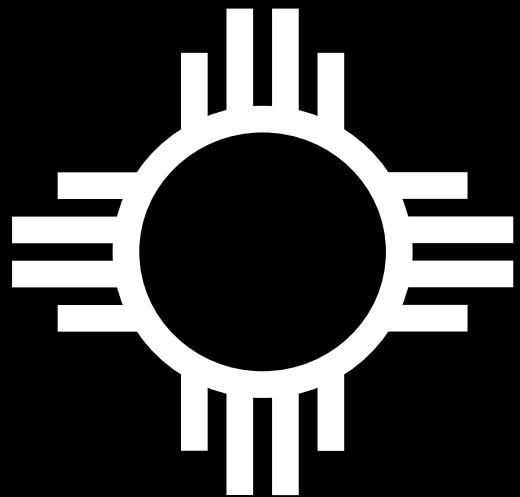


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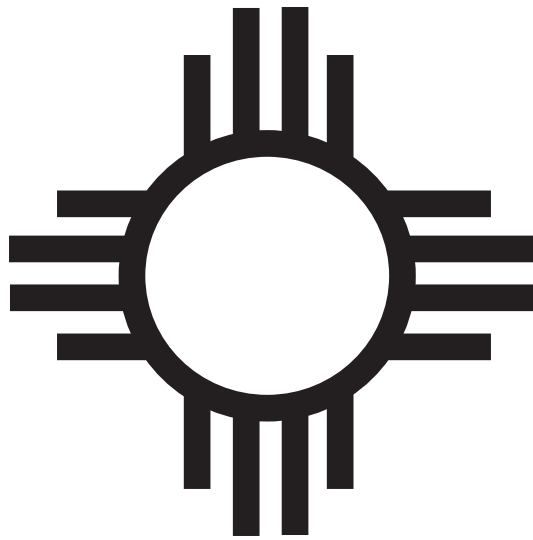


Volume XXVI
Issue Number 9
May 14, 2015

New Mexico Register

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May 14, 2015



The official publication for all notices of rulemaking
and filing of proposed, adopted and emergency rules in
New Mexico

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2015

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New Mexico Register

Volume XXVI, Issue 9

May 14, 2015

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A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

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Notices of Rulemaking and Proposed Rules

OIL CONSERVATION COMMISSION

Notice of Public Meeting and Public Hearing

The State of New Mexico, through its Oil Conservation Commission hereby gives notice pursuant to law and Commission rules of the following meeting and public hearing to be held at 9:00 A.M. on **June 4, 2015**, in Porter Hall at 1220 South St. Francis Drive, Santa Fe, New Mexico, before the Oil Conservation Commission. A preliminary agenda will be available to the public no later than two weeks prior to the meeting. A final agenda will be available no later than 72 hours preceding the meeting.

CASE 15314: Application of the Oil Conservation Division to Amend Title 19, Chapter 15, Part 8 of the New Mexico Administrative Code (“Financial Assurance”). The proposed rule amendments are intended to incorporate changes made by the Legislature to the New Mexico Oil and Gas Act and to make other changes including:

- (1) Establish amounts of blanket plugging financial assurance for wells in temporarily abandoned status;
- (2) Clarify and codify that, if a blanket bond no longer covers certain wells, additional financial assurance for the non-covered wells is required;
- (3) Codify requirements for operators who elect to maintain financial assurance through a plugging insurance policy;
- (4) Codify the requirement to notify the Division of any bankruptcy proceeding as required under rules of the United States bankruptcy court;
- (5) Require operators to update financial assurance documents when certain changes occur to existing financial assurance documents on file with the Division; and
- (6) Otherwise amend rule 19.15.8 NMAC to protect water, public health and the environment, prevent waste of oil and gas, and to protect correlative rights.

The proposed rule amendment and the meeting agenda are available from Commission Clerk Florene Davidson at (505) 476-3458 or can be viewed on the Hearings Page at Division’s web site at <http://www.emnrd.state.nm.us/ocd>.

