisal of real estate;

10 C. establish the administrative procedures for
11 processing applications and issuing registrations, licenses
12 and certificates to persons who qualify to be registered,
13 licensed and certified real estate appraisers [~~and for~~
14 ~~conducting disciplinary proceedings pursuant to the provisions~~
15 ~~of the Real Estate Appraisers Act~~];

16 D. receive, review and approve applications for
17 state registered real estate appraisers, state licensed real
18 estate appraisers and each category of state certified real
19 estate appraisers and, for state licensed or certified real
20 estate appraisers, prepare or supervise the preparation of
21 examination questions and answers and supervise grading of
22 examinations and enter into contracts with one or more
23 educational testing services or organizations for such
24 examinations;

25 E. define the extent and type of educational

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1 experience, appraisal experience and equivalent experience
2 that will meet the requirements for registration, licensing
3 and certification under the Real Estate Appraisers Act after
4 considering generally recognized appraisal practices and set
5 minimum requirements for education and experience equivalent
6 to those promulgated by the appraiser qualifications board of
7 the appraisal foundation;

8 F. provide for continuing education programs for
9 the renewal of registrations, licenses and certification that
10 will meet the requirements provided in the Real Estate
11 Appraisers Act and set minimum requirements equivalent to
12 those promulgated by the appraiser qualifications board of the
13 appraisal foundation;

14 G. adopt standards to define the education
15 programs that will meet the requirements of the Real Estate
16 Appraisers Act and will encourage conducting programs at
17 various locations throughout the state;

18 H. adopt standards for the development and
19 communication of real estate appraisals provided in the Real
20 Estate Appraisers Act and adopt [~~regulations~~] rules explaining
21 and interpreting the standards after considering generally
22 recognized appraisal practices;

23 I. adopt a code of professional responsibility for
24 state registered, licensed and certified real estate
25 appraisers;

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1 J. comply with annual reporting requirements and
2 other requirements set forth in the federal real estate
3 appraisal reform amendments;

4 K. maintain a registry of the names and addresses
5 of the individuals who hold current registrations, licenses
6 and certificates issued under the Real Estate Appraisers Act;

7 L. establish procedures for disciplinary action in
8 accordance with the Uniform Licensing Act against any
9 applicant or holder of a registration, license or certificate
10 for violations of the Real Estate Appraisers Act and any rules
11 [~~and regulations promulgated under~~] adopted pursuant to
12 provisions of that act; and

13 M perform such other functions and duties as may
14 be necessary to carry out the provisions of the Real Estate
15 Appraisers Act. "

16 Section 3. Section 61-30-10.1 NMSA 1978 (being Laws
17 1992, Chapter 54, Section 8, as amended) is amended to read:

18 "61-30-10.1. QUALIFICATION FOR REGISTRATION. --

19 A. Registration shall be granted only to persons
20 who are deemed by the board to be of good repute and competent
21 to render appraisals.

22 B. Each applicant for a registration shall be a
23 legal resident of the United States, except as otherwise
24 provided in Section 61-30-20 NMSA 1978, and have reached the
25 age of majority.

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C. Each applicant for registration as a state registered real estate appraiser shall have:

(1) successfully completed [~~sixty~~] seventy-five classroom hours of instruction in appraisal of real estate approved by the board; or

~~[(2) such equivalent education in an activity closely related to or associated with real estate appraisal as the board determines by regulation]~~

(2) additional experience and education requirements as established for the registered apprentice classification issued by the appraiser qualifications board of the appraisal foundation and adopted by rule pursuant to the Real Estate Appraisers Act.

D. The board shall require such information as it deems necessary from every applicant to determine the applicant's honesty, trustworthiness and competency. "

Section 4. Section 61-30-11 NMSA 1978 (being Laws 1990, Chapter 75, Section 11, as amended) is amended to read:

"61-30-11. QUALIFICATIONS FOR LICENSE. --

A. Licenses shall be granted only to persons who are deemed by the board to be of good repute and competent to render appraisals.

B. Each applicant for a license shall be a legal resident of the United States, except as otherwise provided in Section 61-30-20 NMSA 1978, and have reached the age of

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1 majority.

