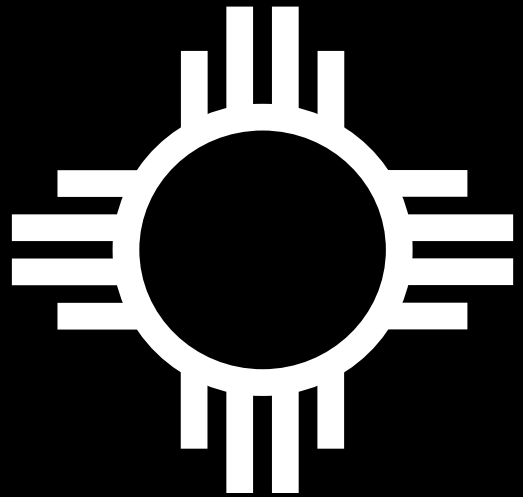


**NEW
MEXICO
REGISTER**

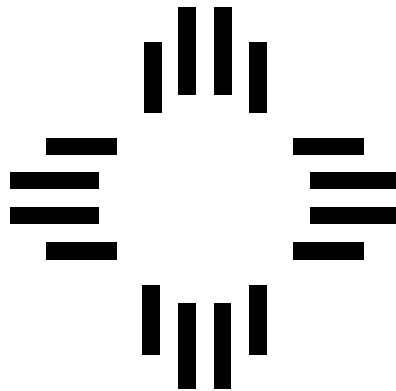


Volume XV
Issue Number 8
April 30, 2004

New Mexico Register

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April 30, 2004



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

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Administrative Law Division
Santa Fe, New Mexico
2004

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New Mexico Register

Volume XV, Number 8

April 30, 2004

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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 by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Telephone: (505) 476-7907; Fax (505) 476-7910; E-mail rules@rain.state.nm.us.

Notices of Rulemaking and Proposed Rules

NEW MEXICO PUBLIC ACCOUNTANCY BOARD

PUBLIC ACCOUNTANCY BOARD NOTICE OF PROPOSED RULEMAKING

The New Mexico Public Accountancy Board ("Board") will convene a public hearing on Wednesday, May 12, 2004. The hearing will be held at 9:00 a.m. in the New Mexico Society of CPAs Conference Room, 1650 University Blvd. NE, Suite 450, Albuquerque, New Mexico. Notice of the meeting is given in accordance with the Board's Open Meetings Policy. The hearing will be held for the purpose of affording members of the public the opportunity to offer comments on proposed amendments to existing Board rules. The hearing will be followed by a special Board meeting for the purpose of adopting the proposed rules.

The Board staff will recommend that the Board adopt amendments to the following rules:

NMAC NUMBER	RULE NAME
16.60.2 NMAC	Certified Public Accountants (CPA) Examination Requirements
16.60.3 NMAC	Licensure and Continuing Professional Education Requirements
16.60.4 NMAC	Firm Permit, Peer Review Requirements, and Business Name Prohibitions

Notice of the hearing and Board meeting has been published in the New Mexico Register and in the Albuquerque Journal. Interested parties may access the proposed amendments on the Board's website at www.rld.state.nm.us/b&c/accountancy. Copies may also be obtained by contacting the Board office at (505) 841-9108. Written comments regarding the proposed amendments should be directed to Ms. Patricia Soukup, Executive Director, Public Accountancy Board, 111 Lomas NW, Suite 510, Albuquerque, New Mexico 87102 or faxed to (505) 222-9155. Comments must be received by 5:00 p.m. on May 10, 2004; however, the submission of written comments as soon as possible is encouraged.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting should contact the Board office at (505) 841-9108 by 5:00 p.m. on May 7, 2004.

NEW MEXICO DEPARTMENT OF CULTURAL AFFAIRS MUSEUM OF NATURAL HISTORY AND SCIENCE

NOTICE OF PUBLIC HEARING

At the
New Mexico Museum of Natural History
and Science
A Division of the Department of Cultural
Affairs
State of New Mexico

MUSEUM CONFERENCE ROOM
1801 Mountain Road NW
Albuquerque, New Mexico 87104
(505) 841-2823

Friday, May 21, 2004 at 10 a.m. – 10:30 a.m.

FOR CONSIDERATION OF ADOPTION OF MUSEUM ADMISSION FEE INCREASE AND VIRTUAL VOYAGES ADMISSION FEE CHANGE

PROPOSED CHANGE IN MUSEUM ADMISSION FEE
Adults changed to \$6 from \$5; Seniors (60+) changed to \$5 from \$4, and Children (3-12) changed to \$3 from \$2.

PROPOSED CHANGE IN VIRTUAL VOYAGES ADMISSION FEE
Adults changed to \$4 from \$5, Seniors (60+) \$4 remains the same, and Children changed to \$4 from \$3.

If you are an individual with a 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 public hearing, please contact Marlene Tanner before May 12, 2004 at (505) 841-2823 or TTY 841-2878.

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT STATE PARKS DIVISION

Notice of Public Hearing

On Proposed Amendments to State Park Rules

The New Mexico State Parks Division of the Energy, Minerals and Natural Resources Department will hold a public hearing at 5:00 p.m. on Monday, May 17, 2004, in Porter Hall, located at 1220 South St. Francis Dr., Santa Fe, New Mexico. Entrance is located on the first floor north-east side of the Energy, Minerals and Natural Resources Building. **(Formerly known as the Pinon Building now the Wendell Chino Building.)**

The purpose of the hearing is to consider proposed rule changes to:

19.5.2 NMAC Park Visitor Provisions:

Section 16 of 19.5.2 NMAC: Clarify that use of Off-Highway Motor Vehicles is prohibited in state parks except for division use for operation and maintenance.

Section 24 of 19.5.2 NMAC: Add Smokey Bear Historical Park to the list of parks that do not allow pets except for disability assistance dogs.

Section 27 of 19.5.2 NMAC: Add language to clarify that entrance fees apply to persons entering a state park by vehicle and do not apply to walk-ins or persons entering on a bicycle except at Living Desert State Park and Smokey Bear Historical Park. Section 27 of 19.5.2 NMAC is also amended to state that, "Failure to pay the administrative fee may result in civil damages, criminal action, or eviction from the park."

Section 28 of 19.5.2 NMAC: (1) Amend to include Smokey Bear Historical Park on the list of parks that do not accept the annual day use permit, and remove the Rio Grande Nature Center from the list. (2) Outline the eligibility for all New Mexico residents, senior citizens, and persons with disabilities to purchase an annual camping permit, and add language to clarify that the out-of-state visitors may now purchase an annual camping permit. (3) Add language to clarify that the division will no longer replace annual day-use permits effective 1/1/2006. Changes to this section are proposed so the subsection complies with the fee changes in 19.5.6 NMAC that will be effective on May 1, 2004.

19.5.6 NMAC Park Fees

Section 16 of 19.5.6 NMAC: The Division proposes to amend the concession permit fee as follows:

The concession permit fee for guiding and

fishing services, and boating and rafting excursions will remain at \$300.00 for all parks with the exception of Navajo Lake State Park which is increased from \$300.00 to \$500.00. The concession permit fee for educational and park resource protection services will be \$300.00

Section 17 of 19.5.6 NMAC: The Division proposes to amend the guide card fees as follows:

The guide card will remain at \$300.00 for all parks with the exception of Navajo Lake State Park which is increased from \$300.00 to \$500.00.

The hearing will be conducted in accordance with the Open Meetings Act, NMSA 1 978, Section 10-15-1 et seq.; and the Energy, Minerals and Natural Resources Department Guidelines for Rulemaking (OFS 118). A copy of the proposed amendments to the rules is available upon written request to **Draft Regulations Section**, NM State Parks Division, P.O. Box 1147, Santa Fe, NM 87504-1147 downloading a copy at www.nmparks.com, or calling (505) 476-3355 to request a draft.

Individuals are invited to make oral comments on the proposed amendments to the rule at the hearing or by submitting written comment no later than 5:00 p.m. on May 18, 2004. Comments shall be sent to **Draft Regulations Section**, NM State Parks Division, P.O. Box 1147, Santa Fe, New Mexico 87504-1147; or nmparks@state.nm.us. If you are an individual with a 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 Doris Archuletta, at least one week prior to the hearing or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact New Mexico voice relay at 1-800-659-1779 or TTD 1-800 659-8331. If a summary or other type of accessible format is needed, public documents can be provided in various formats if needed.

**NEW MEXICO GENERAL SERVICES DEPARTMENT
RISK MANAGEMENT DIVISION**

NOTICE OF PUBLIC HEARING

The Risk Management Division of the New Mexico General Services Department will hold a public hearing on proposed rule 1.6.5 NMAC "Certificates of Coverage". The Hearing will be held at 9:00 a.m. on Wednesday, June 2, 2004, at 1100 South Saint Francis Drive, Santa Fe, New Mexico

in the RMD Legal Bureau Conference Room, Suite 1004 on the first floor in the Joseph Montoya Building.

The public hearing will be conducted to receive the presentation of views from interested persons with respect to the rules governing the issuance and amendment procedures for certificates of coverage that may be issued from time to time to covered state agencies and local public bodies pursuant to state statutory law, NMSA 1978, Section 15-7-3 (A) (7).

Copies of the proposed rule can be obtained from:

Printed Copy

Don M. Gonzales, Deputy Director
GSD Risk Management Division
Joseph Montoya Building
1100 South Saint Francis Drive, Second Floor, Room 2073, Santa Fe, New Mexico 87505-4147

Mailing Address:

P.O. Drawer 26110, Santa Fe, New Mexico 87502-0110
(505) 827-0463 (505) 827-2108 Fax

Electronic Copy

An electronic version of the proposed rule can also be obtained from the website for the New Mexico General Services Department Risk Management Division at: <http://www.state.nm.us/gsd/rmd/rmd.html>.

Please submit any written comments regarding the proposed action to the attention of Don M. Gonzales at the above mailing address.

If you are an individual with a disability who is in need of special assistance or reasonable accommodations to attend or participate in the hearing, please contact Olga Lujan at the Legal Bureau of the GSD Risk Management Division at (505) 827-2202 / fax (505) 827-0593. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**NEW MEXICO HUMAN SERVICES DEPARTMENT
INCOME SUPPORT DIVISION**

NOTICE OF PUBLIC HEARING

The Human Services Department will hold a public hearing on Monday, May 31, 2004 at 9:00 am. The hearing will be held in the conference room for the Income Support Division of the Human Services Department. The conference room is located in room 120 on the lower level of the Pollon Plaza building, 2009 S. Pacheco St.,

Santa Fe, NM 87505.

The Department is proposing the addition of a new chapter to the New Mexico Administrative Code (NMAC) to issue regulations for the HSD administered program for General Assistance for disabled adults and for children who live with an unrelated adult caretaker. Currently these regulations are contained within the regulations for the Temporary Assistance for Needy Families (TANF) program at 8.102 NMAC. The Department proposes the repeal of all General Assistance regulations currently found at 8.102 NMAC.

The Department proposes to revise the state regulations at 8.102 NMAC, Part 410 to further clarify the determination of immigrants to participate in the TANF funded cash assistance program. The Department also proposes to revise regulations at various Parts of the TANF regulations to provide for clarification and to make technical or grammatical corrections that do not change the intent of the regulations.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Department toll free at 1-800-432-6217, TDD 1-800-609-4TDD (4833), or through the New Mexico Relay System toll free at 1-800-659-8331. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

Individuals wishing to testify or requesting a copy of the proposed regulation should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, NM 87505-2348, or by calling toll free 1-800-432-6217. The proposed regulations for the General Assistance program, as well as revisions to various Parts of the TANF regulations may be found at:

<http://policymanuals.hsd.state.nm.us/dscgi/ds.py/View/Collection-76>

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 PM on the date of the hearing. Please send comments to:

Pamela S. Hyde, JD, Secretary
Human Services Department
P.O. Box 2348 Pollon Plaza
Santa Fe, NM 87504-2348

You may send comments electronically to: Sharon.Regensberg@state.nm.us

**NEW MEXICO BOARD OF
OSTEOPATHIC MEDICAL
EXAMINERS**

Legal Notice

Notice is hereby given that the New Mexico Board of Osteopathic Medical Examiners will convene a Rule Hearing to renumber, amend and to conform to the current NMAC requirements:

- Title 16, Chapter 17, Part 1 G e n e r a l Provisions
- Title 16, Chapter 17, Part 2 Application for Licensure
- Title 16, Chapter 17, Part 3 L i c e n s u r e Procedure
- Title 16, Chapter 17, Part 4 R e n e w a l Procedure\Continuing Education
- Title 16, Chapter 17, Part 5 [Reserved]
- Title 16, Chapter 17, Part 6 R e v o c a t i o n or Refusal of Licensure
- Title 16, Chapter 17, Part 7 R e i n s t a t e m e n t

- Title 16, Chapter 18, Part 1 G e n e r a l Provisions
- Title 16, Chapter 18, Part 2 Application Procedure Rule
- Title 16, Chapter 18, Part 3 R e n e w a l of Certification Rule
- Title 16, Chapter 18, Part 4 C h a n g e of Employment Registration
- Title 16, Chapter 18, Part 5 [Reserved]
- Title 16, Chapter 18, Part 6 S u p e r v i s i o n of Physician Assistants
- Title 16, Chapter 18, Part 7 P r e s c r i b i n g and Distribution of Controlled Substances
- Title 16, Chapter 18, Part 8 [Reserved]
- Title 16, Chapter 18, Part 9 S t u d e n t Physician Assistants

This Hearing will be held at the West Capitol Building, 2250 Cerrillos Road, Regulation and Licensing Conference Room, Santa Fe, NM, Saturday, May 22, 2004 at 1:00 p.m.

Following the Rule Hearing the New Mexico Board of Osteopathic Medical Examiners will convene a regular meeting on May 22, 2004, beginning with Executive Session. The public portion of the meeting is anticipated to begin about 3:00 p.m. and end by 5:00 p.m.

Copies of the proposed rules are available on request from the Board office, P. O. Box 25101, Santa Fe, New Mexico, 87504-5101, or phone (505) 476-4604.

Anyone wishing to present their views on the proposed rules may appear in person at the Hearing, or may send written comments

to the Board office. Written comments must be received by May 7, 2004 to allow time for distribution to the Board and Committee members. Individuals planning on testifying at the hearing must provide 14 copies of their testimony.

Final action on the proposed rules will be taken during the Board meeting. Portions of the committee and Board meeting may be closed to the public while the Board and Committee are in Executive Session to discuss licensing matters. Copies of the agenda will be available 24 hours in advance of the meeting from the Board office.

Disabled members of the public who wish to attend the meeting or hearing and are in need of reasonable accommodations for their disabilities should contact the Board Administrator at least one week prior to the meeting.

**NEW MEXICO STATE
PERSONNEL BOARD**

State Personnel Board Public Rules Hearing

The State Personnel Board will convene a Public Rules Hearing in Santa Fe, New Mexico on Friday June 4, 2004. The meeting will be held during the Board's regular business meeting beginning at 9:00 a.m., located at the Leo Griego Auditorium in the Willie Ortiz Building (State Personnel Office) at 2600 Cerrillos Road, Santa Fe, New Mexico, 87503.

As a correction to the previously published notice, the purpose of the Rule Hearing is to consider amending general provisions, particularly definitions and authorized agent; classification; pay; general working conditions, particularly complaints; furlough, reduction in force, reemployment; discipline, particularly just cause; and other rules with corresponding language references requiring change.

A final agenda for the board meeting will be available at the board office on Tuesday May 25, 2004.

As a correction to the previously published notice, persons desiring to present their views on the proposed amendments may appear in person at said time and place or may submit written comments no later than 5:00 p.m. Monday, May 31, 2004 to the board office, PO Box 26127, 2600 Cerrillos Road, Santa Fe, New Mexico, 87503, attention, Sandra Perez. Copies of the proposed rules are available on request from the Board office at the address listed above, by phone (505) 476-7805, or on the Internet at www.state.nm.us/spo/ beginning May 1, 2004.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service in order to attend or participate in the hearing, please contact the Director at 2600 Cerrillos Road, Santa Fe, New Mexico prior to the meeting. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Director if a summary or other type of accessible format is needed.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT
Notice of Hearing and Proposed Rulemaking

The Public Education Department ("Department") hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico, 87501-2786, on June 3, 2004, from 10 a.m. to noon regarding the following proposed rulemaking actions:

Rule Number	Rule Name	Proposed Action
6.2.3 NMAC	OPERATIONAL BYLAWS OF THE PROFESSIONAL STANDARDS COMMISSION	Repeal rule
6.2.4 NMAC	THE NEW MEXICO TEACHER ASSESSMENT AND ALTERNATIVE LICENSURE REVIEW PANELS	Amend rule

6.60.3 NMAC	ALTERNATIVE LICENSURE	Amend rule
6.60.4 NMAC	LICENSURE RECIPROCITY	Amend rule
6.60.6 NMAC	CONTINUING LICENSURE FOR LICENSED EDUCATORS IN NEW MEXICO	Amend rule
6.60.7 NMAC	EDUCATOR LICENSURE APPLICATION FEE	Amend rule
6.63.3 NMAC	LICENSURE FOR RELATED SERVICE PERSONNEL NOT COVERED IN OTHER ANCILLARY REGULATIONS	Amend rule
6.63.10 NMAC	CERTIFICATION FOR SUBSTITUTE TEACHERS	Amend rule
6.69.4 NMAC	PERFORMANCE EVALUATION SYSTEM REQUIREMENTS FOR TEACHERS	Amend rule

Interested individuals may testify at the public hearing or submit written comments to James Ball, Assistant Superintendent for Educator Quality, Public Education Department, Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (jball@sde.state.nm.us) or telefaxed to (505) 827-4148. Written comments must be received no later than 5 p.m. on the date of the hearing. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed on the Department’s website (<http://sde.state.nm.us/>) or obtained from Linda Olivas, Professional Licensure Unit, Public Education Department Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 at (505) 827-6581.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting are asked to contact Ms. Olivas as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**NEW MEXICO
COMMISSIONER OF
PUBLIC LANDS**

NOTICE OF RULE MAKING

NOTICE IS HEREBY GIVEN that Patrick H. Lyons, New Mexico Commissioner of Public Lands (Commissioner), and the New Mexico State Land Office (NMSLO) propose to repeal 19.2.10 NMAC “EASEMENTS AND RIGHTS OF WAY” in its entirety and replace it with 19.2.10 NMAC “EASEMENTS AND RIGHTS OF WAY”, which incorporates various changes, amendments, additions to and deletions from the previous rule.