Modifications to the proposed rule or amendment must be received by the Division no later than 5:00 P.M. on **May 21, 2015**. Persons intending to provide **written comments** on the proposed rule change must submit their written comments no later than 5:00 p.m. on **May 28, 2015** to the Division’s Administrator. Persons intending to offer technical testimony at the hearing must file six copies of a **Pre-hearing Statement** conforming to the requirements of 19.15.3.11 NMAC, and six copies of all exhibits the person will offer in evidence at the hearing, no later than **May 28, 2015**. Proposed modifications and written comments may be hand-delivered or mailed to Ms. Davidson at 1200 South Saint Francis Drive, Santa Fe, New Mexico 87505, or may be faxed to Ms. Davidson at (505) 476-3462. Pre-hearing Statements must be hand-delivered or mailed to Ms. Davidson at the above address.

If you are an individual with disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Ms. Davidson at (505) 476-3458 or the New Mexico Relay Network at 1-800-659-1779. Public documents can be provided in various accessible forms. Please contact Ms. Davidson if a summary or other type of accessible form is needed. A party who plans on using projection equipment at a hearing must contact Florene Davidson seven (7) business days prior to the hearing requesting the use of the projection equipment. Wireless internet is available; however, the party must provide its own laptop computer.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 1st day of May, 2015.

STATE OF NEW MEXICO

**OIL CONSERVATION
DIVISION**

David Catanach

**Director, Oil Conservation
Division**

S E A L

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

NOTICE OF P.E.R.A. RULEMAKING

The Public Employees Retirement Association (“PERA”) will consider changes to its rules promulgated under the Public Employees Retirement Act. Changes are proposed for the following Rules:

Judicial Retirement

2.83.300 NMAC Membership
2.83.400 NMAC Service Credit
2.83.500 NMAC Member Contributions
2.83.600 NMAC Interception or
Division of Payments
2.83.700 NMAC Retirement
2.83.1100 NMAC Retired Members

Magistrate Retirement

2.84.300 NMAC Membership
2.84.400 NMAC Service Credit
2.84.500 NMAC Member Contributions
2.84.600 NMAC Interception or
Division of Payments
2.84.700 NMAC Retirement
2.84.1100 NMAC Retired Members

Volunteer Firefighters

2.87.100 NMAC Volunteer Firefighters

Copies of the draft rules are available for inspection in PERA’s Office of General Counsel. Hard copies of the draft rules may be purchased for \$3.00. Written comments, inquiries or requests for copies should be directed to PERA’s Office of General Counsel, P.O. Box 2123, Santa Fe, New Mexico, 87504-2123, (505) 476-9353 or 1-800-342-3422. Written comments or requests for copies may be submitted electronically to: LaurieAnn Trujillo at lauriea.trujillo@state.nm.us. To be considered, written comments, arguments, views or relevant data should be submitted by 5:00 p.m. on June 3, 2015. The PERA Board will review and consider all written comments addressing the proposed rule changes.

A formal rulemaking hearing will be held on June 9, 2015 at 9:00 a.m. in the Fabian Chavez, Jr. Board Room of the PERA Building, 33 Plaza La Prensa, Santa Fe, New Mexico. Oral comments will be taken at the public hearing. Final action on the rules will occur at a special meeting of the PERA Board following the

rulemaking hearing on June 9, 2015.

Individuals with a disability who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing may contact Judy Olson at (505) 476-9305 or toll free at 1-800-342-3422 seven days prior to the hearing or as soon as possible.

WATER QUALITY CONTROL COMMISSION

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE UNDERGROUND INJECTION CONTROL RULES, 20.6.2.3000 NMAC and 20.6.2.5000 NMAC

The New Mexico Water Quality Control Commission will hold a public hearing beginning at 9:00 a.m. on July 14, 2015 at the New Mexico State Capitol Building, Room 307, 409 Old Santa Fe Trail, Santa Fe, New Mexico to consider proposed amendments to the New Mexico Water Quality Act rules, 20.6.2 NMAC, proposed in WQCC Docket Number 14-15 (R) by Navajo Refining Company, L.L.C. The proposal addresses the underground injection control rules and would amend Sections 20.6.2.3106-07, 20.6.2.3109, 20.6.2.5002-04, 20.6.2.5101-04, 20.6.2.5200-01, 20.6.2.5204, and 20.6.2.5209-10 NMAC and add new text as 20.6.2.5300 through 20.6.2.5399 NMAC.

