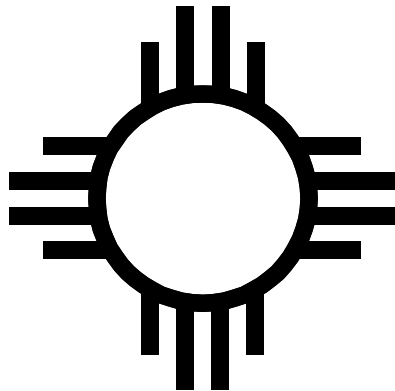


New Mexico Register

Volume XII, Issue Number 15
August 15, 2001



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

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New Mexico Register

Volume XII, Number 15

August 15, 2001

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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." 14-4-5 NMSA 1978

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Please note that the (*) entries obey the reformatting rules set forth in 1.24.10 NMAC, effective 2/29/00

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Notices of Rulemaking and Proposed Rules

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

NOTICE OF PUBLIC HEARING

The Prevention and Intervention Division of the Children, Youth and Families Department will hold a public hearing on September 27, 2001 beginning at 9:00 A.M., at 1120 Paseo de Peralta, (PERA Building), Apodaca Hall (Second Floor), Santa Fe, New Mexico, 87501, to consider the following proposed policy changes.

8.2.2 NMAC -Requirements for Participation in the Child and Adult care Food Program. The scope of the regulations include general program policies for the Child and Adult Care Food Program administered by the Family Nutrition Bureau. These policies are promulgated pursuant to federal regulations 7 CFR (Code of Federal Regulations) Part 226 and apply to such areas as: Application Approval, Renewal and Denial, Institutional Appeal, Program Assistance and Review, Complaints and Referrals, Financial Management, Audits, Payment and Claims Provisions, Operational Provisions, Sponsoring Organization Provisions, Meal and Nutrition Requirements, and Monetary Sanctions and Penalties.

8.2.3 NMAC-Requirements for Participation in the Summer Food Service Program. The scope of the regulations include general program policies for the Summer Food Service Program administered by the Family Nutrition Bureau. These policies are promulgated pursuant to federal regulations 7 CFR Part 225 and apply to such areas as Application approval, Renewal and Denial, Institutional Appeal, Program Assistance and Review, Complaints and Referrals, Financial Management, Audits, Operational Provision, Meal and Nutrition Requirements and Monetary Sanctions and Penalties.

8.17.2 NMAC-Requirements Governing Registration of Non Licensed Family Child Care Homes. The purpose of this regulation is to establish minimum standards for family child care homes wishing to become registered through the Self Certification Registration process and who provide child care to no more than four non resident children.

The proposed policies may be reviewed, or a copy obtained, during regular business hours of the Family Nutrition Bureau, 8:00 A.M. to 5:00 P.M. Monday through Friday, 1422 Paseo de Peralta, Building 2, Santa Fe, New Mexico, phone number (505) 827-9961.

Interested persons may testify at the hearing or submit written comments to the Family Nutrition Bureau, P. O. Drawer 5160, Santa Fe, New Mexico 87502 or via fax 827-9957 no later than 5:00 p.m., September 27, 2001. Written comments will be given the same consideration as oral testimony given at the public hearing.

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the Department toll free at 1-800-610-7610 extension 9961 or (505) 827-9961. The Department requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

NEW MEXICO STATE GAME COMMISSION

NOTICE OF MEETING

The State Game Commission will meet at the Lodge at Cloudcroft, Marcia Room, One Corona Place, Cloudcroft, NM 88317 on Thursday, August 23, 2001 8:30am – 5:00pm.

The proposed agenda may be found by accessing the web site of the New Mexico Department of Game and Fish at www.gmfsh.state.nm.us or by contacting the office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504 or calling 827-7911.