The proposed amendments provide new and/or amended guidelines for the orderly and lawful administration and the appropriate granting of easements and rights of way on trust lands.

The Commissioner will take written comments on the proposed rule from any interested person. Interested persons shall file their written comments no later than May 30, 2004. Comments suggesting changes to the proposed rule shall state and discuss the particular reasons for the suggested changes and shall include specific language pro-

posed to effectuate the changes being suggested. Specific proposed language changes to the proposed new rule should be in the same format that the proposed rule is in. A copy of the proposed rule in electronic format may be obtained from the Commissioner to facilitate this requirement. Any proposed changes to the proposed rule shall be submitted either in hard copy or by e-mail. The Commissioner strongly encourages all persons submitting comments in hard copy to file an additional copy in electronic format (3.5-inch floppy disk in Microsoft Word 95 or Microsoft Office 97 format). The label on the floppy disk shall clearly designate the name of the person submitting the proposed changes.

Please submit any written comments regarding the proposed rule to the attention of Barbara Medrano at the address set forth below and/or by e-mail to Barbara Medrano at bmedrano@slo.state.nm.us. Comments received by e-mail will be printed by the NMSLO and entered in the rule-making record.

The Commissioner will review and take into consideration all timely submitted written comments.

A copy of the proposed rule may be obtained from:
Barbara Medrano

Office of the General Counsel
New Mexico State Land Office
PO Box 1148
Santa Fe, NM 87504-1148
Tel: 505/827-5713
Fax: 505/827-4262

Copies of the proposed rule may also be viewed at, or downloaded from the NMSLO website (www.nm.statelands.org). Upon request the documents may be made available in alternative formats.

**NEW MEXICO
COMMISSIONER OF
PUBLIC LANDS**

NOTICE OF RULE MAKING

NOTICE IS HEREBY GIVEN that Patrick H. Lyons, New Mexico Commissioner of Public Lands (Commissioner), and the New Mexico State Land Office (NMSLO) propose to repeal 19.2.15 NMAC “Relating to Contest Procedure before the Commissioner of Public Lands” in its entirety and replace it with 19.2.15 NMAC “Administrative Proceedings before the Commissioner of Public Lands”, which incorporates various changes, amendments, additions to and deletions from the previous rule.

The proposed new rule provides new and/or amended guidelines and requirements for the conduct of all adjudicative administrative proceedings before the Commissioner of Public Lands arising from agency determinations and show cause orders.

The Commissioner will take written comments on the proposed rule from any interested person. Interested persons shall file their written comments no later than May 30, 2004. Comments suggesting changes to the proposed rule shall state and discuss the particular reasons for the suggested changes and shall include specific language proposed to effectuate the changes being suggested. Specific proposed language changes to the proposed new rule should be in the same format that the proposed rule is in. A copy of the proposed rule in electronic format may be obtained from the Commissioner to facilitate this requirement. Any proposed changes to the proposed rule shall be submitted either in hard copy or by e-mail. The Commissioner strongly encourages all persons submitting comments in hard copy to file an additional copy in electronic format (3.5-inch floppy disk in Microsoft Word 95 or Microsoft Office 97 format). The label on the floppy disk shall clearly designate the name of the person submitting the proposed changes.

Please submit any written comments regarding the proposed rule to the attention of Barbara Medrano at the address set forth below and/or by e-mail to Barbara Medrano at bmedrano@slo.state.nm.us. Comments received by e-mail will be printed by the NMSLO and entered in the rule-making record.

The Commissioner will review and take into consideration all timely submitted written comments.

A copy of the proposed rule may be obtained from:

Barbara Medrano
Office of the General Counsel
New Mexico State Land Office
PO Box 1148
Santa Fe, NM 87504-1148
Tel: 505/827-5713
Fax: 505/827-4262

Copies of the proposed rule may also be viewed at, or downloaded from the NMSLO website (www.nmstatelands.org). Upon request the documents may be made available in alternative formats.

NEW MEXICO DEPARTMENT OF PUBLIC SAFETY

The New Mexico Department of Public
Safety
Notice of Proposed Rule Making

The Secretary of the New Mexico Department of Public Safety proposes to amend 10.5.100 NMAC, Standard of Conduct and to adopt a new rule, 10.5.500 NMAC, Adjudicatory Proceedings for Commissioned Officers Pursuant to NMSA 1978, Section 29-2-11C.

There will be a public hearing regarding the proposed rule on May 19, 2004, 9:00 a.m. at the Department of Public Safety, Law Enforcement Academy, Auditorium (4491 Cerrillos Road, Santa Fe, New Mexico 87504-1628).

Copies of the proposed rules may be obtained by contacting Velma Herrera, Department of Public Safety, Office of Legal Affairs, 4491 Cerrillos Road, Santa Fe, New Mexico 87504-1628, at (505) 827-9036. Written comments regarding the proposed rule making should be submitted to Velma Herrera at the address shown above. Comments may be faxed to Velma Herrera at (505) 827-3387. Written comments must be submitted no later than 5:00 p.m. on May 19, 2004.

If you are an individual with a 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 Velma Herrera at (505) 827-9036.

NEW MEXICO BOARD OF REAL ESTATE APPRAISERS

Legal Notice

Notice is hereby given that the New Mexico Board of Real Estate Appraisers will convene a Rule Hearing to amend:

Title 16, Chapter 62, Part 1 Real Estate Appraisers - General Provisions
Title 16, Chapter 62, Part 2 Real Estate Appraisers - Application for Registration
Title 16, Chapter 62, Part 3 Real Estate Appraisers - Application for License
Title 16, Chapter 62, Part 4 Real Estate Appraisers - Application for Residential Certificate
Title 16, Chapter 62, Part 5 Real Estate Appraisers - Application for General Certificate
Title 16, Chapter 62, Part 6 Real Estate Appraisers - Examinations
Title 16, Chapter 62, Part 7 Real Estate Appraisers - Issuance/Renewal of Registrations/Licenses/Certificates
Title 16, Chapter 62, Part 8 Real Estate Appraisers - Educational Programs/Continuing Education
Title 16, Chapter 62, Part 9 Real Estate Appraisers - Certificate of Good Standing
Title 16, Chapter 62, Part 10 Real Estate Appraisers - Temporary Practice
Title 16, Chapter 62, Part 11 Real Estate Appraisers - Application for Reciprocity
Title 16, Chapter 62, Part 12 Real Estate Appraisers - Fees
Title 16, Chapter 62, Part 13 Real Estate Appraisers - Disciplinary Proceedings
Title 16, Chapter 62, Part 15 Real Estate Appraisers - Retirement and Reinstatement
Title 16, Chapter 62, Part 16 Real Estate Appraisers - Advertising
Title 16, Chapter 62, Part 17 Real Estate Appraisers - Unlicensed Practice/Penalties

This Hearing will be held at Journal Center Building, 7900 Jefferson, NE, Albuquerque, New Mexico on June 4, 2004 - 9:00 a.m.

Following the Rule Hearing the New Mexico Board of Real Estate Appraisers will convene a regular meeting. In addition to the open meeting, the Board may go into Executive Session to consider application matters, settlement agreements, complaints, or disciplinary sanctions.

Copies of the proposed rules are available

on request from the Board office, 2550 Cerrillos Road or P. O. Box 25101, Santa Fe, NM 87505. Telephone (505) 476-4639.

Anyone wishing to present their views on the proposed rules may appear in person at the Hearing, or may send written comments to the Board office. Written comments must be received by May 24, 2004 to allow time for distribution to the Board members. Individuals planning on testifying at the hearing must provide copies of their testimony also by May 24, 2004.

Copies of the agenda will be available 24 hours in advance of the meeting from the Board office.

Disabled members of the public who wish to attend the hearing or meeting and are in need of reasonable accommodations for their disabilities should contact the Board office at (505) 476-4860, no later than May 31, 2004.

End of Notices and Proposed Rules Section

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Adopted Rules

**NEW MEXICO ENERGY,
MINERALS AND NATURAL
RESOURCES
DEPARTMENT
STATE PARKS DIVISION**

The Energy, Minerals and Natural Resources Department, State Parks Division will hereby repeal rule 19 NMAC 5.6, Park Fees filed on 12/17/ 1996. Replaced by 19.5.6.NMAC, Park Fees, effective 5/1/04.

**NEW MEXICO ENERGY,
MINERALS AND NATURAL
RESOURCES
DEPARTMENT
STATE PARKS DIVISION**

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 5 STATE PARKS AND
RECREATION
PART 6 PARK FEES**

19.5.6.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department.
[19.5.6.1 NMAC - Rp, 19 NMAC 5.6.1, 5/1/04]

19.5.6.2 SCOPE: This part applies to all persons using the state parks system.
[19.5.6.2 NMAC - Rp, 19 NMAC 5.6.2, 5/1/04]

19.5.6.3 STATUTORY AUTHORITY: This part is authorized pursuant to Section 9-1-5(E) NMSA 1978 and Sections 16-2-2 *et seq.* NMSA 1978.
[19.5.6.3 NMAC - Rp 19 NMAC 5.6.3, 5/1/04]

19.5.6.4 DURATION : Permanent.
[19.5.6.4 NMAC - Rp, 19 NMAC 5.6.4 , 5/1/04]

19.5.6.5 EFFECTIVE DATE: May 1, 2004, unless a later date is cited at the end of a section.
[19.5.6.5 NMAC - Rp, 19 NMAC 5.6.5, 5/1/04]

19.5.6.6 OBJECTIVE: The objective of this part is to establish fees for park visitors to off-set the cost of park operations so that each state park may be made as nearly self-supporting as possible.
[19.5.6.6 NMAC - Rp, 19 NMAC 5.6.6,

5/1/04]
19.5.6.7 DEFINITIONS:
[19.5.6.7 NMAC - Rp, 19 NMAC 5.6.7, 5/1/04]
[See 19.5.1.7 NMAC for definitions]

19.5.6.8 DAY-USE PERMIT (use fees):
A. All Parks (except as noted in Subsection B of 19.5.6.8 NMAC):

- (1) Per motor vehicle \$ 5.00
- (2) Walk in /bicycle No Charge
- (3) Bus \$15.00
- B. Parks with exceptions:**
 - (1) Rio Grande nature center
 - (a) per motor vehicle \$ 3.00
 - (b) walk in/bicycle No Charge
 - (c) buses \$15.00
 - (2) Living Desert zoo and gardens
 - (a) adult \$ 5.00
 - (b) child (7-12 years old) \$ 3.00
 - (c) child (6 and under) No Charge
 - (d) group rate adults (20 or more) per person \$ 3.00
 - (e) youth school groups (per person) \$.50
 - (f) American zoological association reciprocal fees
 - (i) adult \$ 2.50
 - (ii) child \$ 1.50
 - (3) Smokey Bear historical park
 - (a) adult \$ 2.00
 - (b) child (7-12 years old) \$ 1.00
 - (c) child (6 and under) No Charge
 - (d) youth/school groups (per person) No Charge
 - (e) bus \$15.00

[19.5.6.8 NMAC - Rp, 19 NMAC 5.6.8, 5/1/04]

19.5.6.9 CAMPING PERMIT (per night per vehicle):
A. Primitive site \$ 8.00
B. Developed site \$10.00
C. Developed site with

electric hookup \$14.00
D. Developed site with electric and sewage hookups \$18.00
E. Electric hookup with annual camping permit \$4.00
F. Electric and sewage hookup with annual camping permit \$ 8.00
[19.5.6.9 NMAC- Rp, 19 NMAC 5.6.9, 5/1/04]

19.5.6.10 ANNUAL DAY-USE PERMIT (per vehicle)
A. State-wide permit to all state parks:
(1) effective January 1, 2005 \$30.00
(2) effective January 1, 2006 \$40.00
B. Extra vehicle permit (limit one) \$10.00 (effective January 1, 2006 the extra vehicle permit is eliminated):
C. Veterans permit

No Charge (one hundred percent disabled New Mexico resident)
[19.5.6.10 NMAC - Rp, 19 NMAC 5.6.10, 5/1/04]

19.5.6.11 ANNUAL OVERNIGHT CAMPING PERMIT (per vehicle includes one tow vehicle upon request):
A. New Mexico resident \$180.00
B. New Mexico senior resident - 62 years or older \$100.00
C. New Mexico disabled resident \$100.00
D. Out-of-state-residents \$225.00
[19.5.6.11 NMAC - Rp, 19 NMAC 5.6.11, 5/1/04]

19.5.6.12 REPLACEMENT OF ANNUAL PERMITS
A. Camping permit \$10.00
B. Day-use permit \$10.00 (effective January 1, 2006 no replacement for annual day use permit):
[19.5.6.12 NMAC - Rp, 19 NMAC 5.6.12, 5/1/04]

19.5.6.13 DIVISION-OPERATED PUMPOUT FACILITY:

A. Minimum charge per pump out \$ 20.00
 B. Dry dock (per month) \$ 40.00
 [19.5.6.13 NMAC - Rp, 19 NMAC 5.6.13, 5/1/04]

19.5.6.14 GROUP SHELTER:

A. 750 sq. ft. or less \$ 30.00
 B. More than 750 sq. ft \$ 60.00
 C. Rally (as designated)
 (1) Groups less than 30 persons \$ 60.00
 (2) Groups 30 or more persons \$ 90.00
 [19.5.6.14 NMAC - Rp, 19 NMAC 5.6.14, 5/1/04]

19.5.6.15 SPECIAL USE PERMIT:

\$15.00 (see 19.5.2.28 NMAC)
 [19.5.6.15 NMAC - Rp 19 NMAC 5.6.15, 5/1/04]

19.5.6.16 CONCESSION PERMIT:

\$300.00
 [19.5.6.16 NMAC - Rp, 19 NMAC 5.6.16, 5/1/04]

19.5.6.17 GUIDE CARD:

\$300.00
 [19.5.6.17 NMAC - Rp, 19 NMAC 5.6.17, 5/1/04]

19.5.6.18 MEETING ROOM:

A. Conference Room
 (1) park open hours \$ 30.00
 (2) after hours \$ 60.00
 B. Entire Entrance Building
 (1) park open hours \$125.00
 (2) after hours \$275.00
 C. Hyde park lodge - 8:00 a.m. to 10:00 p.m.
 \$500.00 (Hyde park lodge rental inclusive of day use fees)
 D. Hyde park lodge damage and cleaning deposit \$200.00 (reimbursed upon satisfactory inspection)
 [19.5.8.14 NMAC - Rp, 19 NMAC 5.6.18, 5/1/04]

19.5.6.19 ADMINISTRATIVE FEE:

\$25.00
 [19.5.6.19 NMAC - Rp, 19 NMAC 5.6.19,

5/1/04]

19.5.6.20 RESERVATIONS:

\$ 9.95
 [19.5.6.20 NMAC - Rp, 19 NMAC 5.6.20, 5/1/04]

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT STATE PARKS DIVISION

This is amendment to 19.5.1 NMAC, Section 7, effective, 5/1/04.

19.5.1.7 DEFINITIONS:

A. "Boating and rafting excursions" means any guiding service for boating or rafting trips offered to the general public.

B. "Capital improvement" means a construction project by a concessionaire to the concession premises that is not maintenance or repair and that costs at least \$1,000.00.

C. "Commercial activity" means any for-profit sales or services but does not include the operation of vending machines unless the vending machine is operated as part of a larger concession operation.

D. "Concession" means any commercial activity conducted within a state park or recreation area and authorized in writing by the department.

E. "Concessionaire" means the owner or operator of a concession who operates pursuant to a concession contract with the department.

F. "Concessions administrator" means an employee of the state parks division who maintains all records and documentation concerning concession contracts and concession permits.

G. "Concession contract" means an agreement between the department and a person, or business entity, or ~~friends group~~ park support group which allows the concessionaire to provide services, merchandise, accommodations or facilities within a state park or recreation area. The concessionaire shall occupy a permanent structure or location within the state park or recreation area. The term of the concession contract shall not exceed 30 years pursuant to Section 16-2-9 NMSA 1978.

H. "Concession permit" means a permit issued to a person, business entity, or ~~friends group~~ park support group by the department to provide services in a state park or recreation area for a time period of one year or less. The fee for a concession permit ~~shall be a fixed fee and shall~~

~~not exceed \$500~~ is established in 19.5.6.NMAC. The director may waive this fee for concession permits issued to friends groups. The concession permittee shall not maintain any fixed assets within the state park and recreation area. The concession permittees business address shall be outside of the state park or recreation area. Services authorized under a concession permit are limited to guiding and fishing services, boating and rafting excursions, educational services and park resource protection services for example, firewood sales.

I. "Concession permittee" means the holder of a concession permit issued by the department.

J. "Cultural property" means a structure, place, site or object having historic archaeological, scientific, architectural or other cultural significance.

K. "Department" means the energy, minerals and natural resources department.

L. "Developed site" means a park camping site with at least one shelter, table, grill or any combination of two or more such facilities at the site. Sites with recreational vehicle utility hookups shall be considered developed regardless of the presence of shelters, tables or grills.

M. "Director" means the director of the state parks division of the energy, minerals and natural resources department.

N. "Director designee" means persons appointed by the director to include: deputy directors, bureau chiefs, regional managers, and park superintendents.

~~[N]O.~~ **"Division"** means the state parks division of the energy, minerals and natural resources department.

~~[O]P.~~ **"Flotation assist device"** means a wet suit or wearable flotation device in good condition capable of providing flotation to the wearer on the surface of the water.

~~[R]Q.~~ **"Friends group"** means an organized group of individuals recognized by the division that volunteers time, services or funds to promote and support the division.

~~[Q]R.~~ **"Gross receipts from sales and services"** means the total amount of receipts from sales and services.

~~[R]S.~~ **"Guide"** means an individual or an employee of an outfitter who is hired to escort or accompany clients in fishing, rafting or boating.

~~[S]T.~~ **"Lessor"** means the state parks division.

~~[T]U.~~ **"Leaseholder"** means an individual who leases a portion of land from the state parks division.