In 1982, New Mexico applied for and received Primary Enforcement Authority ("Primacy") from the United States Environmental Protection Agency ("EPA") to administer the Federal Safe Drinking Water Act Underground Injection Control Program in New Mexico. The New Mexico Water Quality Control Commission rules contain the principal parts of New Mexico's approved program delegation. The proposed rule changes that are the subject of the July 14, 2015 hearing seek to amend certain parts of those rules governing Class I underground injection control wells. Specifically, the proposed rule changes would (1) modify the current prohibition on Class I underground injection control wells for hazardous waste to allow oil refineries to seek permits to operate Class I underground injection control wells for hazardous waste that they generate; and (2) authorize the permitting of Class

I underground injection control wells for hazardous waste generated by oil refineries that are consistent with federal construction, operation, monitoring, closure, and financial assurance standards. If the Water Quality Control Commission adopts the proposed rule changes, the final rule will be submitted to EPA for approval as part of New Mexico's delegated authority to administer the Underground Injection Control program.

The proposed changes may be reviewed during regular business hours at the Commission Administrator's office located in the Harold Runnels Building, 1190 St. Francis Drive, Room S-2102 Santa Fe, New Mexico, 87502. In addition, copies of the proposed amendments are posted on the NMED website at <http://www.nmenv.state.nm.us>. Copies at this location will be available to individuals for photocopying at their own expense. Requests for further information about the proposed rule should be directed to Pam Castañeda, Commission Administrator, at the above address.

The hearing will be conducted in accordance with the Guidelines for Water Quality Control Commission Regulation Hearings, the Water Quality Act, Section 74-6-6 NMSA 1978, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be addressed to Pam Castañeda, Commission Administrator, at the above address; reference docket number WQCC 14-15 (R). Written comments must be received by July 14, 2015.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony must file such statement prior to the close of the hearing.

Persons wishing to present technical testimony must file with the Commission a written notice of intent to do so. The requirements for a notice of intent can be found in the Commission's Guidelines for Regulation Hearings. Notices of intent for the hearing must be received by the Office of the Commission Administrator by 5:00 pm on June 15, 2015, and should reference the name of the regulation, the date of the hearing, and docket number WQCC 14-15 (R).

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, contact Pam Castañeda at least ten days prior to the hearing or as soon as possible at 505.827.2425 or Pam.Castaneda@state.nm.us. Public documents can be provided in various accessible formats. Contact Pam Castañeda if accessible format is needed.

The Commission may make a decision on the proposed regulatory changes at the conclusion of the hearing, or may convene a meeting after the hearing to consider action on the proposal.

End of Notices of Rulemaking and Proposed Rules Section

Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

DEPARTMENT OF AGRICULTURE

TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 15 OIL AND GAS PART 112 RETAIL NATURAL GAS (CNG/LNG) REGULATIONS

19.15.112.1 ISSUING AGENCY:
New Mexico State University, New
Mexico Department of Agriculture
[19.15.112.1 NMAC - N, 05/14/2015]

19.15.112.2 SCOPE: The
scope of these regulations is to set forth
minimum standards for the operation
of retail/wholesale natural gas fueling
facilities, including mobile refueling
vehicles and equipment, as defined by the
Petroleum Products Standards Act.
[19.15.112.2 NMAC - N, 05/14/2015]

**19.15.112.3 STATUTORY
AUTHORITY:** Granted to the board of
regents of New Mexico state university
under the Petroleum Products Standards
Act, Chapter 57, Article 19, Sections
23 through 38, New Mexico Statutes
Annotated 1978 Compilation.
[19.15.112.3 NMAC - N, 05/14/2015]

19.15.112.4 DURATION:
Permanent.
[19.15.112.4 NMAC - N, 05/14/2015]

19.15.112.5 EFFECTIVE DATE:
May 14, 2015, unless a later date is cited
at the end of a section.
[19.15.112.5 NMAC - N, 05/14/2015]