Proposed agenda items include:

Appeal of Importation Permit

Creation of Class "A" Park and Lake Rules for Private Game Parks and Lakes

Proposed Changes or Additions to Revocation Regulation NMAC 19.31.2

Proposed Amendments to Hunting and Fishing License Application NMAC 19.31.3

Proposed Amendment to Depredation Assistance NMAC 19.30.2

Proposed Amendments to the Statewide Fishing Regulations NMAC 19.31.4

Proposed Amendments to Big Game NMAC 19.31.8

Approval of 2002-2003 Budget Request

Recommendation to Modify the L.O.S. S. Appeals Process; Amending the Private Land Elk License Allocation Rule NMAC 19.30.5

Comments about agenda items will be accepted verbally during the meeting from meeting attendees who complete a "speaker card" available at the beginning of all meetings. Comments also will be accepted by mail. Written comments should be submitted to the New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504. Comments also may be submitted via the Department's website. Regulations are available by postal service mail only.

Persons with a disability who need any aid or auxiliary service to participate should call Shirley Baker, (505) 827-7904. Public documents can be provided in various accessible forms.

NEW MEXICO COMMISSION OF PUBLIC RECORDS

NOTICE OF REGULAR MEETING

The New Mexico Commission of Public Records has scheduled a regular meeting for Tuesday, August 28, 2001, at 9:00 A.M. The meeting will be held at the New Mexico State Records Center & Archives, which is an accessible facility, at 1205 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing, please contact Paula Flores at 476-7902

by August 23, 2001. Public documents including the agenda and minutes can be provided in various accessible formats. A final copy of the agenda will be available 24 hours before the hearing.

NOTICE OF RULEMAKING

The following items will be presented to the Commission for consideration:

Gift Agreement:

Renewal of Collection Loan Agreement between The Historic Santa Fe Foundation and the New Mexico Commission of Public Records.

Modifications

1.18.632 NMAC Workers Compensations Administration (numerous modifications)
 1.19.8 NMAC General Schedule for Municipalities (repeal and replace)
 1.18.394.173 NMAC State Treasurer (one item only)

Reformats:

OLD NMAC #	SECTION TITLE	NEW NMAC #
1 NMAC 3.2.93.505	Office of Cultural Affairs	1.18.505 NMAC
1 NMAC 3.2.93.464	Professional Engineers and Land Surveyors	1.18.464 NMAC
1 NMAC 3.2.93.479	Veterinary Examiners Board	1.18.479 NMAC
1 NMAC 3.2.93.355	Public Defenders	1.18.355 NMAC
1 NMAC 3.2.91.112	Legislative Finance Committee	1.16.112 NMAC

NEW MEXICO COMMISSION OF PUBLIC RECORDS GROUP 4 NMAC TRANSLATION TABLE

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT

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10.1.2 NMAC	RULE 77-1	GOVERNOR'S ORGANIZED CRIME PREVENTION COMMISSION
10.1.3 NMAC	RULE 77-2	ADMINISTRATION OF OATHS AND AFFIRMATIONS AND EXAMINATION OF WITNESSES
10.1.4 NMAC	GOCP RULE 79-2	ELECTRONIC OR MECHANICAL RECORDING OF PRIVATE COMMISSION HEARINGS
10.1.5 NMAC	GOCP REGULATION 84-1	SIGNING OF SUBPOENAS
10.1.6 NMAC	RULE 85-1	DISQUALIFICATION OF COMMISSIONERS
10.1.7 NMAC		[RESERVED]
CHAPTER 2		[RESERVED]
CHAPTER 3		ATTORNEY GENERAL [RESERVED]
CHAPTER 4		DISTRICT ATTORNEYS
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10.4.3 NMAC	10 NMAC 4.3	COMPENSATION PLAN
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10.4.13 NMAC	10 NMAC 4.13	DRUG FREE WORK-PLACE [RESERVED]
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10.4.15 NMAC	10 NMAC 4.15	RESERVED
10.4.16 NMAC	NMDAA 91-1	PERSONNEL AND COMPENSATION PLAN FOR THE EMPLOYEES OF THE DISTRICT ATTORNEYS OF THE STATE OF NEW MEXICO