~~[U]V.~~ **"Net receipts from sales and services"** means the total amount

of receipts from sales and services, less the amount of gross receipts taxes.

~~[V-]W.~~ **“Off highway motor vehicle”** means any motor vehicle operated or used exclusively off the highways of this state and that is not legally equipped for operation on the highway.

~~[W-]X.~~ **“Outfitter”** means a person or company who employs guides.

~~[X-]Y.~~ **“Park management and development plan”** means a plan used as a guide for all expansion, services, programs and development for the park.

Z. **“Park support groups”** means a friends group or other organization as defined in NMSA 1978, Section 6-5-(A)-1(A)(2).

~~[Y-]AA.~~ **“Person”** means an individual, partnership, firm, corporation, association, joint venture or other entity.

~~[Z-]BB.~~ **“Personal flotation device”** means a coast guard approved life preserver, buoyant vest, hybrid device, ring buoy or buoyant cushion.

~~[A-]CC.~~ **“Primitive site”** means a camping site that offers no facilities except a cleared area for camping. Primitive sites may have trash receptacles, chemical toilets or parking.

~~[BB-]DD.~~ **“Property marker”** means a secured object, such as a flag or pole, that is used to mark lease lot boundaries.

~~[CC-]EE.~~ **“Receipts”** means all consideration in money and in trade received from sales and charges for services.

~~[DD-]FF.~~ **“Regional manager”** means a state parks division employee responsible for several parks within a region.

~~[EE-]GG.~~ **“Resolution committee”** means a group of individuals that consists of one representative from the state parks division, one representative from the United States bureau of reclamation, when applicable, and leaseholders involved in survey dispute.

~~[FF-]HH.~~ **“Sales and services”** means all transactions by a concessionaire, or agents or employees of a concessionaire for which the concessionaire receives consideration in money or money's worth in connection with the concession business operated pursuant to the concession contract.

~~[GG-]II.~~ **“Secretary”** means the secretary of the energy, minerals and natural resources department.

~~[HH-]JJ.~~ **“Special use permit”** means a permit issued to a person, business entity, ~~[friends group]~~ park support group or organized group by the division to provide an event or activity within a state park and recreation area. Examples of special use events and activities include: regattas, boat

races, parades, races, fishing tournaments, exhibitions, and educational activities. The term of a special use permit shall be for the duration of the approved event or activity but shall not be issued for a period of more than five consecutive days.

~~[H-]KK.~~ **“State park official”** means any employee of the state parks division.

~~[H-]LL.~~ **“State parks system”** means all land and water in state park and recreation areas.

~~[K-]MM.~~ **“Superintendent”** means an employee of the state parks division who is in charge of a specific park(s).

~~[L-]NN.~~ **“Vending machine”** means any coin-operated beverage, snack or service machine subject to approval by the division.

~~[MM-]OO.~~ **“Veteran's permit”** means one annual day use permit for entry into state parks, issued to a New Mexico resident veteran with a permanent one hundred percent service connected disability. A veteran's permit ~~[shall be for personal use only by the veteran and]~~ is non-transferable.

[7-17-67, 7-25-72, 7-31-79, 12-21-89, 12-31-89, 5-20-92, 12-31-96, 12-31-98, 7-1-99; 19.5.1.7 NMAC - Rn & A, 19 NMAC 5.1.7, 12/31/02, A; 5/1/04]

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT STATE PARKS DIVISION

This is an amendment to 19.5.5 NMAC, Sections 2, 10 and 14 effective 5/1/04

19.5.5.2 SCOPE: This part applies to any person conducting commercial activity within the state parks system and to any person who proposes to conduct commercial activity within the state parks system. ~~[Friends Groups, park support groups and other]~~ [†] Tax-exempt organizations, which conduct commercial activity within the state parks system, shall comply with this part. This part does not apply to friends groups, park support groups or other organizations that conduct commercial activity within the state parks and whose principal purpose as authorized by the division is to complement, contribute to and support, aid the function of or forward the purposes of the division. This part does not apply to repair or assistance services hired by the public for personal property assistance or repair within a state park. This part does not apply to contractors hired by the division to perform construction or other services for the division within the state

parks system.

[12-31-96; A, 12-31-98; 19.5.5.2 NMAC - Rn & A, 19 NMAC5.5.2 12/31/02; A, 5/1/04]

19.5.5.10 CONCESSION CONTRACT PROVISIONS: Following the acceptance of a proposal, the division shall enter into negotiations with the proposer for a concession contract to operate the concession or with a concessionaire to amend an existing concession contract. To the extent section 10 of this part contradicts any existing concession contract in effect on May 15, 1997. Section 10 shall not apply to those contracts unless they are renegotiated or amended. The provisions of the concession contract shall be consistent with the following:

A. The term of a concession contract should be limited to the shortest period possible. The term shall not exceed five years unless justified by at least the following: the amount of a concessionaire's investment, the capital improvements to be made on the premises and the types of services offered. Under no circumstances shall the term of the concession contract exceed 30 years. Noncompliance with any provision of the concession contract or this part may result in termination of the concession contract by the division.

B. Each concession contract shall include a legal description or a detailed map that defines the area in which the concession will operate.

C. A concession contract is subject to any limitations placed on the division by applicable federal and state agencies. The division reserves the right to install park facilities and utilities and to use the state park for authorized purposes. The division reserves the right to close the state park or the concessionaire's operations for reasonable law enforcement purposes or safety purposes.

D. A concession contract shall provide for the monthly payment by the concession to the division of a concession fee. The concession fee shall be a flat fee or a percentage of the concessionaire's net receipts from sales and services and shall be payable on a monthly basis. The concessionaire shall submit the concession fee and a monthly report detailing net receipts from sales and services on a form provided by the division to the concessions administrator at the division office in Santa Fe. The concession fee and monthly report shall be postmarked no later than 5:00 p.m. on the 25th day of the month after the reporting month, unless the 25th falls on a Saturday, Sunday or state-recognized holiday in which case the concession fee and monthly report shall be postmarked no later than 5:00 p.m. of the next business day.

Failure to submit the concession fee and monthly report shall result in a penalty fee of ten percent of the concession fee for the month that is late or \$50.00, whichever is greater.

E. The concession contract shall include a schedule for all construction. If the schedule for construction includes improvements to publicly owned property, the division may authorize the concessionaire in writing to expend any percentage of amounts due the division in lieu of remitting them to the division for construction and alterations to publicly owned property to benefit the park. All new improvements shall be reviewed by the division through the park project review process until the park management and development plan is developed. When the park management and development plan is completed all future improvements and proposed developments shall be consistent with the plan.

F. The concession contract shall require the concessionaire to have insurance prior to taking control of the concession premises, naming the state of New Mexico as co-insured, and indemnifying the United States, if required, for public liability, personal injury and property damage in amounts equal to or greater than the liability limits set forth in Section 41-4-19 NMSA 1978, as it may be amended from time to time.

G. The concession contract shall require the concessionaire, prior to taking control of the concession premises, to have:

(1) financial assurance satisfactory to the division conditioned upon the faithful performance of the concession contract in a minimum amount of ten percent of the gross receipts from sales and services for the prior year; or

(2) financial assurance satisfactory to the division conditioned upon the faithful performance of the concession contract in a minimum amount of \$5,000, whichever is greater; if the receipts are anticipated to be less than \$50,000, the division shall consider the size and nature of the concession operation and may reduce the amount of financial assurance.

H. The concessionaire shall properly maintain all concession facilities and real property he/she intends to utilize in operating the concession and all capital improvements the concessionaire intends to make to the premises. All maintenance shall be done with due diligence, in a commercially reasonable manner, so as to insure the public health, safety and welfare of park visitors. The concessionaire shall prepare an annual operation and maintenance plan that shall be approved by the superintendent. A copy of the approved

operation and maintenance plan shall be submitted to the concessions administrator.

I. The concessionaire shall comply with all appropriate local, state and federal laws and shall comply with current applicable environmental regulations and building code requirements, including those for accessibility, historical preservation and cultural properties protection laws. The concessionaire shall obtain all applicable permits prior to the start of construction.

J. All concessions offering food services shall comply with federal, state and local laws regarding food sanitation.

K. All advertising and signs within the state park shall be subject to the prior written approval of the secretary, and the appropriate federal agency if applicable. Any approvals shall become a part of the file maintained by the concessions administrator. All advertising through any media including the internet shall acknowledge that the concession premises are within the state park in which the concession is located. Printed information using the logo of the division or a federal agency shall receive prior written approval from the division or the federal agency.

L. No concession contract shall be amended except by written instrument executed by the parties and approved by the New Mexico board of finance, and any applicable state or federal agencies.

M. Either the division or a concessionaire may request to amend the concession contract provisions or to renegotiate the contract at any time during the term of the contract. A concessionaire should make such a request in writing to the superintendent. Within 30 days of receipt of such a request, the division should either notify the concessionaire of its decision or schedule a meeting with the concessionaire to negotiate the contract. If the concessionaire seeks to amend the contract provisions or to renegotiate the contract in order to expand services beyond those authorized by the concession contract, he/she shall comply with Section 8 of this part. A copy of any request for amendment shall be submitted to the concessions administrator.

N. There shall be no transfer, sale, subcontract, encumbrance, assignment, extension, renewal, assignment of management responsibilities, exchange of concession business or property, or any assignment of rights granted by a concession contract, without the prior written approval of the secretary. In addition, the above transactions may also require the approval of the New Mexico board of finance and the appropriate federal or state agency. All subcontracts shall be subject to the terms and provisions of the concession contract.

O. Upon expiration or termination of the concession contract, the concessionaire shall have 120 days to either sell the improvements that have been placed on the concession premises with prior written approval by the secretary as required in subsection N of 19.5.5.10 NMAC or remove the personal and movable property from the concession premises at the concessionaire's own cost. After removing any improvements, the concessionaire shall restore the concession premises to a safe and natural condition.

P. A concessionaire must establish and maintain a system for record keeping that uses accepted system account classification codes. A concessionaire shall submit a year-end financial statement prepared by a New Mexico independent certified public accountant that includes an income statement, balance sheet, and statement of cash flows no later than 90 days after the end of the concession fiscal year to the concessions administrator at the division office in Santa Fe. The level of certified public accountant assurance certification may be either an audit, review or compilation of the financial statements. The amount of the concessionaire's gross receipts from sales and services and length of term of the concession contract will be considered when determining the level of certification required.

Q. The department shall have access to and may examine and audit all pertinent books, documents, papers and other records of a concessionaire related to the concession business operated pursuant to the concession contract during the term of the concession contract and for three years after the concession contract has expired. A concessionaire shall make such records available at the concession operation or at the division's office in Santa Fe upon demand during usual business hours. Such records include but are not limited to financial, employer and equipment records.

R. If the state park in which the concession is located is operated by the division pursuant to a lease with a local, state or federal agency, the concession contract shall be subject to the lease agreement between the division and the agency and may require approval by the appropriate agency.

S. The division may waive contract provisions required by this part for concession contracts with ~~Friends Groups~~ organizations as defined in Section 6-5A-1(A) NMSA 1978, which provide funds or property to the department. [5-15-97, 12-31-98; 19.5.5.10 NMAC - Rn & A, 19 NMAC 5.5.10, 12/31/02; A, 5/1/04]

MITS:

A. A concession permit is valid for one year or less. The full term of a concession permit is from April 1st until March 31st each year. Each concession permit shall expire on March 31st unless indicated sooner regardless of the date it is issued.

B. Any person applying for a concession permit shall obtain a concession permit application from the superintendent at the state park where the applicant intends to operate. The application should be completed and returned to the superintendent along with the concession permit fee see 19.5.6 NMAC. The division may waive concession permit fees for friends groups and park support groups. All applications for concession permits received shall be reviewed and processed within 30 days. An application for a concession permit shall be submitted to the superintendent by March 1st if the applicant intends to hold a concession permit for the full permit term beginning April 1st.

C. The superintendent shall review the application and determine whether the service or activity meets the following criteria:

(1) does not significantly adversely impact an existing concessionaire's operation;

(2) provides a needed service to park visitors or a service in which the public has shown a substantial interest;

(3) enhances, improves or protects park resources; and

(4) meets the definition of a concession permit; the superintendent shall contact the applicant within ten days if the application is incomplete; the superintendent may request additional information from the applicant as necessary for the review and evaluation of the application; applications approved by the superintendent and regional manager shall be submitted to the concessions administrator for processing and review by the division and final approval by the secretary.

D. Concession permittees, their employees and their clients are subject to all applicable fees associated with use of a state park. See 19.5.6 NMAC.

E. A concession permit is valid only within the state park for which it is issued. However, a single concession permit may be used for Heron Lake state park/El Vado Lake state park and Elephant Butte Lake state park/Caballo Lake state park.

F. No concession permit shall be issued until the applicant has provided proof of insurance or bond. The division may waive this requirement for friends groups and park support groups.

G. Concession permittees,

their employees and their clients are subject to all appropriate state and federal regulations.

H. Concession permits are not transferable. A permit cannot be sold or transferred for any reason. The department will not refund any portion of the permit fee if the permittee ceases business during the permit year.

I. The director may limit the number and type of concession permits issued for any state park in order to protect park resources. The director may prescribe special requirements and conditions for concession permits when it is in the best interests of the state to do so. Special requirements may include but are not limited to: limitations on use of park resources, grounds and facilities; designation of a specific area within a state park in which a concession permittee is allowed to operate; designation of specific days or hours during which a concession permittee is allowed to operate; limitations on prices charged by the concession permittee; requirements for submission of use and price data; and training requirements.

J. No permittee shall violate any condition or restriction of the concession permit or this part. Violation of the concession permit or this part may result in the immediate cancellation of the permit.

K. Outfitters and Guides.

(1) An outfitter may apply for one concession permit and purchase guide cards for guides employed by the outfitter who will be conducting guided fishing, boating or rafting trips. The outfitter shall provide the superintendent with a list of guides and request the number of guide cards the outfitter wishes to purchase at the time the outfitter submits a concession permit application and fee. The fee for a guide card shall be the same as the fee for a concession permit. See 19.5.6 NMAC.

(2) The number of guides on the permittee's guide list may exceed the number of guide cards purchased by the permittee. However, at no time may the number of guides conducting commercial activity in a state park exceed the number of guide cards issued to the permittee. Only guides whose names appear on the permittee's guide list may conduct guided trips.

(3) Each guide shall be able to present a guide card to a state park official at all times when he/she is conducting commercial activity in a state park.

(4) The permittee is responsible for all guide cards issued to the permittee and for updating the guide list as necessary and providing the updated guide list to the superintendent.

(5) Each outfitter shall submit an annual report that provides information concerning the outfitter's activities for the

preceding year to the superintendent by March 15th. Annual reports shall include: dates of guided trips, number of trips on each date and total number of clients on each date; or a statement that no trips were made during the year.

L. Special Requirements for the San Juan river located in Navajo Lake state park.

(1) A permittee or guide may not take more than three clients on a wade trip or more than three clients on a float boat at one time.

(2) Permittees and guides are subject to boat safety inspections at all times while boating.

(3) Boats shall not be anchored to fishing piers and shall be anchored well away from fishing piers.

(4) Commercial boat use is allowed only from the Texas hole downstream.

(5) Permittees and guides shall ready their boats before launching. After launching, permittees and guides shall remove all vehicles and trailers from the launching area or park the vehicles and trailers in designated parking areas. All vehicle use is restricted to launching and retrieving roads. Vehicle use on all other roads or trails inside gated areas is prohibited.

(6) Access to restricted or special use areas is granted to permittees and guides for launching and loading boats. Permittees, guides and employees or agents of permittees shall close gates upon leaving those areas when no other boaters are using or waiting to use the launching/loading areas.

(7) Permittees shall identify their boats with the permittee's company name prominently and clearly printed on the vessel. Lettering shall be at least three inches in height.

(8) Annual day use permits for outfitters and guides shall be marked with a code number specifically assigned to each outfitter. When purchasing annual passes, permittees and guides shall advise division personnel that they represent an outfitter.

(9) Permittees are required to submit a Navajo Lake state park San Juan river trip ticket for all commercial trips taken on the San Juan river. The superintendent shall provide permittees with trip tickets. The permittee, his guide or agent is required to complete this form on the day of each commercial trip and deposit the completed form in a state park self pay tube on the same day a trip is made. Self pay tubes are available on the San Juan river for this purpose. A self-pay tube is also available at the Navajo Lake state park visitor center.

(10) All permittees and guides operating on the San Juan river shall have a

current red cross or American heart association CPR certificate and a current red cross or American heart association basic first aid certificate. Permittees shall submit certificates to the superintendent.

(11) Permittees are responsible for training guides in safe boating and wading operations and proper fishing etiquette. [12-31-96, 12-31-98; 19.5.5.14 NMAC - Rn & A, 19 NMAC 5.5.14, 12/31/02; A, 5/1/04]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.300.1 NMAC, Section 10 which will be effective on May 1, 2004. The Medical Assistance Division made changes with regards to Medicaid's relationship to Medicare. This rule was renumbered from 8 NMAC 4.MAD.010 to 8.300.1 NMAC to conform to NMAC requirements.

8.300.1.10 RELATIONSHIP TO

MEDICARE: Medicaid covers medically necessary health services furnished to individuals who meet specific income, resource and eligibility standards. Medicare is a federal program which offers health insurance coverage to individuals sixty-five (65) years of age or older, to those who have received disability benefits for twenty-four (24) consecutive months, to those who have end stage renal disease, and to other eligible individuals, as specified by other provisions of the Social Security Act. [~~The state of New Mexico Medicaid has entered into an agreement with the social security administration to pay the premium, co-insurance and deductible amounts for services following medicare part B payment for all eligible medicare recipients who are also entitled to medicare benefits. Medicaid pays the co-insurance and deductible amounts for medicare covered services following medicare part A payment for services. Payments for medical services furnished to these dual eligible recipients are made by the medicare and medicare programs.~~]

A. The state of New Mexico has entered into an agreement with the social security administration to pay medicare client premiums for medicare part B, and under some circumstances, medicare part A premiums.

B. After medicare has made payment for services, the medicare program pays for the medicare co-insurance and deductible amounts for all eligible medicare recipients subject to the following medicare reimbursement limitations.