19.15.112.6 OBJECTIVE: This
part addresses the technical requirements
of these regulations and are based
on generally accepted state, national
and international codes and standards
(e.g. NIST) governing the minimum
levels of acceptability for inspections,
specifications, shipment notification,
record keeping, labeling of containers,
use of meters or mechanical devices for
measurement, submittal of installation
plans, and minimum standards for the
design, construction, location, installation,

and operation of retail natural gas systems,
including mobile refueling vehicles and
equipment.
[19.15.112.6 NMAC - N, 05/14/2015]

19.15.112.7 DEFINITIONS:
Terms in these regulations shall have
the same meaning as those found in
the Petroleum Products Standards
Act, Chapter 57, Article 19, Sections
23 through 38, New Mexico Statutes
Annotated 1978. In addition, unless the
context otherwise requires:

A. ASME international
- ASME international was formerly the
American society of mechanical engineers
(ASME).

B. British thermal units
or BTU - a scientific unit of measurement
equal to the quantity of heat required
to raise the temperature of one pound
of water one degree fahrenheit at
approximately 60 degrees fahrenheit.

C. Compressed Natural
Gas (CNG) - natural gas which has been
compressed and dispensed into fuel
storage containers and is suitable for use
as an engine fuel.

D. CNG gasoline gallon
equivalent (GGE) - GGE = 5.660 pounds
(2.567 kg) of CNG. CNG gasoline
liter equivalent (GLE) - GLE = 0.678
kilograms (1.495 pounds) of CNG.

E. CNG diesel gallon
equivalent (DGE) - 1 DGE = 6.384
pounds (2.896 kg) of CNG or CNG diesel
liter equivalent (DLE) - 1 DLE = 0.765
kilograms (1.687 pounds) of CNG.

F. Liquefied natural gas
(LNG) - natural gas that has been liquefied
at - 126.1 °C (- 259 °F) and stored in
insulated cryogenic tanks for use as an
engine fuel.

G. LNG diesel gallon
equivalent (DGE) - 1 DGE = 6.059
pounds (2.748 kg.) of liquefied natural gas
(LNG) or diesel liter equivalent (DLE) - 1
DLE = 0.726 kilograms (1.600 pounds) of
LNG.

H. Gallon equivalent -
means either a gallon diesel equivalent or
a gallon gasoline equivalent.

I. Gallon diesel
equivalent - also known as diesel gallon
equivalent (DGE) - means an amount of a

motor fuel that contains an average lower
heating value of 128,000 BTU's, but in no
case contains a lower heating value of less
than 124,000 BTU's.

J. Gallon gasoline
equivalent - also known as gasoline gallon
equivalent (GGE) - means an amount of a
motor fuel that contains an average lower
heating value of 114,000 BTU's, but in no
case contains a lower heating value of less
than 110,000 BTU's.

K. Mobile refueling - the
use of a United States DOT approved
vehicle or mobile equipment on site with
tank(s), pump(s), or both that dispenses
natural gas engine fuel directly to
vehicles, storage vessels/cylinders, or
secondary refueling equipment.

L. Natural gas -
compressed natural gas (CNG) or
liquefied natural gas (LNG) as defined by
this regulation.

M. Natural gas fueling
facility - a facility that has a natural gas
container assembly and piping system,
including mobile refueling equipment,
which is used for retail motor vehicle
fueling.

N. NIST - national
institute of standards and technology.

O. ANSI - American
national standards institute.

P. AGA - the American
gas association.

Q. CGA - the compressed
gas association.

R. NGV 1 - the natural
gas vehicle coalition.

S. Proved - the act of
having verified the accuracy of meters
used to measure fuel and petroleum
products using a "prover".

T. Prover - a calibrated
volumetric receiver or mechanical device
traceable to NIST standards.

[19.15.112.7 NMAC - N, 05/14/2015]

19.15.112.8 [RESERVED]

19.15.112.9 APPLICABILITY:
The regulations contained herein shall
apply to the operation of all retail natural
gas systems when used for motor vehicle
fueling.