2 C. Each applicant for a license as a state
3 licensed real estate appraiser shall have:

4 (1) a minimum of two thousand hours of
5 experience in real property appraisal;

6 (2) successfully completed [~~sixty~~] seventy-
7 five classroom hours of instruction in appraisal of real
8 estate and fifteen classroom hours related to the standards of
9 professional practice approved by the board or such equivalent
10 education in [~~the~~] an activity closely related to or
11 associated with real estate appraisal as determined by
12 [~~regulation~~] rule; or

13 (3) such equivalent education in an activity
14 closely related to or associated with real estate appraisal as
15 determined by [~~regulation~~] rule.

16 D. The board shall require such information as it
17 deems necessary from every applicant to determine the
18 applicant's honesty, trustworthiness and competency.

19 E. [~~Holders of licenses issued before the~~
20 ~~effective date of this section shall have until October 1,~~
21 ~~1993 to comply with the current requirements of this section.~~
22 ~~Should the requirements not be met by October 1, 1993, the~~
23 ~~license shall be surrendered to the board and a registration~~
24 ~~shall be issued therefor.] Individuals who do not meet the
25 qualifications for licensure are not qualified for appraisal~~

1 assignments involving federally related transactions. "

2 Section 5. Section 61-30-12 NMSA 1978 (being Laws 1990,
3 Chapter 75, Section 12, as amended) is amended to read:

4 "61-30-12. QUALIFICATIONS FOR CERTIFICATE. --

5 A. Certificates shall be granted only to persons
6 who are deemed by the board to be of good repute and competent
7 to render appraisals.

8 B. Each applicant for a certificate shall be a
9 legal resident of the United States, except as otherwise
10 provided in Section 61-30-20 NMSA 1978, and have reached the
11 age of majority.

12 C. Each applicant for a general certificate as a
13 state certified real estate appraiser shall have performed
14 actively as a real estate appraiser and have:

15 (1) [~~two years~~] thirty months of experience
16 in real property appraisal, with a minimum of two thousand
17 hours of experience in real property appraisal of which at
18 least fifty percent of the hours are in nonresidential
19 appraisal work;

20 (2) successfully completed one hundred
21 [~~fifty~~] sixty-five classroom hours of instruction in appraisal
22 of real estate and fifteen classroom hours related to the
23 standards of professional practice approved by the board or
24 such equivalent education in an activity closely related to or
25 associated with real estate appraisal as determined by

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1 [regulation] rule, which may include the seventy-five
2 classroom hour requirement for the state licensed real estate
3 appraiser or the one hundred five classroom hour requirement
4 for the state certified real estate appraiser with a
5 residential certificate; and

6 (3) [~~such~~] additional experience and
7 education requirements as [~~may be~~] established for the general
8 certification classification issued by the appraiser
9 [~~qualification~~] qualifications board of the appraisal
10 foundation and adopted by [~~regulation~~] rule pursuant to the
11 Real Estate Appraisers Act.

12 D. Each applicant for a residential certificate as
13 a state certified real estate appraiser shall have performed
14 actively as a real estate appraiser and shall have:

15 (1) two years of experience in real property
16 appraisal, with a minimum of two thousand five hundred hours
17 of experience in real property appraisal;

18 (2) successfully completed [~~ninety~~] one
19 hundred five classroom hours of instruction in appraisal of
20 real estate and fifteen classroom hours related to the
21 standards of professional practice approved by the board or
22 such equivalent education in an activity closely related to or
23 associated with real estate appraisal as determined by
24 regulation, which may include the [~~seventy-five~~] ninety
25 classroom hour requirement for the state licensed real estate

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1 appraiser; and

2 (3) [~~such~~] additional experience and
3 education requirements [~~as may be~~] established for the
4 residential certification classification issued by the
5 appraiser [~~qualification~~] qualifications board of the
6 appraisal foundation and adopted by [~~regulation~~] rule pursuant
7 to the Real Estate Appraisers Act.

8 E. The board shall require such information as it
9 deems necessary from every applicant to determine the
10 applicant's honesty, trustworthiness and competency.