(1) Medicare payment for the co-insurance and deductible is limited such that the payment from medicare, plus the

amount allowed by medicare for the co-insurance and deductible, shall not exceed the medicare allowed amount for the service. When the medicare payment exceeds the amount that medicare would have allowed for the service, no payment is made for the co-insurance and/or deductible. The claim is considered paid in full. The provider may not collect any remaining portion of the medicare co-insurance and/or deductible from the client. For services for which medicare part B applies a 50% co-insurance rate, medicare co-insurance and deductible amounts may be paid at an amount that allows the provider to receive more than medicare allowed amount, not to exceed a percentage determined by the department.

(2) The medicare program will pay the medicare co-insurance and deductible in full when the amount paid by medicare and the medicare co-insurance and deductible together do not exceed the medicare allowed amount or when the medicare program does not have a specific amount allowed for the service.

[2/1/95; 8.300.1.10 NMAC - Rn, 8 NMAC 4.MAD.011 & A, 5/1/04]

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.302.2 NMAC, Sections 11 and 12 which will be effective on May 1, 2004. The Medical Assistance Division made changes with regards to claim filing limitations and billing for dual-eligible Medicaid recipients. This rule was renumbered from 8 NMAC 4.MAD.702 to 8.302.2 NMAC to conform to NMAC requirements.

8.302.2.11 CLAIM FILING

LIMITATIONS: Claims for services must be submitted to the MAD claims processing contractor within 120 days of the date the service was furnished. Requests for adjustments to rejected or denied claims must be submitted to the MAD claims processing contractor within six (6) months of the date on the "remittance advice" form which accompanied the payment or denial of the claim. All claims must be finalized within two (2) years of the date of service. For purposes of claims filing limits, the date of submission is the date the original claim was submitted to the MAD claims processing contractor, as identified by the assigned "internal control number".

A. Exceptions to general time limitations: If a claim is submitted to medicare within the applicable medicare time limits, MAD pays a claim for the co-insurance and deductible for the service up to six (6) months of the medicare payment

or denial, subject to medicare reimbursement limitations. If a recipient has insurance or a third party is liable for the payment, the claim must be submitted within 365 days of the date of service.

(1) If claims are submitted more than 120 days after the date of service, the statement of benefits from the other insurance or the denial of benefits from the other insurance must be attached to the claim to verify that the other payment source has been pursued.

(2) If a provider receives payment from the other insurance or liable third party after receiving payment from MAD, an amount equal to the lower of either the insurance payment or the amount paid by MAD must be immediately remitted to the MAD third party liability unit (MAD-TPLU).

(3) Claims for services furnished by out-of-state providers must be submitted within 120 days of the date of service. In the event the out-of-state provider does not have a New Mexico medicare provider number, the request for the provider number must also be submitted within the 120 day limit.

(4) Claims for services provided during a period for which retroactive eligibility has been established must be submitted within 120 days of the date the MAD claims processing contractor was notified of the retroactive eligibility.

(a) Recipients must notify providers of pending eligibility and the date eligibility is received. Recipients are financially responsible for payment if the provider's claims are denied because of the recipient's failure to notify the provider of the retroactive coverage within the 120 day filing limit.

(b) Documents certifying the retroactive eligibility must be attached to the claim or on any correspondence concerning the claim. Documents include printed copy of the eligibility computer screen, copy of the court ordered retroactive eligibility, or a signed statement from an income support specialist from a local county income support division office.

B. Corrected claims: Corrected claims which are originally submitted within the 120 day filing limit and need corrections or additions must be completed and submitted to MAD or its claims processing contractor within 365 days of the date of service.

C. Duplicate claims: Duplicate claims which are used to replace lost or unprocessed claims must be submitted within 120 days of the date of service. Providers are responsible for submitting duplicate claims within the applicable time periods.

[2/1/95; 8.302.2.11 NMAC - Rn, 8 NMAC

4.MAD.702.2 & A, 5/1/04]

8.302.2.12 BILLING FOR DUAL-ELIGIBLE MEDICAID RECIPIENTS:

To receive payment for services furnished to medicaid recipients who are also entitled to medicare, providers must first bill the appropriate medicare intermediary or carrier. The medicare intermediary or carrier pays the medicare covered portion of the bill. After medicare payment, ~~[MAD pays only]~~ the medicaid program pays the amount medicare determines is owed for copayments and deductibles, subject to medicaid reimbursement limitations. Providers must accept assignment on medicare claims before MAD will process payments.

A. **Claim crossover:** If there is sufficient information to identify individuals as medicaid recipients, medicare may send payment information directly to the MAD claims processing contractor. In all cases where claims fail to crossover automatically to MAD, providers must forward a copy of the medicare claim and medicare "explanation of benefits" (EOB) forms to the MAD claims processing contractor. This information must also be included when filing claims, if payments have not been made by MAD within six (6) weeks of the medicare payment.

B. **Health maintenance organization plan coverage:** ~~[In those instances where dual eligible recipients belongs to a medicare HMO plan, MAD makes the copayment. All other HMO requirements, including servicing provider restrictions, apply to the provision of services.]~~ When a medicaid eligible recipient belongs to a medicare HMO plan, the medicaid program limits payment for the claim to the medicaid allowed amount less the third party payment amount, not to exceed the co-payment amount calculated by the HMO plan. If the third party payment amount exceeds the medicaid allowed amount, the medicaid program makes no further payment and the claim is considered paid in full. The provider may not collect any portion of the unpaid co-payment, co-insurance, or deductible from the client. All other HMO requirements, including servicing provider restrictions, apply to the provision of services.

[2/1/95; 8.302.2.12 NMAC - Rn, 8 NMAC 4.MAD.702.3 & A, 5/1/04]

**NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION**

This is an amendment to 8.302.3 NMAC, Sections 10 and 13 which will be effective on May 1, 2004. The Medical Assistance Division made changes with regards to pay-

ment provisions and insurance coverage and health maintenance organizations. This rule was renumbered from 8 NMAC 4.MAD.703 to 8.302.3 NMAC to conform to NMAC requirements.

8.302.3.10 P A Y M E N T

PROVISIONS: For claims for recipients with medical coverage furnished by ~~[an]~~ a third party, such as an insurer or other third party who may be liable for the medical bill, ~~[medicaid pays the difference between the third party liability (TPL) amount and the medicaid allowable amount, once that amount is established. When recipients have insurance coverage through a health maintenance organization (HMO), medicaid pays the applicable copayments. If hospitals which are reimbursed under the diagnostic related group (DRG) reimbursement methodology receive payments from third parties, medicaid pays the hospitals the difference between the amount received from the third party and the lower of the hospital billed or DRG amount.]~~ medicaid limits payment for the claim to the medicaid allowed amount less the third party payment amount, not to exceed the co-payment amount calculated by the third party. If the third party payment amount exceeds the medicaid allowed amount, the medicaid program makes no further payment. The claim is considered paid in full. The provider may not collect any remaining portion of the unpaid co-payment, co-insurance, or deductible from the client. If a hospital is reimbursed under the diagnostic related group (DRG) reimbursement methodology and receives payments from third party insurers, medicaid pays the hospital the difference between the amount received from the third party and the lower of the hospital billed amount or the medicaid allowed DRG amount.

A. **Payment acceptance:** When providers furnish medical services to recipients who have health coverage or coverage from liable third parties, providers must not seek payment from the recipient if the payment from the alternative coverage is at least equal to the amount medicaid pays for the same service [42 CFR Section 447.20 (a)].

B. **Sanctions for seeking recipient payments:** Sanctions are imposed if providers seek payment for services from recipients after receiving payments for these services from the recipient's health insurance company or other third parties if the payment is at least equal to the amount that MAD would have paid for that same service. See 42 CFR Section 447.21(a)]. An amount equal to three (3) times the amount sought from recipients is deducted from providers' next MAD payment. See 42 CFR Section 447.21(b).

C. **Refunds to MAD after receipt of payment:** A provider must immediately refund the lower of the third party or MAD payment, if he/she receives payment from insurance companies or health plans for services already paid for by MAD.

D. **Provider discounts:** MAD does not pay the difference between the payment received from the third party, based on the discount agreement and the actual charges for services, when providers enter into agreements with third party payers to accept payment at less than actual charges.

(1) The provider acceptance of less than actual charges constitutes receipt of a full payment for services and neither medicaid nor recipients have a further legal obligation for payment.

(2) Provider discount arrangements are often referred to as "preferred provider agreements" or "preferred patient care agreements".

[2/1/95; 8.302.3.10 NMAC - Rn, 8 NMAC 4.MAD.703.1 & A, 5/1/04]

8.302.3.13 I N S U R A N C E COVERAGE AND HEALTH MAINTENANCE ORGANIZATIONS:

Providers must not refuse to furnish services to recipients solely because an insurance company or third party may be liable for payment. See 42 CFR Section 447.20(b). When providers are aware of the existence of health insurance or health plan coverage for recipients, the providers must seek payment from the insurance carrier before seeking payment from medicaid. Providers who do not participate in a specific health maintenance organization (HMO) or managed care plan (plan) are not required to furnish services to a recipient who has primary coverage with an HMO/plan. The provider should refer the recipient to a provider who participates in the recipient's HMO/plan.

A. **Provider responsibility to relay information to MAD:** If providers learn that recipients have canceled their insurance policies, providers must forward this information to MAD-TPLU.

B. **Recipients with insurance coverage through a health maintenance organization:** ~~[If recipients are covered by a HMO/plan, medicaid payment is limited to applicable copayments required under the HMO/plan and to medicaid covered services documented in writing as exclusions by the HMO/plan.]~~ When a medicaid eligible recipient belongs to an HMO plan, the medicaid program limits the medicaid allowed amount less the third party payment amount, not to exceed the co-payment amount calculated by the HMO plan. If the third party payment amount exceeds

the medicaid allowed amount, the medicaid program makes no further payment and the claim is considered paid in full. The provider may not collect any portion of the unpaid co-payment, co-insurance, or deductible from the client. All other HMO requirements, including servicing provider restrictions, apply to the provision of services.

(1) When the HMO/plan uses a drug formulary, documentation of noncovered drug items require that the medical director of the HMO/plan must sign and attach a written certification for each drug claim to document that a pharmaceutical product is not covered by the HMO/plan. The signature is a certification that the HMO/plan drug formulary does not contain a therapeutic equivalent that adequately treats the medical condition of the HMO/plan subscriber.

(2) Medical services not included in the HMO/plan are covered by medicaid only after review of the documentation and approval by the MAD-TPLU.

(3) Recipients covered by an HMO/plan are responsible for payment for medical services obtained outside the HMO/plan and for medical services obtained without complying with the rules or policies of the HMO/plan.

[2/1/95; 8.302.3.13 NMAC - Rn, 8 NMAC 4.MAD.703.4 & A, 5/1/04]

**NEW MEXICO PUBLIC
REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.7 NMAC Sections 8 and 22 are amended and new sections 24 and 25 are adopted effective July 1, 2004.

13.14.7.8 LOAN POLICIES:

A. All loan policies (standard, leasehold or construction) shall be issued for the face amount of the loan or loans insured. When the land covered in the policy represents only part of the security of the loan or loans, the policy shall be written in the amount of the value of such land or the amount of the loan or loans insured, whichever is the lesser. When requested by the insured, a loan policy may be issued in an amount equal to the original principal amount of the indebtedness plus legal interest (capitalized or otherwise) not to exceed twenty percent (20%) of the said principal amount.

B. All loan policies may insure liens on multiple tracts in the same manner as owner's policies. Whenever any agent or insurer is issuing any policy of title insurance in conjunction with a closing of a transfer of title to property to a new owner or owners, the agent or insurer shall furnish

the new owner or owners with a NM form 9, notice of availability of owner's title insurance, containing all of the required information available at that time and shall request said owner or owners to sign said form and indicate whether or not they desire an owner's policy. Said agent or insurer shall maintain copies of said forms with copies of the loan policy for at least two (2) years whenever an owner's policy is declined by the owner(s).

C. A short form residential loan policy, NM form 63, shall be considered a loan policy and shall be subject to the applicable rules and rates relating to loan policies, except as expressly provided in the short form residential loan policy, or in rules expressly referring to the short form residential loan policy. An insurer may, in its discretion, issue the short form residential loan policy upon request of the proposed insured if the real property encumbered by the lien of the insured mortgage is one to four family residential property. Each insurer shall establish written instructions and underwriting standards for the issuance of the short form residential loan policy. An insurer may not issue the short form residential loan policy unless it complies with the requirements of the New Mexico Insurance Code, NMSA 1978 Chapter 59A, Article 30, and Title 13, Chapter 14 of the New Mexico Administrative Code relating to available funds. An insurer may not issue the short form residential loan policy if the loan secured by the lien of the insured mortgage is a construction loan. Any of the schedule B affirmative insurance provisions may be removed from or modified in schedule B if the insurer does not consider the risk acceptable by including an exception on the schedule B addendum to the short form residential loan policy. The following rules shall apply to the standards exceptions when a short form residential loan policy is issued:

(1) all of the standard exceptions that are included in a standard loan policy, except standard exception 9, shall be included in the short form residential loan policy in the schedule B addendum;

(2) the standard exceptions in the short form residential loan policy may be modified or deleted, in whole or in part, in the same manner as they are in the standard loan policy, subject to the same rules and premiums applicable to the standard loan policy.

13.14.7.22 FORECLOSURE GUARANTEE POLICY: A foreclosure guarantee policy (NM form 41) and, if desired, a down date endorsement (NM form 42) may be issued upon receipt of a bona fide order from an attorney, trustee,

mortgagee or their agent in anticipation of the filing of an action to judicially foreclose a mortgage, deed of trust or other lien or security instrument encumbering title to real property in New Mexico. No binder shall be issued in connection with said policy. ~~[The premium required pursuant to 13.14.9.28 NMAC shall be paid upon issuance and delivery.]~~ The amount of coverage shall be equal to the amount of the unpaid principal indebtedness due under the lien or note secured by the security instrument to be foreclosed. The policy shall be furnished solely for the purpose of facilitating the filing of the action referred to in schedule A of the policy. The promulgation of this form shall not preclude, nor affect, the issuance of a title search and report by an agent.

13.14.7.24 PERMISSIBLE MODIFICATION - STANDARD EXCEPTION 7: Standard exception 7 may be modified to allow deletion of all language with the exception of the words "water rights, claims and title to water."

13.14.7.25 TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS - STANDARD EXCEPTION 8: Upon request of the insured, upon being paid the premium provided for in 13.14.10.46 NMAC, and upon being furnished with a satisfactory search of the appropriate records, if any, the standard exception numbered 8 in Subsection A of 13.14.5.9 NMAC may be deleted in its entirety from a loan policy, leasehold owner's policy, or leasehold loan policy.

**NEW MEXICO PUBLIC
REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.8 NMAC is amended to add 2 new sections, effective July 1, 2004:

13.14.8.24 FOUNDATION ENDORSEMENT: The foundation endorsement, NM form 61, may be attached to loan policies and/or construction loan policies provided the premium in 13.14.10.44 NMAC is paid and a satisfactory survey is furnished showing that the location of the foundation is within the land described in the policy. With respect to paragraphs 2 and 3 of the endorsement, if there is a violation of the covenants, conditions, or restrictions, or there is an encroachment into any easement shown by the survey, describe it; otherwise insert "none." If the lender requests affirmative coverage, the affirmative coverage language set forth in Subsection D of

13.14.18.11 NMAC may be added to the respective paragraph. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

13.14.8.25 ASSIGNMENT OF RENTS/LEASES ENDORSEMENT: The assignment of rents/leases endorsement, NM form 62, may be attached to a New Mexico loan policy or leasehold loan policy, provided the premium in 13.14.10.45 NMAC is paid. This endorsement may not be attached to policies insuring residential property containing four or fewer dwelling units. Each insurer shall establish written instructions and underwriting standards concerning the use of this endorsement.

**NEW MEXICO PUBLIC REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.9 NMAC Sections 18 and 28 are amended effective July 1, 2004.

13.14.9.18 PREMIUM RATES FOR ORIGINAL OWNER'S POLICIES: The following schedule of premium rates for original owner's policies shall be in effect from July 1, ~~2003~~ 2004 until modified by the superintendent:

Liability Charge Up to:	Total Charge:	Liability Charge Up to:	Total Charge:	Liability Charge Up to:	Total Charge:
10,000	[194]190	24,000	[319]313	38,000	[424]416
11,000	[203]199	25,000	[327]320	39,000	[431]422
12,000	[210]206	26,000	[334]327	40,000	[439]430
13,000	[220]216	27,000	[345]338	41,000	[445]436
14,000	[229]224	28,000	[349]342	42,000	[453]444
15,000	[239]234	29,000	[356]349	43,000	[460]451
16,000	[247]242	30,000	[364]357	44,000	[467]458
17,000	[256]251	31,000	[371]364	45,000	[475]466
18,000	[264]259	32,000	[380]372	46,000	[482]472
19,000	[273]268	33,000	[386]378	47,000	[491]481
20,000	[282]276	34,000	[393]385	48,000	[498]488
21,000	[291]285	35,000	[401]393	49,000	[504]494
22,000	[300]294	36,000	[408]400	50,000	[512]502
23,000	[310]304	37,000	[417]409		

For amounts of insurance (in thousands)	Portion of rate (per thousand) subject to agent commission add	Agent retention percentage	Additional rate per \$1000 to be collected on policy amounts in excess of \$10 million (solely for underwriter)	Total Charged to Consumer
over \$50 to \$100	\$ [6.22]6.10	78-80%		\$ [6.22]6.10
over \$100 to \$500	\$ [4.90]4.80	78-80%		\$ [4.90]4.80
over \$500 to \$2,000	\$ [3.85]3.77	78-80%		\$ [3.85]3.77
over \$2,000 to \$5,000	\$ [3.09]3.03	75%		\$ [3.09]3.03
over \$5,000 to \$10,000	\$ [2.57]2.52	70%		\$ [2.57]2.52
Over \$10,000 to \$25,000	\$ [2.20]2.16	65%	\$ 0.25	\$ [2.45]2.41
over \$25,000 to \$50,000	\$ [1.92]1.88	60%	\$ 0.25	\$ [2.17]2.13
over \$50,000	\$ [1.53]1.50	50%	\$ 0.25	\$ [1.78]1.75

13.14.9.28 SINGLE ISSUE FORECLOSURE GUARANTEE POLICY: The premium for a foreclosure guarantee policy shall be ~~eighty percent (80%)~~ fifty-five percent (55%) of the full basic premium rate according to the schedule in effect as of the date of the policy. If an owner's policy is issued following completion of the foreclosure, ~~the premium shall be determined pursuant to the Re-Issue Rates promulgated under 13.14.9.35 NMAC~~ the owner's policy shall qualify for a re-issue rate of fifty-five percent (55%) of the full basic premium rate. All liability insured above this amount of the foreclosure guarantee policy for a new owner's policy must be computed at the basic premium rates in the applicable bracket. If the litigation is terminated by the security instrument being reinstated, and a new owner's policy is issued to a new purchaser within one year of the date of the foreclosure guarantee policy, fifty percent (50%) of the premium paid

for the foreclosure guarantee policy shall be credited toward the new owner's policy premium.