[19.15.112.9 NMAC - N, 05/14/2015]

19.15.112.10 METHOD OF RETAIL SALE AND DISPENSER LABELING:

A. Method of retail sale (CNG): All compressed natural gas (CNG) kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in terms of mass, and indicated in the gasoline gallon equivalent (GGE) or gasoline liter equivalent (GLE), or diesel gallon equivalent (DGE) units, or diesel liter equivalent (DLE), or by mass.

B. Dispenser labeling compressed natural gas: All retail compressed natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lbs.) or kilograms (kg). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have either the statement "1 gasoline gallon equivalent (GGE) is equal to 5.660 lbs. of compressed natural gas" or "1 gasoline liter equivalent (GLE) is equal to 0.678 kg of compressed natural gas" consistent with the method of sale used. "1 diesel gallon equivalent (DGE) is equal to 6.384 lbs. of compressed natural gas" or "1 diesel liter equivalent (DLE) is equal to 0.765 kg of compressed natural gas" consistent with the method of sale used.

C. Method of retail sale (LNG): All liquefied natural gas (LNG) kept, offered, or exposed for sale and sold at retail as a vehicle fuel shall be measured in mass, and indicated in diesel gallon equivalent (DGE) units or diesel liter equivalent (DLE), or by mass.

D. Dispenser labeling of retail liquefied natural gas: All retail liquefied natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lbs.) or kilograms (kg). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have either the statement "1 diesel gallon equivalent (DGE) "1 diesel liter equivalent (DLE).

E. Dispenser labeling of retail liquefied natural gas: All retail liquefied natural gas dispensers shall be labeled with the equivalent conversion factor in terms of pounds (lbs.) or kilograms (kg). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have either the statement "1 diesel gallon equivalent (DGE) is equal to 6.059 lbs. of liquefied natural gas" or "1 diesel liter equivalent (DLE) is equal to 0.726 kg of liquefied natural gas" consistent with the method of sale used.

[19.15.112.10 NMAC - N, 05/14/2015]

19.15.112.11 DISPENSING, LABELING AND FUEL QUALITY:

Retail dispensing of natural gas - all retail dispensing of natural gas from either fixed equipment or mobile refueling equipment including vehicles, when used as a motor vehicle fuel shall be operated and maintained in accordance with the applicable requirements of the most current edition of NIST handbook 44.

[19.15.112.11 NMAC - N, 05/14/2015]

19.15.112.12 RETAIL MOTOR FUEL DISPENSERS (RMFD) INSPECTION AND TESTING:

A. All RMFD shall be suitable for their intended use, be properly installed, and accurate, and shall be maintained in that condition by their owner/operator.

B. All RMFD shall be traceable to an active national type evaluation program (NTEP) certificate of conformance (CC) prior to its installation or use for commercial purposes.

C. All RMFD shall be capable of displaying delivered quantity in units of mass for calibration purposes. All adjustments and calibrations of RMFD shall be made utilizing mass measurement standards.

D. The department shall be notified when any new RMFD is placed in service at a new or existing installation by submitting a "place-in-service" (PIS) report provided by the department.

E. No owner/operator of any RMFD shall use the RMFD for the measurement of natural gas unless it has been proved in a manner acceptable to the department and sealed as correct by a state inspector or registered service agency.

F. Means shall be provided at the natural gas fueling facility to return all natural gas product used for proving meters back to the compression and storage equipment when proving is completed.

G. All RMFD shall comply with the minimum standards as prescribed by the applicable sections of NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices," "The New Mexico weights and measures law in the area of legal metrology and engine fuel quality" except as modified or rejected by this regulation or by the department.

H. All RMFD dispensing natural gas in terms of gallon equivalents used for motor vehicle fuel shall meet the requirements of the New Mexico Petroleum Products Standards Act.

I. All measuring devices

installed on mobile refueling equipment including vehicles, used for retail sales of natural gas, shall meet the requirements of the New Mexico Petroleum Products Standards Act.

[19.15.112.12 NMAC - N, 05/14/2015]

19.15.112.13 RETAIL DISPENSERS FOR COMPRESSED NATURAL GAS (CNG):

A. For the purposes of this regulation, compressed natural gas shall be identified by the term "compressed natural gas" or "CNG."