11 [~~F. Holders of residential certificates issued~~
12 ~~before the effective date of this section shall have until~~
13 ~~July 1, 1993 to obtain an additional thirty hours of approved~~
14 ~~education. Should the required additional education not be~~
15 ~~obtained by July 1, 1993, the residential certificate shall be~~
16 ~~surrendered to the board and a license shall be issued~~
17 ~~therefor.]"~~

18 Section 6. Section 61-30-14 NMSA 1978 (being Laws 1990,
19 Chapter 75, Section 14, as amended) is amended to read:

20 "61-30-14. ISSUANCE AND RENEWAL OF REGISTRATION,
21 LICENSES AND CERTIFICATES. --

22 A. The board shall issue to each qualified
23 applicant evidence of registration, a license or a certificate
24 in a form and size prescribed by the board.

25 B. Every registration, license and certificate

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1 shall be [~~subject to annual renewal on the last day of the~~
2 ~~registration, license or certificate holder's month of birth~~]
3 renewed every three years on or before the thirtieth day of
4 April. During the period from July 1, 1999, through April 30,
5 2002, the board in its discretion may renew licenses for
6 periods of one, two or three years for the purpose of
7 coordinating continuing education requirements with license
8 renewal requirements.

9 C. Each registration, license or certificate
10 holder shall submit proof of compliance with continuing
11 education requirements and the annual renewal fee. At the
12 election of eligible holders of a license or certificate who
13 perform or seek to perform appraisals in federally related
14 transactions under the federal real estate appraisal reform
15 amendments, each application for renewal shall include payment
16 of an annual registry fee set by the federal financial
17 institutions examination council. The registry fee shall be
18 transmitted by the board to the federal financial institutions
19 examination council. Notice of whether the licensed or
20 certified appraiser has paid the federal registry fee and is
21 thus eligible to perform in federally related transactions
22 shall be included on the face of each registration, license
23 and certificate issued by the board.

24 [~~C.~~] D. The board shall certify renewal of each
25 registration, license or certificate [~~annually~~] triennially,

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1 in the absence of any reason or condition that might warrant
2 the refusal of the renewal of a registration, license or
3 certificate.

4 ~~[D.]~~ E. In the event any registration, license or
5 certificate holder fails to properly apply for renewal of the
6 registration, license or certificate within the thirty days
7 immediately following his registration, license or certificate
8 renewal date of any given year, the registration, license or
9 certificate shall expire thirty days following the renewal
10 date.

11 ~~[E.]~~ F. The board may renew an expired
12 registration upon application, payment of the current annual
13 renewal fee, submission of proof of compliance with continuing
14 education requirements and payment of a reinstatement fee in
15 the amount of one hundred dollars (\$100), in addition to any
16 other fee permitted under the Real Estate Appraisers Act.

17 ~~[F.]~~ G. The board may renew an expired license or
18 certificate upon application, payment of the current annual
19 renewal fee, submission of proof of compliance with continuing
20 education requirements and payment of a reinstatement fee in
21 the amount of one hundred dollars (\$100), in addition to any
22 other fee permitted under the Real Estate Appraisers Act;
23 provided that the board may, in the board's discretion, treat
24 the former certificate holder as a new applicant and further
25 may require reexamination as a condition to reissuance of a

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1 certificate.

2 [G-] H. If during a period of one year from the
3 date a registration, license or certificate expires, the
4 registration, license or certificate holder is either absent
5 from this state on active duty military service or is
6 suffering from an illness or injury of such severity that the
7 person is physically or mentally incapable of renewal of the
8 registration, license or certificate, payment of the
9 reinstatement fee and, in the case of a license or certificate
10 holder, reexamination shall not be required by the board if,
11 within three months of the person's permanent return to this
12 state or sufficient recovery from illness or injury to allow
13 the person to make an application, the person makes
14 application to the board for renewal. A copy of the person's
15 military orders or a certificate of the applicant's physician
16 shall accompany the application.