**NEW MEXICO PUBLIC REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.10 NMAC Section 13 is amended and new sections 44, 45, and 46 are adopted effective July 1, 2004.

13.14.10.13 MANUFACTURED HOUSING ENDORSEMENT: ~~[A] When a manufactured housing endorsement, NM form 16, [may be] is issued [at the same time as and attached to a policy for no additional premium. Should any such endorsement be issued at the request of the insured subsequent to the issuance of the policy it endorses], the premium for each endorsement [issued is twenty-five dollars (\$25.00)] shall be fifty dollars (\$50.00) in addition to the premium charged for the policy whether the endorsement is attached at issuance of the policy or thereafter.~~

13.14.10.44 FOUNDATION ENDORSEMENT: When a foundation endorsement, NM form 61, is issued pursuant to 13.14.8.24 NMAC, the premium for each endorsement shall be twenty-five dollars (\$25.00) for one-to-four family residential policies and fifty dollars (\$50.00) for commercial policies in addition to the premium charged for the policy.

13.14.10.45 ASSIGNMENT OF RENTS/LEASES ENDORSEMENT: When an assignment of rents/leases endorsement, NM form 62, is issued pursuant to 13.14.8.25 NMAC, the premium for each endorsement shall be one hundred dollars (\$100.00) in addition to the premium charged for the policy.

13.14.10.46 PERMISSIBLE DELETION OF STANDARD EXCEPTION 8: The premium for deletion of standard exception 8 from a loan policy, leasehold loan policy, or construction loan policy shall be twenty-five dollars (\$25.00) in addition to the premium charged for the policy.

**NEW MEXICO PUBLIC REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.16 NMAC Sections 28, 30, and 31 are amended effective July 1, 2004:

13.14.16.28 SCHEDULE K - INDEPENDENT AUDITORS' REPORT:

NEW MEXICO TITLE INSURANCE AGENT'S EXPERIENCE REPORT
Calendar Year Ending December 31, 20__

SCHEDULE K - INDEPENDENT AUDITORS' REPORT

We (I) have audited the accompanying Schedules A, B, C, D, E, F, H, I, and J of the New Mexico Title Insurance Agent's Experience Report of ~~the (insert name of agency or insurer)(a _____ corporation)~~ ~~[insert name of agent]~~ for the year ended December 31, 20__. These schedules are the responsibility of the ~~[Company's]~~ ~~Agent's~~ management. Our responsibility is to express an opinion on these ~~[schedules]~~ financial statements based on our audit.

We conducted our audit in accordance with ~~[generally accepted]~~ auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the ~~[schedules]~~ financial statements are free of material misstatements. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the ~~[schedules]~~ financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

~~[These]~~ The schedules referred to above were prepared in conformity with the accounting practices prescribed ~~[or permitted by the State of New Mexico Department of Insurance]~~ by the Superintendent of Insurance, which is a comprehensive basis of accounting other than ~~[generally accepted]~~ accounting principles generally accepted in the United States of America. The presentation of these schedules is not intended to be a complete presentation of [insert name of agent]'s financial position as of December 31, 20__ or its resulting operations for the year then ended.

In our opinion, the schedules referred to above present fairly, in all material respects, the financial information required by the New Mexico ~~[Department of Insurance]~~ Public Regulation Commission Insurance Division of the ~~[insert name of [agency or insurer] agent]~~ for the year ended December 31, 20__, on the basis of the accounting practices described above.

A copy of our most recent Peer Review Report is attached ~~[and incorporated in this report by reference]~~.

This report is intended solely for the information and use of the ~~[board of directors and]~~ management of the ~~[insert name of [agency or insurer] agent]~~ and for filing with the New Mexico ~~[Department of Insurance]~~ Public Regulation Commission Insurance Division and is not intended to be and should not be used ~~[for any other purpose]~~ by anyone other than these specified parties.

Name of CPA ~~[and/or]~~ Firm: _____

~~[By]~~ Date of Auditor's Report: _____ ~~[-(Principal)]~~

13.14.16.30 QUESTIONNAIRE:

**AGENT'S EXPERIENCE REPORT
QUESTIONNAIRE**

For The Calendar Year Ending December 31, ~~[19__]~~ **20__**

1	Name of Agency	
2	Federal Employers Identification Number	
3	New Mexico License Number	
4	Address	
5	City and Zip	
6	Contact Person	
7	Telephone Number	
8	County	
9	Affiliation. Check all that apply.	<input type="checkbox"/> Part ownership by an underwriter <input type="checkbox"/> Part ownership by a realtor or real estate agency <input type="checkbox"/> Part ownership by a real estate developer <input type="checkbox"/> Part ownership by a mortgage lender <input type="checkbox"/> Part ownership by an attorney <input type="checkbox"/> None of the above
10	Type of agency. Check one.	<input type="checkbox"/> Independent agent <input type="checkbox"/> Agent with minority ownership by an underwriter <input type="checkbox"/> Agent with majority ownership by an underwriter <input type="checkbox"/> Other (please explain)
11	If there is any ownership by an underwriter, are any agency revenues and expenses included in the Underwriter Experience Report?	<input type="checkbox"/> No <input type="checkbox"/> Yes - fully consolidated <input type="checkbox"/> Yes - partially consolidated (please explain)
12	If there is any ownership by an underwriter, are there any underwriter operations on site?	<input type="checkbox"/> Policy service <input type="checkbox"/> Underwriting <input type="checkbox"/> Claims <input type="checkbox"/> Other (please explain)
13	If there is any ownership by an underwriter, are there any services provided to the agency or expenses paid by the underwriter?	<input type="checkbox"/> Rents <input type="checkbox"/> Salaries <input type="checkbox"/> Overhead <input type="checkbox"/> Other (please explain)
14	Some title agencies have office facilities, employees, supplies, and accounting functions used in conjunction with other business activities. Indicate with an "X" any operation your agency has with a non-title operation.	<input type="checkbox"/> None <input type="checkbox"/> Attorney / law firm <input type="checkbox"/> Lending institution <input type="checkbox"/> Real estate broker <input type="checkbox"/> Survey / engineering <input type="checkbox"/> Tax service <input type="checkbox"/> Other (please explain)
15	How do you allocate expenses shared by the title agency and the other operations? Please check each allocation method used.	<input type="checkbox"/> No shared operations <input type="checkbox"/> Gross revenues <input type="checkbox"/> Square footage <input type="checkbox"/> Time studies <input type="checkbox"/> Assets <input type="checkbox"/> Other (please explain)
16	Is the "Agent's Experience Report" consolidated with any other agency or affiliate? If yes, please list.	

17	Has the agency commenced operations, ceased operations or merged with another entity during the year? If yes, please explain.	
18	Tax year [ending] end date	
19	Tax status at year-end. Check one.	<input type="checkbox"/> C-corporation <input type="checkbox"/> S-corporation <input type="checkbox"/> General partnership <input type="checkbox"/> [Limited Liability Partnership] Limited liability company (multi-member) <input type="checkbox"/> Limited liability company (single member) <input type="checkbox"/> Sole proprietor <input type="checkbox"/> Other
20	Did a CPA prepare the Agent's Experience Report provided to the [Department of] Insurance Division?	<input type="checkbox"/> Yes <input type="checkbox"/> No
21	Does the Agent's Experience Report reconcile to the agency's Federal Income Tax return?	<input type="checkbox"/> Yes <input type="checkbox"/> No
[22]	What is the basis of depreciation of assets used in the Agent's Experience Report?	<input type="checkbox"/> Same as Federal Income Tax <input type="checkbox"/> Cash basis (no depreciation) <input type="checkbox"/> Other (Please explain)
[23] <u>22</u>	Please explain any unusual event or feature of your data submission that may have an impact on its usefulness for title insurance rate determination.	
[24] <u>23</u>	What changes would you recommend to the data call?	

13.14.16.31 SCHEDULE L - INDEPENDENT ~~[AUDITOR'S]~~ ACCOUNTANTS' ESCROW SERVICES COMPLIANCE REPORT:

NEW MEXICO TITLE INSURANCE AGENT'S EXPERIENCE REPORT
 Calendar Year Ending December 31, 20__

SCHEDULE L - INDEPENDENT ~~[AUDITOR'S]~~ ACCOUNTANTS' ESCROW SERVICES COMPLIANCE REPORT

To [insert name of agent]

~~[We have audited the accompanying Schedules A, B, C, D, E, F, G, H, I, and J of the New Mexico Title Insurance Agent's Experience Report for (name of the title insurance agent or title insurer) for the year ended December 31, 20__ and have issued our report thereon dated (date of audit of report). We conducted our audit in accordance with generally accepted auditing standards.~~

~~As part of obtaining reasonable assurance about whether (name of title insurance agent or title insurer) Agent's Experience Report is free of material misstatement, we performed tests of its compliance with certain provisions of NMSA 1978 Sections 59A-12-22 and 59A-30-4 and 13.14.4 NMAC, Escrow Services, related to the company's escrow services. In our opinion, the company's escrow services, in all material respects, meet the compliance requirements of NMSA 1978, Sections 59A-12-22 and 59A-30-4 and 13.14.4 NMAC, Escrow Services.]~~

We have examined [insert name of agent]'s compliance with the provisions of NMSA 1978 Sections 59A-12-22 and 59A-30-4, and 13.14.4 NMAC, Escrow Services relating to escrow services provided during the period January 1, 20__ through December 31, 20__. Management is responsible for [insert name of agent]'s compliance with those requirements. Our responsibility is to express an opinion on [insert name of agent]'s compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about [insert name of agent]'s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination of [insert name of agent]'s compliance with specific requirements.

In our opinion, [insert name of agent]'s complied, in all material respects, with the aforementioned requirements during the period January 1, 20__ through December 31, 20__.

This report is intended solely for the information and use of the ~~[board of directors and]~~ management of ~~[(name of [title insurance agent or title insurer]) [insert name of agent] and for [filing with the Superintendent of Insurance] the New Mexico Public Regulation Commission, Insurance Division, and is not intended to be and should not be used [for any other purpose] by anyone other than these specified parties.~~

Name of CPA ~~and/or~~ Firm: _____

[By] Date of Accountant's Report: _____ [(Principal)]

**NEW MEXICO PUBLIC
REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.17 NMAC Sections 9, 24, and 29 are amended effective July 1, 2004.

13.14.17.9 TYPES OF OPERATIONS AND ALLOCATION METHODS:

A. Direct agency operations are those parts of the underwriter's business ~~which~~ that directly issue title insurance commitments, policies and forms.

B. Affiliated companies. An affiliated company is a company that is owned or controlled by the title underwriter or is under joint ownership or control by a common parent. Those companies that are "subsidiary, controlled or affiliated" as defined in the rules established by the NAIC for the statutory annual statement reporting, schedule D, are defined to be "affiliated" for the purposes of the underwriter's experience report. If the ownership status of the agency changed during the reporting period, list revenue and expense for that part of the period for which the agency was affiliated with the underwriter.

C. Expense allocations between title insurance operations and non-regulated operations. Title insurance operations are operations directly related to the business of title insurance, as defined in Subsection B of NMSA 1978 Section 59A-30-3. Non-regulated operations are operations related to charges, income and expenses, as defined in Subsection C of NMSA 1978 Section 59A-30-3. Income and expense from each of these two categories of operations should be shown in their respective columns. If expenses are applicable to both types of operations, acceptable and reasonable allocations should be made.

[C]D. General underwriting expenses are all expenses incurred in the conduct of the business of title insurance other than loss adjustment expenses, investment expenses or agency expenses. These types of expenses are typically incurred for both (1) independent agency operations and (2) direct or affiliated agency operations and a reasonable allocation of general underwriting expenses should be made for each of these categories.

[D]E. Expense allocation among operations: Income and expense from each of the operations should be shown in their respective columns. If expenses are applicable to two or more of

the operations, acceptable and reasonable allocations should be made. If you can allocate expenses on a direct method, that is, if you can determine the exact expense for each operation, then the expenses should be allocated directly. Allocation of salaries shall be on a direct basis applying salaries to the function or functions each individual employee performs. Allocations for the expense of other occupancy cost shall be made on a square footage basis. Allocations based on a percentage of revenue should not be used for salaries, rent or occupancy expenses and are generally inappropriate for all types of expenses unless shown to be accurate. Each expense should be allocated separately and expenses do not necessarily have to be allocated to all columns. If an expense is only applicable to two operations, then it should be allocated to only those two operations.

[E]E. Allocations by state. Each company must prepare an income and expense summary and balance sheet summary for its New Mexico operations for each year. Allocation to New Mexico must be in accordance with the uniform financial reporting plan of the American land title associations (ALTA). These summaries must be prepared based on standard worksheets contained in the ALTA uniform financial reporting plan. In addition to preparing the plan forms, each participating company group should maintain adequate backup documentation for all its allocation procedures, and should be prepared to reconcile its entries with similar entries on all other filed documents, including the annual statement. Reconcilability does not mean that all entries must be identical; rather, it means that differences must be identified and explained. The following guidelines shall be observed in the preparation of the New Mexico income statement and balance sheet.

(1) Consolidation. The fundamental reporting unit for the plan is the group, defined as all title insurers under common majority ownership or control. A full consolidation for both the income statement and the balance sheet of all companies within the group must be performed to eliminate all inter-group transactions and/or holdings. Minority interest in income and equity in companies included in the consolidation is not to be eliminated but will be included in consolidated income and net worth.

(2) Allocation. The plan does not mandate allocation rules except for certain items of non-operating income and expense and certain items on the balance sheet.

However, it does require that consistent allocation rules be used, and to that end draws a distinction throughout between items which are identifiable and those which are non-identifiable as to operations in a single jurisdiction. Participants in the plan must eliminate all identifiable items from the total pool and carry out consistent allocation procedures for each non-identifiable residual item in order to obtain the individual jurisdiction "loadings." The sum of the allocations to all jurisdictions for each non-identifiable item must equal the consolidated total for that item. The investment portfolio and its attendant income are strictly non-identifiable as to the state, as are all liabilities, surplus and other funds with the exception of loss reserves, statutory reserves, and possibly some short-term payables or prepayments.

(3) Summarization. The plan forms used for consolidation and allocation maintain a level of detail comparable to annual statement reporting. In order to use the results of these steps in economic analysis, it is useful to group various financial quantities into aggregates. Thus, the consolidation and allocation forms really serve as worksheets ~~which~~ that form the backup documentation for the summary forms.

13.14.17.24 FORM 1 - INCOME STATEMENT:

[Please see Statement on page 276.]

UNDERWRITERS EXPERIENCE REPORT
FORM 1 - INCOME STATEMENT
For Calendar Year Ending December 31, [49]20__
New Mexico Experience Only - Excludes Investment Income

Name of Underwriter:			
NAIC Code:			
f	Underwriting Operations For Independent & Affiliated Agents (1)	Direct Or Affiliated Agent Operations (2)	Total (3)
Revenue:			
1. Total Title Insurance Premiums			0
2. Closing Fees			0
3. Abstract Fees			0
4. Other Income			0
5. Reinsurance Assumed			0
6. Reinsurance Ceded			0
7. Net Increase in Premium Reserve			0
8. Net Revenue Earned (1+2+3+4+5+6+7)	0	0	0

Expense:			
9. Net Loss & LAE Incurred			0
10. Agent's Retentions			0
11. Other Identifiable Expenses			0
12. Non Identifiable Expenses			0
13. Total Operating Expense	0	0	0

Profit:			
14. Net Operating Profit (Loss) Before Tax	0	0	0

	UNDERWRITING OPERATIONS FOR			Total (4)
	Independent Agents (1)	Direct or Affiliated Agents		
Revenue:		Title Insurance Operations (2)	Non-Regulated Operations (3)	
1. Total Title Insurance Premiums			N/A	
2. Premium Retained by Agents			N/A	
3. Premium Remitted to Underwriter (1-2)			N/A	
4. Closing, Escrow, & Abstract Fees (direct only)	N/A	N/A		
5. Aggregate Write-Ins for Other Operating Income		N/A		
6. Direct Retained Revenue (3+4+5)				

Expense:				
7. Loss and Loss Adjustment Expense Incurred				
A. Policyholder Claims and Allocated LAE			N/A	
B. Unallocated Loss Adjustment Expense			N/A	
C. Non-Policyholder Claims	N/A		N/A	
8. Increase in Direct Premium Reserve			N/A	
9. Personnel Costs				
10. Production Services (Purchased Outside)	N/A			
11. Advertising				
12. Boards, Bureaus, and Associations				
13. Title Plant Rent and Maintenance	N/A			
14. Claim Adjustment Services			N/A	
15. Amounts Charged Off Net of Recoveries			N/A	

16. Marketing and Promotional Expenses				
17. Insurance				
18. Directors' Fees				
19. Travel and Travel Items				
20. Equipment				
21. Printing, Stationery, Books & Periodicals				
22. Postage, Telephone, Messenger & Express				
23. Legal and Auditing				
24. Taxes, Licenses & Fees				
25. Real Estate Expenses and Taxes				
26. Aggregate Write-Ins for Miscellaneous Expenses				
27. Total Operating Expense (sum 7 to 26)				
Profit Excluding Investment Income:				
28. Net Operating Profit (Loss) Before Tax (6 -27)				

NOTE:

A. The experience shown should be direct as to reinsurance.

B. Expense classifications follow Part 4 of the Annual Statement

C. Use Column (1) to report underwriter operations in support of independent agents.

Use Columns (2) and (3) to report underwriter direct operations in total (premium 100% retained by underwriter) plus underwriter operations in support of affiliated agents. The experience of the affiliated agents is not included here; it is shown with agent operations.