B. All CNG kept, offered, or exposed for sale or sold at retail as a vehicle fuel shall be in units of mass (pounds or kilograms), or in units of volume (gallons or gallon equivalents).

C. Each retail dispenser of CNG shall be labeled as "compressed natural gas."

D. All retail CNG dispensers shall be labeled with the gallon equivalent conversion factor in terms of kilograms or pounds. The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have either the statement "1 CNG gasoline gallon equivalent (GGE) is equal to 5.660 lbs. (2.567 kg) of CNG" or "1 CNG diesel gallon equivalent (DGE) is equal to 6.384 lbs. (2.894 kg) of CNG", consistent with the method of sale used.

E. CNG is dispensed into vehicle fuel containers with working pressures of 3000 PSI (20 684 kPa), or 3600 PSI (24 821 kPa). The dispenser shall be labeled 3000 PSI (20 684 kPa), or 3600 PSI (24821 kPa) corresponding to the pressure of the CNG dispensed by each fueling hose.

F. CNG fueling nozzles for use with vehicles less than 10,000 lbs. (4500kg) gross vehicle weight rating (GVWR) shall comply with ANSI/AGA/CGA NGV 1.

G. Alternate nozzles used for fueling larger vehicles such as buses and trucks shall be designed to prevent the connection of a lower service pressure vehicle to a higher service pressure source.

[19.15.112.13 NMAC - N, 05/14/2015]

19.15.112.14 RETAIL DISPENSERS FOR LIQUIFIED NATURAL GAS (LNG):

A. For the purposes of this regulation, liquefied natural gas shall be identified by the term "liquefied natural gas" or "LNG."

B. All LNG kept, offered, or exposed for sale or sold at retail as a vehicle fuel shall be in units of mass (pounds or kilograms) or in

units of volume (gallons or diesel gallon equivalents (DGE)).

C. Each retail dispenser of LNG shall be labeled as “liquefied natural gas”.

D. All retail LNG dispensers shall be labeled with the gallon equivalent conversion factor in terms of pounds (lbs.) or kilograms (kg). The label shall be permanently and conspicuously displayed on the face of the dispenser and shall have either the statement “1 LNG diesel gallon equivalent (DGE) is equal to 6.059 lbs. (2.748 kg) or 1 LNG diesel liter equivalent (DLE) is equal to 0.726 kg (1.600 lbs.).

E. LNG automotive fuel shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306. (e.g. *LNG 95% Methane*). [19.15.112.14 NMAC - N, 05/14/2015]

HISTORY OF 19.15.112 NMAC:
[RESERVED]

**REGULATION AND LICENSING DEPARTMENT
REAL ESTATE APPRAISERS BOARD**

This is an amendment to 16.62.1 NMAC, Sections 7, effective 06/01/2015.

16.62.1.7 DEFINITIONS: The following rules and regulations are for the purpose of implementing the provisions of the New Mexico Real Estate Appraisers Act.

A. Terms starting with the letter ‘A’ are defined as follows:

(1) “Acceptable” appraisal experience includes, but is not limited to the following: fee and staff appraisal, ad valorem tax appraisal, review appraisal, market analysis, real estate counseling/consulting, highest and best use analysis and feasibility analysis. All experience claimed must be obtained after January 30, 1989, and must be in conformance with applicable national uniform standards of professional appraisal practice (USPAP). Appraisal experience acceptable toward licensing or certification must have been gained under the supervision of an appraiser who is certified at a level equal to or greater than the license or certificate the applicant is seeking.

(2) “Appraisers act” or “act” means the New Mexico Real Estate Appraisers Act as defined in Section 61-30-1 NMSA 1978.

(3) “Appraisal management company (AMC)” means a corporation, partnership, sole proprietorship, subsidiary, limited liability company or other business entity that:

(a) contracts with independent appraisers to perform real estate appraisal services for clients;

(b) receives requests for real estate appraisal services from clients and for a fee paid by client, enters into an agreement with one of more independent appraisers to perform the real estate appraisal services contained in the request;

(c) otherwise serves as a third-party broker of appraisal management service between clients and appraiser.