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10.5.101 NMAC	10.5.199 NMAC	[RESERVED]
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10.6.3 NMAC		[RESERVED]
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21.33.3 NMAC	NMLB-MID 84-2	MEAT INSPECTION REGULATIONS, BOOK I, TITLE 9, CHAPTER III, SUBCHAPTER A, CODE OF FEDERAL REGULATIONS
21.33.4 NMAC	NMLB-MID 84-1	MEAT AND POULTRY INSPECTION REGULATIONS, INDEX AND INTRODUCTION
21.33.5 NMAC	NMLB 70-2	REGULATIONS GOVERNING THE INSPECTION OF POULTRY AND POULTRY PRODUCTS (7CFR - PART 81)
21.33.6 NMAC	NMLB-MID 84-3	POULTRY INSPECTION REGULATIONS, BOOK II, TITLE 9, CHAPTER III, SUBCHAPTER C, CODE OF FEDERAL REGULATIONS
21.33.7 NMAC	NMLB-MID 84-4	VOLUNTARY INSPECTION AND CERTIFICATION SERVICE OF MEAT AND POULTRY, BOOK IV, TITLE 9, CHAPTER III, SUBCHAPTER B, CODE OF FEDERAL REGULATIONS
21.33.10 NMAC	NMLB Rule No. 4	LIVESTOCK INSPECTION FEES
CHAPTER 34	DAIRY AND EGG PRODUCERS	
21.34.1 NMAC		GENERAL PROVISIONS [RESERVED]
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21.34.4 NMAC	21 NMAC 34.4	ANIMAL DRUG RESIDUE ENFORCEMENT PROCEDURES
21.34.5 NMAC	21 NMAC 34.5	OPEN DATE LABELING FOR DAIRY PRODUCTS
21.34.6 NMAC	21 NMAC 34.6	STANDARDS OF IDENTITY FOR FROZEN DAIRY DESSERTS
21.34.7 NMAC	21 NMAC 34.7	EGG INSPECTION FEES
21.34.8 NMAC	21 NMAC 34.8	GRADES, STANDARDS, AND REPORTS FOR SHELL EGGS
21.34.9 NMAC	21 NMAC 34.9	EMERGENCY WAIVER TO LENGTH OF PULL DATE

21.34.10 NMAC - 21.34.15 NMAC	[RESERVED]
21.34.16 NMAC 21 NMAC 34.16	ORGANIC PRODUCTION METHODS AND MATERIALS
21.34.17 NMAC - 21.34.19 NMAC	[RESERVED]
21.34.20 NMAC 21 NMAC 34.20	NEW MEXICO PULLORUM-TYPHOID CONTROL PROGRAM

CHAPTER 35	LIVESTOCK MARKETING
21.35.1 NMAC	GENERAL PROVISIONS [RESERVED]
21.35.2 NMAC 21 NMAC 35.2	SHEEP AND GOAT ASSESSMENT
21.35.3 NMAC	[RESERVED]
21.35.4 NMAC 21 NMAC 35.4	LIVESTOCK MARKETS
21.35.5 NMAC 21 NMAC 35.5	CATTLE REST STATIONS

CHAPTER 36 MEAT MARKETING BOARDS [RESERVED]

**NEW MEXICO PUBLIC
REGULATION
COMMISSION**

**BEFORE THE NEW MEXICO
PUBLIC REGULATION
COMMISSION**

**IN THE MATTER OF)
THE PETITION OF)
NEUSTAR, INC., ON) Utility
BEHALF OF THE) Case No.
NEW MEXICO TELE-) 3330
COMMUNICATIONS)
INDUSTRY, FOR)
APPROVAL OF NPA)
RELIEF PLAN FOR)
THE 505 NPA)
_____)**

FINAL ORDER ON REHEARING

THIS MATTER comes before the New Mexico Public Regulation Commission ("Commission") upon rehearing pursuant to the Commission's Order Granting Rehearing, and Notice of Hearing, entered May 22, 2001, and upon the hearing of June 13, 2001, that was scheduled by that Order. Having considered the written and oral comments received on rehearing, and all other matters of record, and being fully apprised of the premises, the Commission adopts the following as its Final Order on Rehearing.

I. STATEMENT OF THE CASE

The Commission adopts the procedural histories of this case set out in the Final Order entered in this proceeding on May 8, 2001, and in the Order Granting Rehearing, and Notice of Hearing. This Order incorporates those statements herein by reference, and takes administrative notice of those two prior orders pursuant to 17 NMAC 1.2.37.4.1.1.