D. A policy is issued directly when the insurer issues the policy without engaging the services of an agent.

E. Affiliated Agencies. An affiliated agency is a company that is owned or controlled by the title underwriter or is under joint ownership or control by a common parent. Those companies that are "subsidiary, controlled or affiliated," as defined by the rules established by the NAIC for the statutory annual statement reporting, Schedule D, are defined to be "affiliated" for the purposes of the Underwriters Experience Report.

13.14.17.29 FORM 6 - TRANSACTION REPORT:

UNDERWRITERS EXPERIENCE REPORT FORM 6 - TRANSACTION REPORT For Calendar Year Ending December 31, 20__ New Mexico Experience Only					
Name of Underwriter:					
NM Form No.	Transaction code	Transaction Type	NMAC Rate Provision	No. of Transactions (1)	Premiums (2)
none	0001	Charge for Additional Chain of Title	13.14.9.16		
none	0002	Charge for Unplatted Tract of Unusual Complexity	13.14.9.16		
none	0003	Abstract Retirement Credit	13.14.9.24		
none	0004	Loan Policy Insuring Construction Policy - Mechanic's Lien Coverage With Evidence Of Priority	13.14.9.40G		
none	0005	Loan Policy Insuring Construction Policy - Mechanic's Lien Coverage Without Evidence Of Priority	13.14.9.40G		
none	0006	Owner's Policy - Mechanic's Lien Coverage - Filing Period Expired	13.14.10.9A		
none	0007	Owner's Policy - Mechanic's Lien Coverage - Filing Period Not Expired	13.14.10.9B		
none	0008	Survey Coverage Endorsement	13.14.10.10		
none	0009	Duplicate Original Policy	13.14.9.33		
none	0010	Navigable Streams, Lakes, etc. - Standard Exception 6	13.14.10.29		
none	0011	Permissible Modification - Standard Exception No. 7	13.14.10.35		
none	0012	Waiver of Arbitration	none		NC
none	0013	Cancellation Fee	13.14.9.19B		
none	0014	Permissible Deletion - Standard Exception No. 8	13.14.10.46		

1	0101	Owner's Policy	13.14.9.20		
1	0102	Owner's Policy - With Bulk Rate	13.14.9.23		
1	0103	Multiple Owner's on Same Land - Simultaneous Issue	13.14.9.32		
1	0104	Replacement Owner's Policy	13.14.9.26		
1	0110	Owner's Policy - Reissue (10% Discount)	13.14.9.35		
1	0115	Owner's Policy - Reissue (15% Discount)	13.14.9.35		
1	0120	Owner's Policy - Reissue (20% Discount)	13.14.9.35		
1	0125	Owner's Policy - Reissue (25% Discount)	13.14.9.35		
2	0201	Loan Policy - Single Issue	13.14.9.22		
2	0202	Loan Policy - Simultaneous Issue with Owner's Policy	13.14.9.30		
2	0203	Loan Policy - Second Mortgage or Subsequent Issue	13.14.9.36		
2	0204	Replacement Loan Policy	13.14.9.26		
2	0205	NMMFA "HELP" Program Simultaneous Issue Rate	13.14.9.34		
2	0240	Loan Policy - Substitution Rate (less than 2 years - 40%)	13.14.9.39		
2	0245	Loan Policy - Substitution Rate (more than 2 years, less than 3 - 45%)	13.14.9.39		
2	0250	Loan Policy - Substitution Rate (more than 3 years, less than 4 - 50%)	13.14.9.39		
2	0255	Loan Policy - Substitution Rate (more than 4 years, less than 5 - 55%)	13.14.9.39		
2	0260	Loan Policy - Substitution Rate (more than 5 years, less than 6 - 60%)	13.14.9.39		
2	0265	Loan Policy - Substitution Rate (more than 6 years, less than 7 - 65%)	13.14.9.39		
2	0270	Loan Policy - Substitution Rate (more than 7 years, less than 8 - 70%)	13.14.9.39		
2	0275	Loan Policy - Substitution Rate (more than 8 years, less than 9 - 75%)	13.14.9.39		
2	0280	Loan Policy - Substitution Rate (more than 9 years, less than 10 - 80%)	13.14.9.39		
3	0300	Construction Loan Policy	13.14.9.40A		
6	0600	Commitment for Title Insurance	13.14.9.19A		
7	0700	U.S. Policy, ALTA 1963	13.14.9.25		
9	0900	Notice of Availability of Owner's Title Insurance	none		NC
10	1000	Facultative Reinsurance Agreement	none		NC
11	none	Correction/Multipurpose Endorsement	13.14.8.8	none	NC per se
11	1101	Construction Loan Extension Endorsement	13.14.9.40B		
11	1102	Pending Disbursement Clause - Subsequent Attachment	13.14.9.40F		
11	1103	Pending Disbursement Clause - Simultaneous Insertion or Attachment	13.14.9.40F		NC
11	1104	Correction Endorsement	13.14.10.17		
11	1105	Renewal, Extension, Modification & Partial Release Endorsement.	13.14.10.20		
11	1106	Extension of Commitment for Title Insurance	13.14.9.19A		
11	1108	Increase in Coverage	13.14.6.8D		
12	1200	Condominium Endorsement to Loan Policy	13.14.10.14		
13	1300	Planned Unit Development Endorsement	13.14.10.15		
14	1400	Variable Rate Mortgage Endorsement	13.14.10.12		
15	1500	Variable Rate Mortgage Endorsement (Negative Amortization)	13.14.10.12		
16	1601	Manufactured Housing Unit End. - Simultaneous Insertion or Attachment	13.14.10.13		
16	1602	Manufactured Housing Unit End. - Subsequent Attachment	13.14.10.13		
17	1700	Revolving Credit Endorsement	13.14.10.12		
18	1800	Construction Loan Policy Endorsement A	13.14.9.40D		
19	1900	Construction Loan Policy Endorsement D	13.14.9.40E		
20	2001	Leasehold Owner's Endorsement (to create policy)	13.14.10.19		NC
20	2002	Leasehold Loan Policy - Simultaneous Issue with Owner's Policy	13.14.9.31		
20	2003	Leasehold Loan Policy - Subsequent Issue	13.14.9.31		
20	2010	Leasehold Owner's Policy - Reissue (10% Discount)	13.14.9.35		
20	2015	Leasehold Owner's Policy - Reissue (15% Discount)	13.14.9.35		
20	2020	Leasehold Owner's Policy - Reissue (20% Discount)	13.14.9.35		
20	2025	Leasehold Owner's Policy - Reissue (25% Discount)	13.14.9.35		
21	2100	Leasehold Loan Endorsement (to create policy)	13.14.10.19		NC
22	2200	Pending Disbursement Down Date Endorsement	13.14.10.18		
23	2300	Pending Improvements Endorsement	13.14.10.23		
24	2401	Assignment of Mortgage Endorsement - Within 6 Months	13.14.10.8		
24	2402	Assignment of Mortgage Endorsement - Beyond 6 Months	13.14.10.8		
25	2500	Additional Advance Endorsement	13.14.10.11		
26	2600	Partial Coverage Endorsement	none		NC
27	2700	U. S. Policy, ALTA 1963 Down Date Endorsement	13.14.10.16		
28	2800	Non-Imputation Endorsement	13.14.10.21		
29	2900	Environmental Protection Lien Endorsement	13.14.10.22		
30	3000	Condominium Endorsement to Owner's Policy	13.14.10.24		

31	3100	Owner's Leasehold Conversion Endorsement	13.14.9.38		
32	3200	Coordinate and Proportionate Endorsement	none		NC
33	3300	Change of Name Endorsement	none		NC
34	3400	U.S. Policy, ALTA 1991	13.14.9.25		
36	3600	Limited Title Search Policy (LTSP)	13.14.9.27		
37	3700	Continuation Endorsement for LTSP	13.14.10.25		
38	3800	Revolving Credit, Variable Rate Endorsement For LTSP	13.14.10.26		
39	3900	Lenders' Creditors' Rights Endorsement	13.14.10.28		
40	4000	Owner's Creditors' Rights Endorsement	13.14.10.27		
41	4101	Foreclosure Guarantee Policy (80% rate)	13.14.9.28		
41	4102	Foreclosure Guarantee Policy (50% rate)	13.14.9.28		
42	4200	Foreclosure Guarantee Policy Down Date Endorsement	13.14.10.18		
43	4300	Insuring Around Endorsement	none		NC
44	4400	Revolving Credit, Increased Credit Limit Endorsement	13.14.10.30		
45	4500	Residential Limited Coverage Junior Loan Policy	13.14.9.29		
46	4600	Down Date End. to Residential Limited Coverage Junior Loan Policy	13.14.10.32		
47	4700	Revolving Credit, Variable Rate Endorsement to Residential Limited Coverage Junior Loan Policy	13.14.10.33		
48	4800	Truth-in-Lending Endorsement	13.14.10.31		
50	5000	Restrictions, Encroachments and Minerals Endorsement	13.14.10.34		
51	5100	Land Abuts Street Endorsement	13.14.10.36		
52	5200	Designation of Improvements, Address Endorsement	13.14.10.37		
53	5300	Same as Survey Endorsement	13.14.10.38		
54	5400	Contiguity of Parcels Endorsement	13.14.10.39		
55	5500	Named Insured Endorsement	13.14.10.40		
56	5600	Restrictions, Encroachments, & Minerals Endorsement-Unimproved Land	13.14.10.34		
57	5700	Restrictions, Encroachments, & Minerals Endorsement-Improved Land	13.14.10.34		
58	5800	First Loss Endorsement	13.14.10.41		
59	5900	Last Dollar Endorsement	13.14.10.42		
60	6000	Loan Policy Aggregation Endorsement	13.14.10.43		
61	6100	Foundation Endorsement	13.14.10.44		
62	6200	Assignment of Rents/Leases Endorsement	13.14.10.45		
63	6300	Short Form Residential Loan Policy	13.14.9.22		

**NEW MEXICO PUBLIC
REGULATION
COMMISSION
INSURANCE DIVISION**

13.14.18 NMAC Sections 11, 13, and 48 are amended and new sections 74, 75, and 76 are adopted effective July 1, 2004.

13.14.18.11 ADDITIONAL AFFIRMATIVE COVERAGES:

A. When issuing a commitment for an owner's or loan policy, or issuing an owner's or loan policy, exceptions as to easements, rights-of-way, and restrictions must detail any matters of violation, protrusion, encroachment or overlap on to easement, right-of-way, adjacent property, building set back lines or other violated restriction, which are revealed by an inspection or survey of the property.

B. In the case of commitments issued for loan policies (construction and permanent), and in the issuance of said loan policies, but not in the case of commitments for owner's policies, leasehold owner's policies and contract purchaser's policies, or the issuance of said policies, when there are no violations of restrictions the following language may be added to

each such restriction exception: "These (or this) restriction(s) have (has) not been violated, and a future violation thereof shall not cause a forfeiture or reversion of title and will not affect the validity or priority of the lien of the mortgage herein insured. This assurance does not extend to restriction(s) relating to environmental protection unless a notice of a violation thereof has been recorded or filed in the public records and is not referenced in schedule B. However, this policy insures that any violation of these (or this) restriction(s) relating to environmental protection shall not cause a forfeiture or reversion of title and will not affect the validity or priority of the lien of the mortgage insured herein."

C. Alternatively, and only in commitments for or the issuance of loan policies, when there are violations revealed, the following language may be added to each such restriction exception: "These (or this) restrictions(s) have (has) been violated in that (insert language stating what violation(s) exist(s)). This (or these) violation(s) will not cause a forfeiture or reversion of title and will not affect the validity or priority of the lien of the mortgage herein insured. This assurance does not extend to restriction(s) relating to environmental protection unless a notice of a violation thereof

has been recorded or filed in the public records and is not referenced in schedule B. However, this policy insures that any violation of these (or this) restriction(s) relating to environmental protection shall not cause a forfeiture or reversion of title and will not affect the validity or priority of the lien of the mortgage insured herein."

D. Additionally, and again only in commitments for or the issuance of loan policies, when protrusions, encroachments or overlaps into or upon easements, rights-of-way, adjacent property, the property to be insured, or building set-back lines (as described in restrictive covenants or plats filed of record) are revealed by a survey, the following paragraph may be added as a separate specific exception: "Encroachment (protrusion or overlap) of the improvements over (on, onto, in, into or upon) the (here describe the easement, right-of-way, adjacent property, the land to be insured, or building set-back line) as shown on a survey prepared by _____ dated _____. This policy insures the insured against loss or damage as defined in this policy by reason of the entry of any final decree entered in a court of competent jurisdiction and of last resort ordering the removal of said improvements presently situate on the land

which constitute the (protrusion, overlap or encroachment)." This affirmative coverage language may be inserted into the foundation endorsement, NM form 61, in accordance with 13.14.10.44 NMAC.

E. Each insurer shall establish its written underwriting requirements necessary to offer these additional affirmative coverages or determine that it does not desire to offer said coverages under any circumstances. No company may provide affirmative coverage by the intentional omission of an exception to any adverse matter disclosed by inspection, or unrecorded survey or other evidence, or by a search and examination of the public records, or by any adverse matter arising by operation of law except as specifically authorized by these rules.

13.14.18.13 APPROVED FORMS: The following are the only title insurance forms promulgated for use in New Mexico:

NM FORM NO.	ALTA FORM NO. & DATE	NAME OF FORM	NMAC NO.
1	10-17-92	Owner's Policy	13.14.18.14
2	10-17-92	Loan Policy	13.14.18.15
3	10-17-92	Construction Loan Policy	13.14.18.16
6		Commitment for Title Insurance	13.14.18.19
7	1963	U.S. Policy	13.14.18.20
8	3-27-87	Closing Protection Letter	13.14.18.21
9		Notice of Availability of Owner's Title Insurance	13.14.18.22
10	9-24-94	Facultative Reinsurance Agreement	13.14.18.23
11		Multipurpose Endorsement	13.14.18.24
12	4, Rev. 6-1-87	Condominium Endorsement	13.14.18.25
13	5, Rev. 6-1-87	P.U.D. Endorsement	13.14.18.26
14	6, Rev. 6-1-87	V.R.M. Endorsement	13.14.18.27
15	6.2, Rev. 6-1-87	V.R.M. Endorsement, Negative Amortization	13.14.18.28
16	7, Rev. 6-1-87	Manufactured Housing Unit Endorsement	13.14.18.29
17		Revolving Credit Endorsement	13.14.18.30
18	A, Rev. 6-1-87	Construction Loan Policy Endorsement A	13.14.18.31
19	D, Rev. 6-1-87	Construction Loan Policy Endorsement D	13.14.18.32
20		Leasehold Owner's Endorsement	13.14.18.33
21		Leasehold Loan Policy Endorsement	13.14.18.34
22		Pending Disbursement Down Date Endorsement	13.14.18.35
23		Pending Improvements Endorsement	13.14.18.36
24		Assignment of Mortgage Endorsement	13.14.18.37
25		Additional Advance Endorsement	13.14.18.38
26		Partial Coverage Endorsement	13.14.18.39
27	1963	ALTA US Policy Down Date Endorsement	13.14.18.40
28		Non-Imputation Endorsement	13.14.18.41
29	8.1, Rev. 3-27-87	Environmental Protection Lien Endorsement	13.14.18.42
30		Condominium Endorsement to Owner's Policy	13.14.18.43
31		Owner's Leasehold Conversion Endorsement	13.14.18.44
32		Coordinate and Proportionate Endorsement	13.14.18.45
33		Change of Name Endorsement	13.14.18.46
34	1991	U.S. Policy	13.14.18.47
35		Notice to Proposed Insured	13.14.18.48
36		Limited Title Search Policy	13.14.18.49
37		Continuation Endorsement	13.14.18.50
38		Revolving Credit, V.R.M. Endorsement	13.14.18.51
39		Lenders Creditor's Rights Endorsement	13.14.18.52
40		Owner's Creditor's Rights Endorsement	13.14.18.53
41		Foreclosure Guarantee Policy	13.14.18.54
42		Foreclosure Guarantee Policy Down Date Endorsement	13.14.18.55
43		Insuring Around Endorsement	13.14.18.56
44		Revolving Credit, Increased Credit Limit Endorsement	13.14.18.57
45	10-19-96	Residential Limited Coverage Junior Loan Policy	13.14.18.58
46	10-19-96	Down Date Endorsement to Residential Limited Coverage Junior Loan Policy	13.14.18.59

47	10-19-96	Revolving Credit/Variable Rate Endorsement to Residential Limited Coverage Junior Loan Policy	13.14.18.60
48	Form 2	Truth-in-Lending Endorsement	13.14.18.61
49		Notice of Availability of Future Increase in Coverage	13.14.18.62
50	Form 9	Restrictions, Encroachments, & Minerals Endorsement	13.14.18.63
51		Land Abuts Street Endorsement	13.14.18.64
52		Designation of Improvement, Street Endorsement	13.14.18.65
53		Same as Survey Endorsement	13.14.18.66
54		Contiguity of Parcels Endorsement	13.14.18.67
55		Named Insured Endorsement	13.14.18.68
56	Form 9.1	Restrictions, Encroachments, & Minerals Endorsement-Unimproved Land	13.14.18.69
57	Form 9.2	Restrictions, Encroachments, & Minerals Endorsement-Improved Land	13.14.18.70
58		First Loss Endorsement	13.14.18.71
59		Last Dollar Endorsement	13.14.18.72
60	<u>Form 12</u>	Loan Policy Aggregation Endorsement	13.14.18.73
61		<u>Foundation Endorsement</u>	<u>13.14.18.74</u>
62		<u>Assignment of Rents/Leases Endorsement</u>	<u>13.14.18.75</u>
63	<u>ALTA 2000</u>	<u>Short Form Residential Loan Policy</u>	<u>13.14.18.76</u>

13.14.18.48 NM FORM 35: NOTICE TO PROPOSED INSURED:**NOTICE TO PROPOSED INSURED
[NM Form 35]**

Name of Purchaser(s): _____
 Commitment No.: _____ Commitment issue date: _____
 Short Description of Property: _____

Name and Telephone Number of Agency/Insurer ("Company"): _____

**READ THIS NOTICE TO FAMILIARIZE YOURSELF
WITH ADDITIONAL COVERAGES AVAILABLE**

The New Mexico Insurance Department requires that this Notice be given in connection with all commitments/binders issued for title insurance owner's policies on one to four residential family properties.