(4) “Appraisal review” is the act or process of developing and communicating an opinion about the quality of another appraiser’s work that was performed as part of an appraisal, or an appraisal review.

(5) “Assignment” means one or more real estate appraisals and written appraisal report(s) covered by a single contractual agreement for a specified number of properties.

B. Terms starting with the letter ‘B’ [RESERVED] are defined as follows: “Broker price opinion” means: an opinion by a qualifying or associate broker of the price of real estate for the purpose of marketing, selling, purchasing, leasing or exchanging the real estate or any interest therein or for the purposes of providing a financial institution with a collateral assessment of any real estate in which the financial institution has an existing or potential security interest; provided that the opinion of the price shall not be referred to or construed as an appraisal or appraisal report and shall not be used as the primary basis to determine the value of real estate for the purpose of loan origination.

C. Terms starting with the letter ‘C’ are defined as follows:

(1) “Complaint committee” shall be appointed by the board. The chairperson of the committee shall be an appraiser board member. The board appointed complaint committee is for the purpose of review of complaints and shall make recommendations to the board as to its findings. No real estate appraiser organization shall have a majority membership on the committee.

(2) “Complex” means a one to four family residential property appraisal in which the property

to be appraised, the form of ownership, or the market conditions are atypical.

(3) “Content approval for distance education” non-academic credit college courses provided by a college shall be approved by the appraiser qualifications board (AQB) and the New Mexico real estate appraisers board.

D. Terms starting with the letter ‘D’ are defined as follows: “Duly made application” means an application to the New Mexico real estate appraisers board including Subparagraphs (a) through (g) set out below, in addition to any other requirements of the board:

(1) a completed application on the form provided by the board; the form must be signed by the applicant attesting to the truthfulness of the information provided in the application; electronic signatures shall be acceptable;

(2) letters of verification from at least three individuals who are not related to the applicant but who are acquainted personally and professionally with him/her and who can attest that the applicant is of good moral character; and is competent;

(3) a statement attesting that he/she is a native, a naturalized citizen or a legal resident of the United States;

(4) transcripts or certificates or statements showing successful completion of the required appraisal courses;

(5) a recent photograph of the applicant in which the applicant clearly is discernible; the photograph must be at least two inches by three inches in size;

(6) a check or money order for the fees set out in 16.62.12.8 NMAC;

(7) an appraiser experience log recorded on the forms approved by the board or on another approved form, if required.

E. Terms starting with the letter ‘E’ are defined as follows:

(1) “Education advisory committee” shall be appointed by the board for the purpose of review of applications for course approval and sponsorship approval of appraiser educational offerings and shall make recommendations to the board as to its findings. Membership in a professional organization or association shall not be a prerequisite to serve on the committee. No real estate appraiser organization shall have a majority membership on the committee.

(2) “Ethics rule” emphasizes the personal and professional obligations and responsibilities of the individual appraiser.

(3) “Experience” is defined as verifiable time spent in performing tasks in accordance with the definition of “appraisal” and “appraisal assignment”, as stated in the act, Section 61-30-3, NMSA 1978. Such tasks include inspecting and analyzing properties; assembling and analyzing relevant market data; forming objective opinions as to the value, quality or utility of such properties; and preparing reports or file memoranda showing data, reasoning and conclusions. Professional responsibility for the valuation function is essential for experience credit.

(4) “Experience” will be submitted to the board in the form of a log, which indicates assignment information and type, compensation status, time spent on the assignment and whether the applicant signed the report. Experience credit claimed on the log must be attested to by the supervising appraiser. Experience logs are subject to review and request for supporting documentation.

(5) “Experience review process” is the method by which appraiser experience is approved for credit toward licensure or certification. The process includes the review of the experience log submitted by the applicant; selection of three or more entries for review of the reports and any additional file memoranda; and approval of experience hours claimed and conformance of reports with applicable national uniform standards of professional appraisal practice (USPAP) standards.

F. Term starting with the letter ‘F’ is defined as follows: “FIRREA” means the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and its amendments.