The Final Order of May 8 ap-

proved a two-way geographic split that would divide the current 505 Numbering Plan Area ("NPA," but more commonly known as an area code) into two NPAs that have been denominated by Petitioner NeuStar, Inc.,¹ as Area A and Area B. Under the Final Order, Area A (consisting of the Albuquerque and Santa Fe local calling areas)² would be assigned a new area code (i.e., NPA), and Area B (the rest of New Mexico) would retain the existing 505 area code. See the NPA 505-575 Rate Center Map attached to this Order as Exhibit I. An implementation schedule for this NPA relief plan was also specified in the Final Order.

The 505 Coalition filed a Motion for Reversal of Final Order, or Alternatively, for a Rehearing on May 17, 2001. Its Motion stated that the 505 Coalition is a New Mexico association that is "comprised of a group of businesses, private citizens and governmental entities." The Motion of the 505 Coalition asked the Commission to reverse the Final Order by assigning the new area code to Area B, and retaining the 505 area code for Area A. In the alternative, the Motion requested a rehearing on the Final Order.

After the entry of the Final Order, NeuStar initially assigned 957 as the area code number for New Mexico's new NPA. At the Commission's request, however, NeuStar later substituted 575 for 957 in the new NPA.

Our Order Granting Rehearing found that it was "in the public interest for the Commission to afford additional opportunities for interested persons to comment on this case." *Id.*, ¶ 5, p. 2. The Order noted that the Commission had been advised by NeuStar that representatives of the New Mexico telecommunications industry would be meeting shortly to determine what revised implementation schedule should be recommended to this Commission regarding the NPA relief plan. For those reasons, we concluded that a rehearing should be

granted as provided by the Order. The Order Granting Rehearing also vacated the Final Order pending further order of the Commission, scheduled an additional public comment hearing (seven earlier hearings had been held at various locations throughout the State) in Socorro for June 13, 2001, and permitted written comments to be filed by regular mail, e-mail and facsimile transmission by no later than June 13, 2001.

On June 11, 2001, NeuStar filed its Comments of the North American Numbering Plan Administrator on Behalf of the New Mexico Telecommunications Industry. In those Comments, NeuStar, in its capacity as NANPA, submitted the industry's two proposed relief implementation schedules. One implementation schedule was for a two-way geographic split, regardless of which area receives the new NPA. The other was for an "overlay."³ These implementation schedules are derived from NeuStar's revised and updated projection for the exhaustion of available numbers in the 505 NPA. Earlier in these proceedings, these numbers were projected to exhaust during the fourth quarter of 2002. The revised projection now estimates that the 505 NPA will exhaust during the third quarter of 2003. NeuStar's Comments, p. 3.

For the two-way split, the following implementation schedule is now recommended:

- Events Relief Schedule
- Permissive dialing period begins⁴
 - Sunday, March 3, 2002
- End of permissive dialing and beginning of mandatory dialing/recording (intercept) period
 - Sunday, February 9, 2003
- End of recording (intercept) period and relief date
 - Sunday, June 29, 2003

For the overlay, the following implementation schedule is recommended:

- Events Relief Schedule
- Permissive ten-digit dialing period be-

gins⁵

Sunday, March 3, 2002

End of permissive dialing and beginning of mandatory ten-digit dialing/recording (intercept) period

Sunday, February 9, 2003

Effective date of new NPA

Sunday, March 3 (sic)⁶, 2003

End of recording (intercept) period and relief date

Indefinite

NeuStar's Comments, pp. 3-4.

A public comment hearing was held as scheduled on June 13, 2001, in Socorro, New Mexico. At the time of that hearing the Commission had received 711 written comments opposed to the assignment of a new area code to the Albuquerque and Santa Fe local calling areas, 353 written comments in favor of such an area code assignment, and 23 written comments taking no position on this question. Tr., 15.⁷

II. JURISDICTION

As amended by the Telecommunications Act of 1996, the Federal Communications Act of 1934 grants the FCC exclusive jurisdiction over numbering issues in the United States. 47 U.S.C. § 251(e)(1). That provision permits the FCC to delegate all or a portion of its jurisdiction to State utility regulatory bodies such as this Commission.