17 [H-] I. The board may adopt additional
18 requirements by regulation for the issuance or renewal of
19 registrations, licenses or certificates to maintain or upgrade
20 appraiser qualifications at a level no less than the
21 recommendations of the appraiser qualifications board
22 [~~recommendations~~] of the appraisal foundation or the
23 requirements of the appraisal subcommittee [~~requirements~~]. "

24 Section 7. Section 61-30-17 NMSA 1978 (being Laws 1990,
25 Chapter 75, Section 17, as amended) is amended to read:

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1 "61-30-17. FEES. --The board shall charge and collect the
2 following fees not to exceed:

3 A. an application fee for a registration [~~shall~~
4 ~~not exceed~~] in the amount of one hundred dollars (\$100);

5 B. an application fee for a license or residential
6 certification in the amount of two hundred dollars (\$200);

7 C. an application fee for general certification in
8 the amount of two hundred fifty dollars (\$250);

9 D. an examination fee for general and residential
10 certification [~~and~~] or license in the amount of one hundred
11 dollars (\$100);

12 E. [~~an annual~~] a triennial registration renewal
13 fee [~~not to exceed fifty dollars (\$50.00)~~] in the amount of
14 one hundred fifty dollars (\$150);

15 F. [~~an annual~~] a triennial certificate renewal fee
16 for residential certification [~~and~~] or license renewal in the
17 amount of [~~one hundred dollars (\$100)~~] three hundred dollars
18 (\$300);

19 G. [~~an annual~~] a triennial certificate renewal fee
20 for general certification in the amount of [~~one hundred fifty~~
21 ~~dollars (\$150)~~] four hundred fifty dollars (\$450);

22 H. the registry fee as required by the federal
23 real estate appraisal reform amendments;

24 I. for registration for temporary practice, the
25 amount of one hundred dollars (\$100);

1 J. for each duplicate registration, license or
2 certificate issued because a registration, license or
3 certificate is lost or destroyed and an affidavit as to its
4 loss or destruction is made and filed, a fee in the amount of
5 twenty-five dollars (\$25.00); and

6 K. [~~any and all~~] fees to cover reasonable and
7 necessary administrative expenses. "

8 Section 8. TEMPORARY PROVISION. --As the terms of current
9 members of the real estate appraisers board expire, the
10 governor shall appoint or reappoint members in a way that
11 provides for future terms to be staggered.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 22, 1999

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7
8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 315

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 CORPORATIONS & TRANSPORTATION COMMITTEE.

18
19 Respectfully submitted,

Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Howes, Smith, Robinson

Absent: None

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 22, 1999

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8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
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13 SENATE BILL 315

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Shannon Robinson, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Howes, Smith, Robinson

Absent: None

S0315PA1

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 27, 1999

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8 Mr. President:

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10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

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13 SENATE BILL 315

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

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19 Respectfully submitted,

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25 Roman M. Maes, Chairman

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1 Adopted _____ Not

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3 (Chief Clerk)

(Chief Clerk)

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7 Date _____

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10 The roll call vote was 5 For 1 Against

11 Yes: 5

12 No: Rawson

13 Excused: Aragon, Kysar, McKibben, Robinson

14 Absent: None

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 27, 1999

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8 Mr. President:

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10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

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13 SENATE BILL 315

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

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19 Respectfully submitted,

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25 Roman M. Maes, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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7 Date _____

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10 The roll call vote was 5 For 1 Against

11 Yes: 5

12 No: Rawson

13 Excused: Aragon, Kysar, McKibben, Robinson

14 Absent: None

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FORTY- FOURTH LEGISLATURE

FIRST SESSION

March 2, 1999

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 315

Amendment sponsored by Senator Phil A. Griego

1. On page 4, line 5, after "experience" strike the remainder of the line, strike line 6 and strike line 7 through "foundation".

2. On page 4, line 11, after "requirements" strike the remainder of the line, strike line 12 and strike line 13 through "foundation".

FORTY- FOURTH LEGISLATURE
FIRST SESSION

SF1/SB 315

Page 25

Phil A. Griego

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 16, 1999
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8 Mr. Speaker:
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10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
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13 SENATE BILL 315, as amended
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 Fred Luna, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/SB 315a

Page 27

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

7 Date _____

9 The roll call vote was 12 For 0 Against

10 Yes: 12

11 Excused: None

12 Absent: None

14 J:\99Bill\SWP\s0315

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

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4 March 16, 1999

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7 Mr. Speaker:

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9 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
10 been referred

11 SENATE BILL 315, as amended

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13 has had it under consideration and reports same with
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16 Respectfully submitted,

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21 Fred Luna, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/SB 315a

Page 29

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

7 Date _____

9 The roll call vote was 12 For 0 Against

10 Yes: 12

11 Excused: None

12 Absent: None

14 J:\99Bill\SWP\s0315

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