

AN ACT

RELATING TO AGENCY GOVERNING BODIES; CHANGING THE MEMBERSHIP OF THE BOARD OF EXAMINERS FOR ARCHITECTS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, NEW MEXICO REAL ESTATE COMMISSION, REAL ESTATE APPRAISERS BOARD, BOARD OF THANATOPRACTICE AND COAL SURFACE MINING COMMISSION.

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

Section 1. Section 61-15-3 NMSA 1978 (being Laws 1979, Chapter 362, Section 3, as amended) is amended to read:

"61-15-3. BOARD OF EXAMINERS FOR ARCHITECTS CREATED--TERMS--QUALIFICATIONS.--

A. There is created a "board of examiners for architects" consisting of seven members appointed by the governor for staggered terms of three years each. As of July 1, 1999, four of the members shall be architects having ten years or more experience in the profession, five years of which shall have been in responsible charge of architectural projects, and shall have been registered as architects in New Mexico for at least five years. Three members shall be public members, one of whom shall be in architectural education in an accredited college of architecture. The two public members of the board who are not in architectural education shall not have been licensed as architects or have any significant financial interest, whether direct or indirect, in the occupation regulated.

B. Each member of the board shall be a citizen of the United States and a resident of New Mexico for at least five years prior to the date of appointment.

C. Members of the board shall be appointed for

staggered terms of three years each made in such a manner that the terms of not more than three nor less than two members expire on June 30 of each year. Each member shall serve until his successor has been appointed and qualified. A vacancy shall be filled for the unexpired term by appointment by the governor of a person having similar qualifications as the member that he replaces.

D. Each member of the board shall receive a certificate of appointment from the governor and, before beginning his term of office, shall file with the secretary of state the constitutional oath of office. The governor may remove any member from the board for the neglect of any duty required by law, for incompetence or, if the member is a licensed architect, for any improper or unprofessional conduct as defined by rules of the board.

E. The board shall elect a chair, a vice chair and a secretary-treasurer and any other officers it deems necessary."

Section 2. Section 61-23-5 NMSA 1978 (being Laws 1987, Chapter 336, Section 5, as amended) is amended to read:

"61-23-5. STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS--MEMBERS--TERMS.--

A. There is created the "state board of registration for professional engineers and surveyors" consisting of five registered professional engineers, at least one of whom shall be in engineering education, three registered professional surveyors and three public members.

B. The members of the board shall be appointed by the governor for staggered terms of five years. The appointees shall have the qualifications required by Section

61-23-6 NMSA 1978. The appointments shall be made in such a manner that the terms of not more than two members expire in each year. Each member of the board shall receive a certificate of appointment from the governor. Before the beginning of the term of office, the appointee shall file with the secretary of state a written oath or affirmation for the faithful discharge of official duty. A member of the board may be reappointed but may not serve more than two consecutive full terms. A member shall not be reappointed to the board for at least two years after serving two consecutive full terms. The board may designate any former board member to assist it in an advisory capacity.

C. Each member may hold office until the expiration of the term for which appointed or until a successor has been duly qualified and appointed. In the event of a vacancy for any cause that results in an unexpired term, if not filled within three months by official action, the board may appoint a provisional member to serve until the governor acts. Vacancies on the board shall be filled by appointment by the governor for the balance of the unexpired term."

Section 3. Section 61-29-4 NMSA 1978 (being Laws 1959, Chapter 226, Section 3, as amended) is amended to read:

"61-29-4. CREATION OF COMMISSION--POWERS AND DUTIES.-- There is created the New Mexico real estate commission, called "the commission" in Chapter 61, Article 29 NMSA 1978. The commission shall be appointed by the governor and shall consist of five members who shall have been residents of the state for three consecutive years immediately prior to their appointment, three of whom shall have been real estate

brokers licensed in New Mexico and two of whom shall be members of the public who have never been licensed as real estate brokers or salespersons; provided not more than one member shall be from any one county within the state. The members of the commission shall serve for a period of five years or until their successors are appointed and qualified. Members to fill vacancies shall be appointed for any unexpired term. The governor may remove any member for cause. The commission shall possess all the powers and perform all the duties prescribed by Chapter 61, Article 29 NMSA 1978 and as otherwise provided by law, and it is expressly vested with power and authority to make and enforce any rules to carry out the provisions of that article. Prior to any final action on any proposed changes or amendments to the rules of the commission, the commission may publish notice of the proposed action in its official publication, distribute the publication to each active licensee and give the time and place for a public hearing on the proposed changes. The hearing shall be held at least thirty days prior to any proposed final action. Any changes or amendments to the rules shall be filed in accordance with the procedures of the State Rules Act and shall become effective thirty days after notification to all active licensees of the filing of the changes or amendments. The commission may employ any staff it deems necessary to assist in carrying out its duties and in keeping its records."

Section 4. 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 seven members.

B. There shall be 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 more than two real estate appraiser members shall be from any one licensed or certified category.

C. Board members shall be appointed to five-year staggered terms and shall serve until their successors are appointed and qualified. Real estate appraiser members may be appointed for no more than two five-year terms.

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

E. One member of the board shall represent lenders or their assignees engaged in the business of lending funds secured by mortgages. Two members shall be appointed to represent the public. The public members shall not have been real estate appraisers or engaged in the business of real estate appraisals or have any financial interest, direct or indirect, in real estate appraisal or any real-estate-related business.

F. Vacancies on the board shall be filled by appointment by the governor for the unexpired term within sixty days of the vacancy."

Section 5. Section 61-32-5 NMSA 1978 (being Laws 1993, Chapter 204, Section 5) is amended to read:

"61-32-5. BOARD CREATED.--

A. There is created the "board of thanatopractice".

B. The board is administratively attached to the department.

C. The board consists of seven members. Three members shall be funeral service practitioners who have been licensed in the state for at least five years; three members shall represent the public and shall not have been licensed for the practice of funeral service or direct disposition in this state or any other jurisdiction and shall not ever have had any financial interest, direct or indirect, in any funeral, commercial or direct disposition establishment or crematory; and one member shall be a licensed direct disposer or health care practitioner who has been licensed in the state for at least five years.

D. Members of the board shall be appointed by the governor for staggered terms of four years. Each member shall hold office until his successor is duly qualified and appointed. Vacancies shall be filled for any unexpired term in the same manner as original appointments.

E. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

F. A simple majority of the board members serving constitutes a quorum.

G. The board shall hold at least two regular meetings each year and shall meet at such other times as it deems necessary.

H. No board member shall serve more than two full consecutive terms, and any member failing to attend, after proper notice, three meetings shall automatically be recommended for removal as a board member unless excused for

reasons set forth in board rules.

I. The board shall elect a chairman and other officers as deemed necessary to administer its duties."

Section 6. Section 69-25A-4 NMSA 1978 (being Laws 1979, Chapter 291, Section 4, as amended) is amended to read:

"69-25A-4. COAL SURFACE MINING COMMISSION--DUTIES.--

A. The "coal surface mining commission" is created. The commission shall consist of:

(1) the director of the bureau of mines and mineral resources or his designee;

(2) the director of the department of game and fish or his designee;

(3) the secretary of environment or his designee;

(4) the chairman of the soil and water conservation commission or his designee;

(5) the state engineer or his designee;

(6) the commissioner of public lands or his designee; and

(7) three public members who shall be appointed by the governor with the advice and consent of the senate. The public members shall have, by education, training or experience, expertise related to mining or mine reclamation.

B. The commission shall elect a chairman and other necessary officers and keep records of its proceedings.

C. The commission shall convene upon the call of the chairman or a majority of its members.