The FCC exercised its authority to delegate to State regulators when it adopted 47 C.F.R. § 52.19(a), which provides:

State commissions may resolve matters involving the introduction of new area codes within their states. Such matters include, but are not limited to: Directing whether area code relief will take the form of a geographic split, an overlay area code, or a boundary realignment; establishing new area code boundaries; establishing necessary dates for the implementation of area code relief plans; and directing public education and notification efforts regarding area code changes.

Any State action carried out under this delegated authority must be "consistent with the guidelines enumerated in this part." 47 C.F.R. § 52.19(b). Those guidelines include 47 C.F.R. § 52.9(a), which requires that the State entity's decision must "facilitate entry into the telecommunications marketplace" by making numbers available "on an effi-

cient, timely basis;" must "not unduly favor or disfavor any particular telecommunications industry segment or group of telecommunications consumers;" and must "not unduly favor one telecommunications technology over another."

This Commission is the State agency that regulates telecommunications and other utility services in New Mexico. N.M. Const., Art. XI, § 2; *see also*, NMSA 1978, § 63-9A-5. Commission responsibilities that are pertinent to the matters at hand include the maintenance of the availability of access to telecommunications services at affordable rates, and ensuring comparable message telecommunications service rates for comparable markets or market areas. NMSA 1978, § 63-9A-2. The Commission is empowered to "determine any matters of public convenience and necessity with respect to matters subject to its regulatory authority as provided by law." NMSA 1978, § 63-7-1.1(A)(2). That statute also declares that the Commission "has the power, after notice and hearing of record, to determine and decide any question and to issue orders relating to its powers and duties." Section 63-7-1.1(D). Among those powers are the fixing and supervision of all charges and rates of telephone companies within the State (NMSA 1978, § 63-7-1.1(A)(1)), and the regulatory oversight of telecommunications services in this State. NMSA 1978, § 63-9A-6. The Commission is also charged with encouraging and permitting the development of competition in the telecommunications industry to the extent provided by law. *See*, NMSA 1978, §§ 63-9A-2, 63-9A-8 and 63-9A-9.

The Commission has considerable discretion in carrying out these regulatory duties. *See, e.g., Attorney General v. New Mexico Public Service Commission*, 111 N.M. 636, 808 P.2d 606 (1991); *Mountain States Tel. & Tel. Co. v. New Mexico State Corporation Commission*, 90 N.M. 325, 563 P.2d 588 (1977).

Taking into consideration the foregoing authority, the Commission has jurisdiction over the subject matter of this case, and over the New Mexico telecommunications industry with respect to that subject matter.

III. DISCUSSION

Introduction

This case began with the Commission's issuance of a Notice of Inquiry ("NOI") on May 2, 2000, but this case attracted little attention or interest until very late in these proceedings. At

the outset, seven public comments hearings on this matter were noticed and scheduled throughout the State as follows:

Date	Location
September 13, 2000	Santa Fe, New Mexico
September 14, 2000	Farmington, New Mexico
September 16, 2000	Albuquerque, New Mexico
September 20, 2000	Roswell, New Mexico
October 5, 2000	Silver City, New Mexico
October 6, 2000	Las Cruces, New Mexico
October 31, 2000	Santa Fe, New Mexico

Few people attended these hearings or spoke regarding the 505 NPA relief plan being considered or related questions. Only two sets of written comments were filed by the NOI's deadline of June 30, 2000: by AT&T Communications of the Mountain States, Inc., and the New Mexico Exchange Carrier Group ("NMECG").

By contrast, after the Commission agreed to rehear its Final Order of May 8, 2001, and to permit further comment, hundreds of written comments were received by regular mail, e-mail and Fax. Similarly, the June 13 hearing on the campus of New Mexico Tech in Socorro was well-attended (*see* the sign-up list appended to the June 13 transcript as an exhibit) and lasted until late in the afternoon of that day.

We have considered the record on rehearing and largely focus on it in this Order. Even so, we observe that the opportunity for comment and participation in this matter has existed all along, and such comment and participation would have been most welcome and valuable at the earlier stages of these proceedings.

