

FIFTIETH LEGISLATURE
FIRST SESSION, 2011

SB 561/a

March 8, 2011

Mr. President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

SENATE BILL 561

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 3, line 11, strike ", analysis or conclusion".
2. On page 3, line 12, after "broker", insert "in good standing with the commission".
3. On page 7, strike lines 6 through 25 in their entirety, on page 8, strike lines 1 through 3 in their entirety and insert in lieu thereof the following:

"A. An active licensed broker may prepare a broker's price opinion and charge and collect a fee for such broker's price opinion for the following persons under the following circumstances:

 - (1) an owner of real property or the legal representative of the owner for purposes of an administrative tax protest. This subsection does not allow a broker's price opinion to be used as evidence in any other legal action;
 - (2) a third party making decisions or performing due diligence related to the potential listing, offering, sale, exchange, option, lease or acquisition price of real property; or
 - (3) an existing lienholder; provided that:
 - (a) the broker's price opinion shall not be used for loan origination or refinancing on a primary or secondary dwelling, an investment property, an equity line of credit, a second mortgage or an improvement loan; and

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(b) the provisions of this subsection do not preclude a broker's price opinion from being used as a secondary source in conjunction with or in addition to an appraisal performed contemporaneously on the same property.

B. An active licensed broker may prepare a broker's price opinion but shall not charge or collect a fee for such broker's price opinion for:

(1) an existing or potential seller for the purposes of listing and selling real property; or

(2) an existing or potential buyer for purposes of purchasing real property.

C. A broker's price opinion shall not be a substitute for an appraisal by a state licensed or state certified real estate appraiser if an appraisal is required by applicable law.

D. The commission shall adopt rules requiring brokers preparing broker's price opinions for a fee to register with the commission and prescribing the manner in which the broker's price opinions shall be prepared and utilized in accordance with the provisions of this section.

E. The commission shall establish a "broker's price opinion committee" of no more than five members. The commission shall name the five members of the committee, which shall consist of two real estate licensees in good standing with the commission, two appraiser members from the real estate appraisers board and one member from the public representing consumers.

F. The commission shall have final approval of all rules and regulations promulgated by the broker's price opinion committee. In the event that the commission does not approve verbatim any rule or regulation promulgated by the committee, the commission shall send the rule or regulation back to the committee for further

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deliberations.

G. The committee shall be formed within sixty days of the effective date of this 2011 act, and rules shall be promulgated and approved by the commission within three months after the formation of the committee. The committee shall continue to monitor and address the rules and regulations as necessary."".

4. On page 9, line 8, strike ", analysis or conclusion".

5. On page 9, line 8, strike "a" and insert in lieu thereof "an active".

6. On page 9, line 9, after "broker", insert "in good standing with the New Mexico real estate commission".

7. On page 14, line 23, strike the second occurrence of "a" and insert in lieu thereof "an active".

8. On page 14, line 24, after "broker", insert "in good standing with the New Mexico real estate commission".

9. On page 14, line 24, after "opinion", insert "pursuant to Chapter 61, Article 29 NMSA 1978 and the rules and regulations promulgated therefrom".

10. On page 15, line 1, after the period, strike the remainder

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of the line and strike lines 2 through 19 in their entirety..

Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against
Yes: 5
No: 0
Excused: Asbill, Eichenberg, Griego, E.
Absent: None

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