G. Terms starting with the letter ‘G’. [RESERVED]

H. Terms starting with the letter ‘H’. [RESERVED]

I. Terms starting with the letter ‘I’. “IDECC” – international distance education certification center.

J. Terms starting with the letter ‘J’. [RESERVED]

K. Terms starting with the letter ‘K’. [RESERVED]

L. Terms starting with the letter ‘L’ are defined as follows:

(1) “Licensee” means a trainee, license, residential certificate or general certificate.

(2) “Location” means the offices of the New Mexico real estate appraisers board will be located in Santa Fe, New Mexico.

M. Term starting with the letter ‘M’ is defined as follows: “Module” is an appraisal subject matter area (and required hours of coverage) as identified in the required core curriculum. All modules identified in the required core curriculum for a specific classification must be successfully completed to satisfy the educational requirements as set forth in the appraiser qualifications board (AQB) real property appraiser qualification criteria.

N. Term starting with the letter ‘N’ is defined as follows: “Nonresident appraiser” for the purpose of 61-30-20 of the New Mexico Real Estate Appraisers Act, nonresident applicants; reciprocity, means an individual who holds a current trainee registration, license, or certificate, and is in good standing, in another state.

O. Terms starting with the letter ‘O’. [RESERVED]

P. Terms starting with the letter ‘P’ are defined as follows:

(1) “Practicing appraiser” means a state licensed or certified appraiser in good standing, engaged in performing appraisal assignments.

(2) “Primary business location” means the geographical location of a business where the supervisor and trainee spend the majority of their time. A trainee may perform work only in areas where the supervising appraiser has competency pursuant to USPAP.

Q. Terms starting with the letter ‘Q’. [RESERVED]

R. Term starting with the letter ‘R’ is defined as follows: “Required core curriculum” is a set of appraisal subject matter (known as ‘modules’) which require a specified number of educational hours at each credential level; as set forth in the appraiser qualifications board (AQB) real property appraiser qualification criteria.

S. Term starting with the letter ‘S’ is defined as follows: “Supervisor” means a certified residential or certified general appraiser in good standing in the training jurisdiction and not subject to any disciplinary action within the last three (3) years that affects the supervisor’s legal ability to engage in appraisal practice.

T. Term starting with the letter ‘T’ is defined as follows: “Trainee” means an individual taught to become a

state licensed or certified appraiser under the direct supervision of a supervising appraiser.

U. Term starting with the letter ‘U’ is defined as follows: “Uniform standards of professional appraisal practice” (USPAP) means the uniform standard or the profession standard promulgated by the appraisal standards board of the appraisal foundation and adopted by rules pursuant to the Real Estate Appraiser Act and deals with the procedures to be followed in which an appraisal, analysis, or opinion is communicated.

V. Terms starting with the letter ‘V’. [RESERVED]

W. Term starting with the letter ‘W’ is defined as follows: “Work file” is documentation necessary to support an appraiser’s analyses, opinions, and conclusions.

X. Terms starting with the letter ‘X’. [RESERVED]

Y. Terms starting with the letter ‘Y’. [RESERVED]

Z. Terms starting with the letter ‘Z’. [RESERVED]

[1/14/00; 16.62.1.7 NMAC - Rn & A, 16 NMAC 62.1.7, 09/13/2004; A, 11/25/06; A, 06/13/08; A, 11/15/08; A, 10/16/2009; A, 08/21/2010; A, 7/10/2011; A, 01/01/2015; A, 06/01/2015]

End of Adopted Rules Section

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Issue 2	January 16	January 30
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Issue 4	February 16	February 27
Issue 5	March 2	March 16
Issue 6	March 17	March 31
Issue 7	April 1	April 16
Issue 8	April 17	April 30
Issue 9	May 1	May 14
Issue 10	May 15	May 29
Issue 11	June 1	June 16
Issue 12	June 17	June 30
Issue 13	July 1	July 15
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Issue 20	October 16	October 29
Issue 21	October 30	November 16
Issue 22	November 17	November 30
Issue 23	December 1	December 15
Issue 24	December 16	December 30

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