A. The Major Alternative 505 NPA Relief Plans

At the meeting of representatives from the New Mexico telecommunications industry that NeuStar convened in February, 2000, participants considered an Initial Planning Document ("IPD") that contained four relief alternatives. Industry representatives added a fifth alternative to the IPD. Eventually, the participants reached a consensus that Alternative #2 should be recommended to the Commission. That recommendation was made in NeuStar's Petition.⁸

Alternative #2 proposes a two-

way geographic split that would divide the current 505 NPA into two NPAs. The dividing boundary would separate the Albuquerque and Santa Fe local calling areas (described in n.2, above) from the rest of the 505 NPA. Under Alternative #2, the Albuquerque and Santa Fe local calling areas, designated as Area A, would retain the 505 area code. The rest of the State, designated as Area B, would be assigned the new area code, 575. The projected lives (i.e., periods until available numbering resources were exhausted) for both Area A and Area B is about thirteen years.

In the event the Commission did not approve Alternative #2, the industry recommended that Alternative #4 be considered. Alternative #4 would be an overlay for the entire State. As the 505 area code reaches exhaust, a new area code would be activated to serve the same geographic territory, i.e., the State of New Mexico. After the relief date, requests for new central office codes would be filled from the new area code. The life of the overlay is also estimated to be approximately thirteen years. NeuStar's Petition, NPA Relief Plan – Tab 2 – Relief Planning Process, pp. 1-3.

On rehearing, as initially, there was little debate over the desirability of having a two-way geographic split. Virtually all of the disagreement centered on which area should retain the existing 505 area code. That issue is discussed immediately below. Still, because a few of the commentators advocated an overlay, we have considered it.

An overlay would allow anyone who is a customer up through the relief date to retain the 505 area code. New customers would then be assigned the 575 area code. This would be an advantage to existing customers and could serve to minimize or mitigate costs to those customers and the companies that serve them. But there are other considerations.

The principal objection to an overlay is that it would require 10-digit dialing in place of 7-digit dialing for all local calls. Moreover, a home, office or neighborhood could end up with two area codes for phones or telecommunications equipment installed before and after the relief date. In the future, when a third area code is necessary, we would be unable to split an overlay. An overlay area would require another overlay on top of it. In that event, homes, offices, etc., could have three area codes within. See Tr., at 188-189, and 219. It also appears that an overlay would not

be competitively neutral because larger or incumbent carriers could have disproportionate access to the 505 area code. Tr., 190. Finally, there is the possibility of confusion regarding Extended Area Service ("EAS").⁹ Because an overlay would require dialing the area code to make EAS calls and all other local calls, there would be less distinction between the dialing of a toll call and an EAS call, which could have the potential of customer confusion.¹⁰

Accordingly, we will approve a two-way geographic split in the manner proposed in Alternative #2. All Commissioners join in this decision.

B. Assignment of Area Codes

The question of which area should retain the current 505 area code is the principal issue on rehearing. The 505 Coalition's Motion for Reversal of Final Order, or Alternatively, for a Rehearing explicitly asked the Commission to reverse the Final Order by keeping the 505 area code in the Albuquerque and Santa Fe local calling areas (Area A) and assigning the new area code to the rest of the State (Area B). Almost all of the differing opinions expressed in the written or oral comments on rehearing focused on how the 505 area code should be assigned.

Some of the commentators characterized the issue as one that pits the urban areas of New Mexico against the rural areas. Others, however, pointed out that Area B also contains Las Cruces, the second most populous metropolitan area in the State, and several other cities of significant size such as Roswell, Clovis, Farmington, Alamogordo, Hobbs, Carlsbad and Gallup. Both Area A and Area B feature major universities and State and federal offices and installations. See, e.g., Tr., 88, and 212-213.

The comparative economic statistics for these two areas compiled by Utility Division Staff ("Staff") show that the two areas are also close in population and in telecommunications use. Area B has 51.8% of New Mexico's population and 50.3% of its households. Area A has 53% of the State's residential access lines and 55% of its business access lines. The major differences between the two areas are essentially in the categories of business activity and economic resources. Area A exceeds Area B in both and, correspondingly, Area A also has a higher, "sometimes significantly higher," median household income. Tr. (comments of John Curl, Utility Division Director), 12-14, and

Staff exhibit: "505/575 Geographic Split Economic Statistics."