THIS NOTICE SHOULD BE RETURNED TO THE COMPANY AT THE EARLIEST POSSIBLE TIME. IT MUST BE SIGNED NOT LATER THAN CLOSING. FAILURE TO ACT IMMEDIATELY COULD DELAY CLOSING SINCE NO TITLE POLICY CAN BE ISSUED UNTIL THIS DOCUMENT IS SIGNED AND RETURNED TO THE COMPANY.

Standard title insurance policies do not cover certain risks. These risks include the standard exceptions shown on your commitment/binder schedule "B", which will also be part of your policy. Standard Exceptions 1, 2, 3, 4, 5, 6 and 7 (like all the exceptions) limit the coverage under your title policy. However, some of this coverage can be reinstated as described below.

Standard Exception 1 (Parties in Possession) excludes coverage for certain claims of tenants, squatters or other persons who may claim possession of the property. Standard Exception 1 may be deleted and the coverage reinstated if you meet certain requirements. There is no extra premium charge for this coverage, but there may be a charge for inspection of the property.

Do you want this coverage? Yes _____ No _____

Standard Exception 2 (Unrecorded Easements) excludes coverage for easements not shown in the public records. Standard Exception 2 may be deleted and the coverage reinstated if you meet certain requirements. There is no [€] extra premium charge for this coverage, but a survey meeting the insurer's requirements is required and there may be a charge for an inspection.

Do you want this coverage? Yes _____ No _____

Standard Exception 3 (Survey Protection) excludes coverage for any problem [~~which~~] that an accurate survey would show. Without this coverage, your policy won't insure the accuracy of your survey. If your survey turns out to have inaccurately represented items such as boundaries, easements, location of improvements, etc., the standard policy won't cover any harm you suffer as a result of such inaccuracies. Standard Exception 3 may be deleted and the coverage reinstated if you meet certain requirements. The charge for this coverage is 15% of the Owner's Policy premium, and you must provide a survey meeting the insurer's requirements for insurability.

Do you want this coverage? Yes _____ No _____

Standard Exception 4 (Lien Coverage) excludes coverage for certain liens (i.e. claims filed for payment for services and materials provided in connection with the property) not filed in the public records on the policy date. Standard Exception 4 may be deleted and the coverage reinstated if you satisfy certain requirements. The charge for this coverage is \$~~32~~25 if the statutory time limit for filing a lien has expired. If the time limit has not expired, the charge is \$3.00 for each \$1,000 of insurance. In either case, you will have to provide information [~~which~~] that the company requires, and the Buyer or Seller will be responsible for any cost of providing such information.

Do you want this coverage? Yes _____ No _____

Standard Exception 6 (Any title to lands comprising the shores or bottoms of navigable streams, lakes, etc.) except coverage for title to land that is beneath navigable waters if there are any on the land you are acquiring. Standard Exception 6 may be deleted and the coverage reinstated if the title company is provided a satisfactory survey and upon review of the survey the deletion is authorized by the title insurance underwriter. The charge for this coverage is \$~~32~~25.

Do you want this coverage? Yes _____ No _____

Standard Exception 7 (Unpatented mining claims; water rights, claims or title to water Coverage) excepts coverage for unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water. All of Standard Exception 7 may be deleted except "Water rights, claims or title to water" if the property is subject to such coverage, and certain underwriter requirements are met. The charge for this coverage is \$~~32~~25.

Do you want this coverage? Yes _____ No _____

PLEASE ACKNOWLEDGE YOU HAVE BEEN MADE AWARE THAT YOU MAY INCREASE YOUR TITLE POLICY AMOUNT IF YOU ADD IMPROVEMENTS, OR IF THE VALUE OF YOUR PROPERTY INCREASES OVER TIME, BY REQUESTING AN INCREASE IN COVERAGE AND PAYING THE APPLICABLE PREMIUMS. THIS WILL NOT CHANGE THE TERMS OF THE POLICY OTHER THAN THE AMOUNT.

_____ initial here

Upon the Company's receipt of this signed Notice, it may require that certain information and documents be produced. For example, a survey, inspection, lien waivers, affidavits, financial statements, etc. may be requested. The information requested will vary depending upon what additional coverage you have requested, the insurer's guidelines for issuing such coverage and the particular transaction involved. Providing this information and examining it may extend the length of time needed to close and to prepare your title policy. TO AVOID DELAYS YOU ARE REQUESTED TO FILL OUT, SIGN AND RETURN THIS NOTICE TO THE COMPANY AS SOON AS POSSIBLE, ESPECIALLY IF YOU WANT ANY OF THE ADDITIONAL COVERAGES.

If you need further information concerning cost or requirements for obtaining the coverages only, you should call the Company at the telephone number given at the beginning of this Notice. IF YOU DO NOT UNDERSTAND THE ADDITIONAL COVERAGES, OR WANT TO KNOW IF YOU NEED THESE COVERAGES, YOU ARE ENCOURAGED TO SEEK AN ATTORNEY'S ADVICE. THE CLOSING OFFICER AND THE COMPANY'S PERSONNEL ARE NOT REQUIRED AND MAY NOT BE QUALIFIED TO ANSWER SUCH QUESTIONS.

Purchaser(s) _____ Date _____

13.14.18.74 FOUNDATION ENDORSEMENT:

Foundation Endorsement
Attached to Policy No. _____
Issued By Blank Title Insurance Company
[NM Form 61]

The Company hereby insures the owner of the indebtedness secured by the insured mortgage against loss or damage that the insured shall sustain by reason of:

1. The failure of the foundation of the structure under construction on the land to be within the boundary lines of the land as of the date hereof.
2. The location of the foundation as of the date hereof being in violation of the covenants, conditions, or restrictions referred to in Schedule B as of the date herein, except (describe the violation or state "none").
3. The foundation encroaching as of the date hereof onto any of the easements referred to in Schedule B, except (describe the encroachment or state "none").

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

Dated: _____

BLANK TITLE INSURANCE COMPANY

BY: _____

13.14.18.75 ASSIGNMENT OF RENTS/LEASES ENDORSEMENT:

Assignment of Rents/Leases Endorsement
Attached to Policy No. _____
Issued By Blank Title Insurance Company
[NM Form 62]

The company hereby insures the insured against loss that the insured shall sustain by reason of:

1. any defect in the execution of the document entitled _____ referred to in paragraph _____ of part _____ of Schedule _____; and
2. the existence, as shown by the public records, of any prior assignment of the lessor's interest in the lease or leases specified in such document, including any assignments of rents thereunder, other than as set forth in Schedule B.

This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and of any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

[Witness clause optional]

BLANK TITLE INSURANCE COMPANY

BY: _____

13.14.18.76 SHORT FORM RESIDENTIAL LOAN POLICY:

Short Form Residential Loan Policy - One-to-Four Family
Issued By Blank Title Insurance Company
[NM Form 63]
Schedule A

Amount of Insurance:

[Premium:]

[File Number:]

Mortgage Amount:

Policy Number:

Loan Number:

Mortgage Date:

Date of Policy: _____ or the date of recording of the insured mortgage, whichever is later.

Name of Insured:

Name of Borrower(s):

Property Address:

County and State:

The estate or interest in the land identified in this Schedule A and which is encumbered by the insured mortgage is fee simple and is at Date of Policy vested in the borrower(s) shown in the insured mortgage named above.

The land referred to in this policy is described as set forth in the insured mortgage and is identified as the property address shown above.

This policy consists of [one] page, [including the reverse side] unless an addendum is attached and indicated below:

___ Addendum attached

The endorsements indicated below are incorporated herein:

___ NM Form 12 (ALTA 4), Condominium Endorsement

___ NM Form 13, (ALTA 5), Planned Housing Unit Endorsement

___ NM Form 14 (ALTA 6), Variable Rate Endorsement

___ NM Form 15 (ALTA 6.2), Variable Rate - Negative Amortization Endorsement

___ NM Form 16 (ALTA 7), Manufactured Housing Unit Endorsement

___ NM Form 29 (ALTA 8.1), Environmental Protection Lien Endorsement, referring to the following New Mexico Statute(s):

NMSA 1978 Section(s) _____

[Witness clause optional]

BLANK TITLE INSURANCE COMPANY

BY: _____, President

BY: _____, Secretary

[bracketed material optional]

SUBJECT TO THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B BELOW, AND ANY ADDENDUM ATTACHED HERETO, BLANK TITLE INSURANCE COMPANY, A BLANK CORPORATION, HEREIN CALLED THE "COMPANY," HEREBY INSURES THE INSURED IN ACCORDANCE WITH AND SUBJECT TO THE TERMS, EXCLUSIONS, CONDITIONS AND STIPULATIONS SET FORTH IN THE AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92), (NM Form 2), ALL OF WHICH ARE INCORPORATED HEREIN. ALL REFERENCES TO SCHEDULES A AND B SHALL REFER TO SCHEDULES A AND B OF THIS POLICY.

Schedule B - Exceptions from coverage and affirmative coverage.

Except to the extent of the affirmative insurance set forth below, this policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees, or expenses) which arise by reason of:

1. Those taxes and special assessments that become due and payable subsequent to Date of Policy.
2. Covenants, conditions and restrictions, if any, appearing in public records; however this policy insures against loss ort damage arising from:
 - a. the violation of any covenants, conditions and restrictions on or prior to Date of Policy, except that this affirmative insurance does not extend to covenants, conditions and restrictions relating to environmental protections, unless a notice of a violation thereof has been recorded or filed in the public records and is not referenced in an addendum attached to this policy.
 - b. a forfeiture or reversion of title from a future violation of any covenants, conditions and restrictions appearing in the public records, including any relating to environmental protections; and

c. any provisions in any covenants, conditions and restriction under which the lien of the insured mortgage can be extinguished, subordinated or impaired.

3. Any easements or servitudes appearing in the public records; however this policy against loss or damage arising from:

a. the encroachment, at Date of Policy, of the improvements on any easement; and

b. any interference with or damage to existing improvements, including lawns, shrubbery and trees, resulting from the use of the easements for the purposes granted or reserved.

4. Any lease, grant, exception or reservation of minerals or mineral rights appearing in the public records; however this policy insures against loss or damage arising from:

a. any effect on or impairment of the use of the land for residential one-to-four family dwelling purposes by reason of such lease, grant, exception or reservation of minerals or mineral rights; and

b. any damage to existing improvements, including lawns, shrubbery and trees, resulting from the future exercise of any right to use the surface of the land for the extraction or development of the minerals or mineral rights so leased, granted, excepted or reserved.

c. Nothing herein shall insure against loss or damage resulting from subsidence.

5. This policy insures against loss or damage by reason of any violation, variation, encroachment or adverse circumstance affecting the title that would have been disclosed by an accurate survey. The term "encroachment" includes encroachment of existing improvements located on the land onto adjoining land, and encroachments onto the land of existing improvements located on adjoining land.

6. In compliance with subsection D of 13.14.18.10 NMAC, the company hereby waives its right to demand arbitration pursuant to the Title Insurance Arbitration Rules of the American Arbitration Association. Nothing herein prohibits the arbitration of all arbitrable matters when agreed to by both the Company and insured.

7. Water rights, claims or title to water.

Schedule B continued - Addendum to Short Form Residential Loan Policy

File Number:

Addendum to Policy Number:

IN ADDITION TO THE MATTERS SET FORTH ON SCHEDULE B OF THE POLICY TO WHICH THIS ADDENDUM IS ATTACHED, THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE BY REASON OF THE FOLLOWING:

<p style="text-align: center;">NEW MEXICO PUBLIC REGULATION COMMISSION UTILITY DIVISION</p> <p>TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES CHAPTER 9 ELECTRIC SER- VICES PART 592 LOCATION OF LARGE CAPACITY PLANTS AND TRANSMISSION LINES</p> <p>17.9.592.1 ISSUING AGENCY: New Mexico Public Regulation Commission. [17.9.592.1 NMAC - N, 5-1-04]</p> <p>17.9.592.2 SCOPE: This rule applies to all persons seeking to construct a large capacity plant, whether or not owned or operated by a person that is a public util- ity subject to regulation by the commission, or a transmission lines in connection with such a plant, on a location within New Mexico.</p>	<p>[17.9.592.2 NMAC - N, 5-1-04]</p> <p>17.9.592.3 S T A T U T O R Y AUTHORITY: NMSA 1978 Sections 8-8- 4 and 62-9-3. [17.9.592.3 NMAC - N, 5-1-04]</p> <p>17.9.592.4 D U R A T I O N : Permanent. [17.9.592.4 NMAC - N, 5-1-04]</p> <p>17.9.592.5 EFFECTIVE DATE: May 1, 2004, unless a later date is cited at the end of a section. [17.9.592.5 NMAC - N, 5-1-04]</p> <p>17.9.592.6 OBJECTIVE: The purpose of this rule is to specify the con- tents of an application for approval of the location of a large capacity plant or trans- mission line pursuant to NMSA 1978 Section 62-9-3. [17.9.592.6 NMAC - N, 5-1-04]</p> <p>17.9.592.7 DEFINITIONS: In addition to the definitions in NMSA 1978 Section 62-3-3, as used in this rule:</p> <p>A. large capacity plant</p>	<p>means an electric generating plant in a loca- tion within New Mexico designed for, or capable of, operation at a capacity of three hundred thousand (300,000) kilowatts or more, for the generation of electricity for sale to the public within or without New Mexico;</p> <p>B. NEPA means the National Environmental Policy Act, 42 U.S.C. Section 4321 et seq;</p> <p>C. transmission line means any electric transmission line and associated facilities designed for, or capable of, operations at a nominal voltage of two hundred thirty (230) kilovolts or more, to be constructed in connection with, and to transmit electricity from, a large capacity plant constructed after June 18, 1971. [17.9.592.7 NMAC - N, 5-1-04]</p> <p>17.9.592.8 PRIOR APPROVAL REQUIRED: No person shall begin con- struction of a large capacity plant or trans- mission line without obtaining prior approval from the commission. [17.9.592.8 NMAC - N, 5-1-04]</p> <p>17.9.592.9 CONTENTS OF</p>
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APPLICATION FOR LOCATION APPROVAL OF LARGE CAPACITY PLANT:

A person seeking to construct a large capacity plant must file with the commission an application for approval of location, supported by written direct testimony and supporting exhibits, which shall contain:

A. a description of the large capacity plant, including, but not limited to:

(1) a legal description of the property upon which the large capacity plant will be located;

(2) the size of the large capacity plant;

(3) fuel specifications including, but not limited to, the type of fuel to be used; and

(4) a map showing the location of the large capacity plant;

B. identification of all applicable land use statutes and administrative regulations and proof of compliance or a statement of noncompliance with each;

C. identification of all applicable air and water pollution control standards and regulations and proof of compliance or a statement of noncompliance with each;

D. all written air and water quality authorizations necessary to begin construction of the large capacity plant;

E. all written air and water quality authorizations necessary to begin operation of the large capacity plant; if any such authorization cannot be obtained until after construction of the large capacity plant, proof of application for such authorization;

F. the expected date that the large capacity plant will be online;

G. proof that the application has been served on all local authorities in each county and township where the large capacity plant will be located, the New Mexico attorney general, the New Mexico environment department, and the New Mexico state engineer;

H. any other information, including photographs, which the applicant wishes to submit in support of the application.

[17.9.592.9 NMAC - N, 5-1-04]

17.9.592.10 CONTENTS OF APPLICATION FOR LOCATION APPROVAL OF TRANSMISSION LINE:

A person seeking to construct a transmission line must file with the commission an application for approval of location, supported by written direct testimony and supporting exhibits, which shall contain:

A. a description of the transmission line including, but not limited to:

(1) the location of the transmission line;

(2) identification of the ownership of the land (such as private, bureau of land management, U.S. forest service, state trust, etc.) the transmission line will cross and the number of feet the transmission line will cross over each owner's land;

(3) the total length of each transmission line in feet;

(4) a description of interconnection facilities;

(5) a map showing the location of the transmission line; and

(6) a schematic diagram showing the transmission line and the interconnection of the transmission line to the transmission grid;

B. identification of all applicable land use statutes and administrative regulations and proof of compliance or statement of noncompliance with each;

C. if required under NEPA, an environmental assessment prepared in connection with the transmission line;

D. if required under NEPA, an environmental impact statement and record of decision or a finding of no significant impact, prepared in connection with the transmission line;

E. if preparation of a federal environmental assessment or environmental impact statement is not required under NEPA in connection with the transmission line, then a report, comparable to an environmental impact statement, in the format prescribed in 40 C.F.R. Section 1502.10;

F. all written federal, state, and local environmental authorizations necessary to begin construction of the transmission line;

G. all written federal, state, and local environmental authorizations necessary to begin operation of the transmission line; if any such authorization cannot be obtained until after construction of the transmission line, proof of application for such authorization;

H. testimony demonstrating that the transmission line will not unduly impair important environmental values; important environmental values include, but are not limited to, preservation of air and water quality, land uses, soils, flora and fauna, and water, mineral, socioeconomic, cultural, historic, religious, visual, geologic and geographic resources;

I. the expected date that the transmission line will be online;

J. proof that the application has been served on all local authorities in each county and township where the transmission line will be located, the New Mexico attorney general, the New Mexico

environment department, and the New Mexico state engineer;

K. any other information, including photographs, which the applicant wishes to submit in support of the application.

[17.9.592.10 NMAC - N, 5-1-04]

17.9.592.11 ADDITIONAL INFORMATION:

Upon request from the commission or commission staff, a person seeking approval from the commission of the location of a large capacity plant or transmission line shall, within thirteen (13) days of the date that the request is mailed, submit any additional information the commission or commission staff believes is required to approve or deny the application. The commission and commission staff's authority to request additional information does not preclude or restrict interveners from exercising their discovery rights.

[17.9.592.11 NMAC - N, 5-1-04]

17.9.592.12 INCOMPLETE FILINGS:

To be complete, an application must meet all applicable requirements of this rule. If the commission determines that an application is incomplete, the commission shall advise the applicant of the deficiency in the application within thirty (30) days of its receipt. The commission will commence its review of an application, and the statutory deadline in NMSA 1978 Section 62-9-3 shall begin to be computed, once the commission receives all the information and supporting documentation required by this rule.

[17.9.592.12 NMAC - N, 5-1-04]

17.9.592.13 AVAILABILITY OF APPLICATION:

At a minimum, the applicant shall make its application available in the county seat of each county in which the large capacity plant or transmission line is located. If available, the applicant shall deposit the application in a public library of a county seat. Additionally, the applicant shall post its application on the applicant's web site.

[17.9.592.13 NMAC - N, 5-1-04]

17.9.592.14 VARIANCE:

A. An applicant may request a variance from any of the requirements of this rule.

B. A petition for variance must be supported by an affidavit signed by an officer of the applicant or someone with authority to sign for the applicant.

C. The commission may, at its discretion, require an informal conference or formal evidentiary hearing prior to making its determination.

D. A petition for variance shall:

(1) identify the section of this rule for which the variance is requested;

(2) describe the situation that necessitates the variance;

(3) describe the effect of complying with this rule on the applicant if the variance is not granted;

(4) describe the result the variance will have if granted.

E. The six-month review period under NMSA 1978 Section 62-9-3 shall be stayed, beginning the date a request for variance is filed, and ending the date that a variance petition is granted or, if the variance petition is denied, the date that the applicant submits the information for which the applicant sought a variance.

[17.9.592.14 NMAC - N, 5-1-04]

History of 17.9.592 NMAC: [Reserved]

NEW MEXICO SECRETARY OF STATE

This is an amendment to 1.10.12 NMAC, Section 7, 8, 9, 10, 11, 13, 15 and 16.

1.10.12.7 DEFINITIONS:

A. **"Absentee ballot"** means a method of voting by ballot, accomplished by a voter who is absent from his polling place on election day.

B. **"Absentee ballot register"** means a list of the name and address of each applicant; the date and time of receipt of the application; the disposition of the application; the date of issue of the absentee ballot; the applicant's precinct; whether the applicant is a voter, federal voter, qualified federal elector or an overseas citizen voter; and the date and time of receipt of the ballot.

C. **"Absentee voting daily report"** means a form prescribed and approved by the office of the secretary of state consisting of the voting machine serial number, beginning public counter number, ending public counter number, beginning protective counter number, ending protective counter number, closing seal number and daily total number of voters per machine. It shall contain a signature line for the county clerk or authorized deputy and a line for the date.

D. **"Alternate location"** means a site outside the office of the county clerk, established by the county clerk, where a voter may cast an absentee ballot.

E. **"Application"** means an absentee ballot application [;] prescribed [; printed and furnished] by the secretary of state [to a county clerk].

F. **"Ballot"** means a paper ballot card used on an optical scan vote tabulating machine or direct recording electronic voting system.

G. **"Challenger"** means a voter of a precinct in that county to which he is appointed as challenger.

H. **"County canvassing board"** means the board of county commissioners in each county (Section 1-13.1 NMSA 1978).

I. **"Direct recording electronic voting system"** means one that records votes by means of a ballot display provided with electro-optical devices that can be actuated by the voter; that processes the data by means of a computer program, and that records ballot images in internal memory devices. It produces a tabulation of the voting data as a hard copy or stored in a removable memory device.

J. **"Election"** means any special statewide election, general election, primary election or special elections to fill vacancies in the office of United States representative and regular or special school district elections.

K. **"Early voter"** means a voter who votes in person before election day, and not by mail.

L. **"Election cycle"** means the period of time commencing at 7:00 a.m. on the day of the general election until 7:00 p.m. on the day of the general election two (2) years subsequent.

M. **"Electronic vote tabulating (EVT) marksense voting system" or "optical scan vote tabulating system"** means a voting system which records and counts votes and produces a tabulation of the vote count using one ballot card imprinted on either or both faces with text and voting response locations. The marksense or optical scan vote tabulating voting system records votes by means of marks made in the voting response locations.

N. **"High-speed central count marksense ballot tabulator"** means a self-contained optical scan ballot tabulator, that uses an automatic ballot feeder to process ballots placed in the tabulator in any orientation. Ballots are processed at high-speed and the tabulator has a built in sorting system to divert processed ballots into appropriate bins.

~~O. **"Immediate family"** means a spouse, children, parents, brothers and sisters.~~

P. **"Marksense ballot"** means a paper ballot card used on an electronic vote tabulating marksense vote tabulating system, optical scan vote tabulating system or high-speed central count marksense vote tabulator.

~~Q. **"Overvoted ballot"** means a ballot on which the voter has voted for more than the number of candidates to be elected for that office, or in both the affirmative and negative on a ballot question.~~

~~R. **"Precinct board"** means the absent voter precinct board: appointed election officials pursuant to Section 1-6-24 NMSA 1978).~~

~~R. **"Provisional absentee voter"** means an absentee voter who is required to submit identification pursuant to Section 1-4-5.1 I. (4) (a)(b).~~

S. **"Voter"** means any person who is qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States and who is registered under the provisions of the Election Code of the state of New Mexico.

T. **"Voting response area"** means the place on an absentee ballot where the voter is instructed to mark his preference for a candidate or question.

[1.10.12.7 NMAC - N, 3-31-2000; A, 4-30-02; A, 7-15-03; A, 4-30-04]

1.10.12.8 APPLICATION:

A. An application for an absentee ballot may be made only on a form prescribed by the secretary of state. ~~[A voter may request an application in person, by telephone or by mail and may request additional applications for members of his immediate family.]~~ The prescribed form may not be altered without approval of the secretary of state.

B. Completed applications shall be signed by the voter and returned to his county clerk. Applications returned to the county clerk by facsimile means shall not be accepted except as provided by Section 1-6-4.1D, NMSA 1978. The county clerk shall not accept any application without the original signature of the voter except as provided by Section 1-6-4.1 D, NMSA 1978.

[1.10.12.8 NMAC - N, 3-31-2000; A, 4-30-02; A, 7-15-03; A, 4-30-04]

1.10.12.9 ABSENTEE VOTING:

A. A voter may vote absentee by:

(1) completing and subscribing an absentee ballot application, wherein the ballot is mailed to the residence or temporary residence of the voter. The voter shall mark the ballot, seal the envelope and sign as provided according to the instructions. The voter may mail or hand-deliver his ballot to the office of the county clerk, or designate another individual to deliver the ballot pursuant to the Absentee Voter Act;

(2) completing and signing an absentee ballot application in the office of the county clerk. The voter shall mark the ballot, seal the envelope and sign as provided according to the instructions. The voter shall hand-deliver the ballot to the county clerk or designated deputy prior to leaving

the office of the county clerk;

(3) completing and signing an absentee ballot application in the office of the county clerk twenty-eight (28) days prior to the election. The voter may cast his ballot on a paper ballot or direct recording electronic voting system or electronic vote tabulating marksense voting system certified and approved for use in New Mexico elections pursuant to Section 1-9-14 NMSA 1978; or

(4) completing and signing an absentee ballot application at an alternate location established by the county clerk and voting on a direct recording electronic voting system or electronic vote tabulating marksense voting system certified and approved for use in New Mexico elections pursuant to Section 1-9-14 NMSA 1978.

B. Upon receipt of the absentee ballot application from the voter, the county clerk or precinct board member shall review it for completeness. The county clerk shall verify the identity of the voter by using the last four digits of the voter's social security number on the absentee application. When it is determined that the application is complete and that the applicant has a valid certificate of registration on file in that county, the county clerk or precinct board member shall mark the application "accepted" with the date and time of receipt and enter the required information in the absentee ballot register. If the applicant is voting absentee in-person, the county clerk or precinct board member shall instruct the voter on how to proceed to vote. The county clerk or precinct board member shall ensure that the applicant votes before leaving the office of the county clerk or alternate location.

C. An absentee voter who requests assistance may be assisted only by a person of the voter's own choice, provided that the voter is visually impaired, physically disabled, unable to read or write, or a member of a language minority who has an inability to read well enough to exercise the elective franchise. The precinct board shall note the fact that the voter received assistance and the identity of the person providing the assistance.

D. For the purposes of absentee voting, electioneering is not permitted in the office of the county clerk or alternate location. Electioneering consists of any form of campaigning within one hundred (100) feet of the county clerk's office or alternate location. Electioneering includes the display of signs and/or campaign literature, campaign buttons, t-shirts, hats, pins, or other such items.

E. An absentee voter may file one application for all elections within an election cycle, pursuant to the Election Code.

F. Alternate locations shall be sited with respect to serving the convenience of the greatest number of voters ~~[and]~~ reducing travel time, and to ensure a high level of voting system security.

G. An absentee voter who is required to present identification pursuant to the Election Code and has not done so at the time the voter's ballot is mailed, shall be mailed instructions by the county clerk. The instructions shall inform the voter that failure to submit the required documents with the ballot may result in the ballot not being counted. The county clerk shall also instruct the voter not to place the required documents in the inner envelope with the ballot.

[1.10.12.9 NMAC - N, 3-31-2000; A, 4-30-02; A, 7-15-03; A, 4-30-04]

1.10.12.10 ABSENTEE PAPER

BALLOTS: There shall be one uniform paper ballot. No distinction shall be made between absentee ballots, emergency paper ballots, alternative, provisional or fail-safe ballots, except that the county clerk shall stamp the top portion of the ballot accordingly. Ballot stubs may be color coded to differentiate between political parties in a primary election or ballot combinations in other elections.

[1.10.12.10 NMAC - N, 3-31-2000; A 7-15-03; A, 4-30-04]

1.10.12.11 VOTING MACHINE BALLOT SECURITY:

A. At least five days before the absentee voting period commences the county clerk shall prepare, inspect and seal any electronic voting machine in accordance with the specifications provided by the manufacturer and the provisions of state law.

B. One day before the absentee voting period commences, the county clerk shall certify to the secretary of state and all political party county chairs, in a primary, general election or special election for U.S. representative, ~~[all political party county chairs,]~~ the type and serial number of each voting machine used in the county for absentee voting. The certification shall be sent by facsimile to the bureau of elections at the office of the secretary of state.

C. Each electronic voting machine shall be situated within the office of the county clerk or alternate location in a physical location that best safeguards the secrecy of the vote and protects the security of the voting system. Only the voter or the person assisting the voter shall be allowed to enter the voting machine or handle the ballot while the voter votes.

D. The county clerk shall ensure that each voting machine located

within the office of the county clerk or alternate location shall be secured by a lock and key. Each day during the absentee voting period, the county clerk or designated deputy shall, in the presence of one other employee of the county clerk or precinct board member, unlock the office where the voting machine is located. Similarly, at the close of regular office hours, the county clerk or designated deputy shall, in the presence of one other employee of the county clerk or precinct board member, lock the office where the voting machine is located. Immediately after unlocking or locking the office where the voting machine is located, the county clerk and the employee or precinct board member present shall sign or initial the absentee daily report. The report shall immediately be transmitted by facsimile means to the bureau of elections at the office of the secretary of state.

E. The county clerk shall prepare a list of those individuals that have authorized access to alternate locations. This list shall indicate those persons authorized as custodians of voting machine and/or ballot box keys. A copy of this list shall be provided to the office of the secretary of state and, in a primary, general election or special election for U.S. representative, the chairs of each county's political parties.

[1.10.12.11 NMAC - N, 3-31-2000; A, 7-15-03; A, 4-30-04]

1.10.12.13 VOTE TABULATION:

A. Any voter voting by electronic vote tabulating marksense voting system shall be instructed to mark and personally feed the ballot into the voting machine in order to record his or her vote.

B. Electronic vote tabulating marksense voting systems shall be programmed to insure that no overvoted, blank, or misread ballots are accepted or scanned by the voting system. All such ballots shall be rejected by the tabulator and returned to the voter, if the voter is voting absentee in-person.

C. Any voter voting absentee by means of a direct recording electronic system shall be instructed on the use of the voting machine before the voter enters the machine. The voter shall be instructed to press the square to the right of the candidate name or question on which he or she desires to vote, and after all selections are made, the voter shall be instructed to press the vote button in the lower right hand corner of the voting machine to record each vote. The direct recording electronic voting system shall not be reactivated if the voter has pressed the cast vote button before completing all selections.

~~**D.** In counties where the absentee precinct board enters each abso-~~

~~tee ballot on a direct recording electronic voting system, the absentee precinct board shall be instructed in the proper use of the voting machine by the county clerk, authorized deputy clerk or voting machine technician.~~

~~F.] D.~~ Absentee votes cast on any voting device in the office of the county clerk twenty-eight (28) days prior to an election, shall not be combined and counted with hand-delivered or mailed absentee ballots. A separate voting machine or voting machine cartridge shall be used to tabulate these ballots.

~~F.] E.~~ Class A counties in possession of high-speed central count marksense ballot tabulators shall use such machines on election day in the tabulation of hand-delivered or mailed marksense absentee ballots.

~~G.] E.~~ High-speed central count marksense vote tabulators used to tabulate marksense absentee ballots shall be programmed to tabulate ballots by [legislative district] precinct.
[1.10.12.13 NMAC - N, 3-31-2000; A, 4-30-02; A, 7-15-03; A, 4-30-04]

1.10.12.15 A B S E N T E E PRECINCT BOARDS:

A. On election day, prior to 7:00 a.m., the county clerk shall issue a receipt for all voting machines and ballot boxes to a special deputy county clerk. The receipt shall indicate the date and time the machine was removed from the office of the county clerk or alternate location, by whom, the serial number of the machine and the number of votes recorded on the machine. At 7:00 a.m. on election day a special deputy county clerk shall deliver the electronic voting machines, all ballot boxes and the absentee ballot register to the absentee precinct board. The special deputy county clerk shall obtain a receipt executed by the presiding judge and each election judge specifying the serial number of the machine, the number of votes recorded on the machine, the number of ballot boxes delivered and shall return such receipt to the county clerk for filing.

B. Absent voter precincts shall coincide with the boundaries of state representative districts. In multi-county representative districts, the boundaries of the absent voter precinct shall coincide with the boundaries of that portion of the representative district lying within the county.

C. The county clerk shall issue red pencils to be used as writing instruments by the precinct board, except the presiding judge shall be issued an ink pen for the purpose of signing and filling out documents required by the Election Code. Precinct board members handling and/or counting ballots shall have no other

writing or marking instruments.

D. If a ballot is marked indistinctly or not marked according to the instructions for that ballot type, precinct board members shall count the ballot only if the voter has marked a cross (X) or a check (✓) within the voting response area. A ballot shall also be counted when the voter, attempting to complete the arrow, has marked an arrowhead on the tail portion of the arrow in the voting response area. In no case, shall the precinct board mark or remark the ballot. In the instance of machine malfunction, the precinct board shall hand tally ballots.

~~E.] Precinct boards that enter absentee ballots on a direct recording electronic voting system shall count the ballot only if the voter has marked a cross (X) or a check (✓) within the voting response area. A ballot shall also be counted when the voter, attempting to complete the arrow, has marked an arrowhead on the tail portion of the arrow in the voting response area. In no case, shall the precinct board mark or remark the ballot.~~

~~F.] E.~~ Absentee ballots received by mail or hand delivered during the twenty-eight (28) day absentee voting period and absentee ballots cast in-person on a voting machine in the office of the county clerk or at an alternate location shall be counted by [legislative district] precinct.

~~G.] E.~~ Absentee ballots received by mail or hand delivered during the twenty-eight (28) day absentee voting period shall not be counted on the same voting system used for in-person voting at the office of the county clerk or on any voting system used at an alternate location.
[1.10.12.15 NMAC - N, 3-31-2000; A, 4-30-02; A, 7-15-03; A, 4-30-04]

1.10.12.16 CANVASSING:

A. The county canvassing board shall ensure that absentee ballots received by mail or hand delivered during the twenty-eight (28) day absentee voting period and absentee ballots cast in-person on a voting machine in the office of the county clerk or alternate location shall be counted by [legislative district] precinct.

B. The canvassing of absentee ballots shall not extend to correcting errors in election returns. The canvassing board may only detect errors on the face of the returns and summon the precinct board. The canvassing board shall not have access to absentee ballots and shall not determine the validity of any absentee ballot cast.

C. The canvassing board shall not order hand tallying of any absentee ballots, unless so ordered by a court of law, and shall be bound by the results of an initial voting machine recheck, if such recheck

has occurred.

[1.10.12.16 NMAC - N, 3-31-2000; A, 4-30-02; A, 7-15-03; A, 4-30-04]

End of Adopted Rules Section

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Other Material Related to Administrative Law

NEW MEXICO BOARD OF EXAMINERS FOR ARCHITECTS

New Mexico Board of Examiners for
Architects

PO Box 509
Santa Fe, NM
505-827-6375

Regular Meeting

The New Mexico Board of Examiners for Architects will hold a regular open meeting of the Board in Santa Fe, New Mexico on Friday, May 7, 2004. The meeting will be held in the Conference Room of the Board office, Lamy Building, 491 Old Santa Fe Trail, beginning at 9:00 a.m. Disciplinary matters may also be discussed.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the meeting, please contact the Board Office at 827-6375 at least one week prior to the meeting. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Board Office if a summary or other type of accessible format is needed.

**End of Other Related
Material Section**

SUBMITTAL DEADLINES AND PUBLICATION DATES

2004

Volume XV	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 30
Issue Number 3	February 2	February 13
Issue Number 4	February 16	February 27
Issue Number 5	March 1	March 15
Issue Number 6	March 16	March 31
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 3	May 14
Issue Number 10	May 17	May 28
Issue Number 11	June 1	June 15
Issue Number 12	June 16	June 30
Issue Number 13	July 1	July 15
Issue Number 14	July 16	July 30
Issue Number 15	August 2	August 13
Issue Number 16	August 16	August 31
Issue Number 17	September 1	September 15
Issue Number 18	September 16	September 30
Issue Number 19	October 1	October 14
Issue Number 20	October 15	October 29
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 1	December 14
Issue Number 24	December 15	December 30

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rule making, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. For further subscription information, call 505-476-7907.