As a preface to the presentation of Staff's economic statistics, Mr. Curl stated that there are two basic types of costs associated with an area code change: unavoidable costs and avoidable costs. Unavoidable costs include those associated with reprogramming telecommunications equipment, computer switches, home alarm systems, etc., to make them function under the new area code. These costs will be incurred regardless of when or to whom the new area code applies. Tr., 11.

Avoidable costs, he said, are more controversial, difficult to measure, "and even identify." They are often in the form of stationery stockpiles such as business cards, letterhead, advertising brochures and the like. These costs are avoidable in that it is a business decision as to whether and when these supplies can or should be replaced in the event of an area code change. Some of the need for the change, and the attendant cost, goes away over time. To the extent the implementation of the new area code is delayed, more of these stocks will be depleted and therefore the costs of changing those stocks will be reduced or eliminated. Tr., 11-12.

Most of the differences between the proponents of Area A and Area B came down to these types of economic considerations. The Mayor of Santa Fe claimed that effecting the area code change will cost the city about a quarter of a million dollars. Tr., 30. The Mayor Pro Tem of Roswell countered that on the same premise his city would experience costs of \$200,000 should the new area code be assigned to Area B, and that the cumulative costs of all the affected communities in Area B would be greater than those for Santa Fe and Albuquerque. Tr., 87-88.

The figures used by both officials were estimates, and neither claimed that these figures were based on systematic cost studies, audits or some other type of formal economic study. No one else who proffered estimates of the cost impacts of an area code change claimed that their figures were anything more than informal estimates.¹¹

Moreover, the estimates given on rehearing appear to be grounded on the assumption that the implementation schedule for the area code change will be the one announced in our May 8 Final Order. Certainly, the estimates made were necessarily arrived at before the telecommunications industry submitted its revised proposed implementation

schedule on June 11, 2001, only two days before the hearing and the deadline for the filing of written comments. That implementation schedule, which we adopt in this Order, will, as Staff remarked, have the effect of mitigating or eliminating the financial impact of the area code change. This effect was acknowledged, or at least not disputed, by among others Mayor Delgado of Santa Fe (Tr., 31), Mayor Pro Tem Taylor of Roswell (Tr., 90), the President of the 505 Coalition (Tr., 106-107), and the representative of the City of Albuquerque (Tr. 132).

The mitigating effect of the new implementation schedule may well be enhanced by the number conservation study that will be commenced by this Order. Like the new implementation schedule, the number conservation study is unopposed. As we conclude below, that study could result in a still further extension of the time for the implementation of the new area code.

The State's largest local exchange carrier, Qwest, believes that for most of the telecommunication industry, operating statewide, "it's a wash either way" regardless of which area retains the 505 area code. Qwest says that assigning a new area code to Area A would cause it to have a larger expense, but admits that there are 14 other local exchange carriers that would then have the benefit of keeping the current area code. Overall, Qwest asserts that an area code split "clearly" is the proper solution for New Mexico. Tr., 190-191.

The New Mexico Exchange Carriers Group ("NMECG"), a consortium of 11 rural local exchange carriers, originally went along with the industry recommendation that the 505 area code be kept in Area A. Stating that its customers are pleased with the Commission's May 8 decision to assign the 505 number to Area B, and citing higher implementation costs (which apparently were estimated without a formal cost study) to its members if that decision is reversed, the NMECG now supports that decision. Tr., 220; Comments of NMECG, 1-2.

While it is a close call either way, on balance we conclude that the current 505 area code should be assigned to Area B, with the new 575 area code going to Area A. With this decision, only one telephone company will be directly affected by the area code change, whereas 15 companies would be directly affected if the decision went the other way. Similarly our decision affects something on the order of four mu-

nicipal governments instead of 96. *See* Tr., 54.

With the superior resources that flow from its position as the "economic engine" of the State (*see, e.g.,* Tr., 130-131, 147, and 163), the Los Alamos/Santa Fe/Albuquerque corridor is best suited not only to manage the change to a new area code, but also to take advantage of it. In that same connection, we take administrative notice (in accordance with 17 NMAC 1.2.37.4) of the fact that every large metropolitan area in the United States has multiple area codes (e.g., Chicago's original metropolitan area code, 312, has been whittled down to coverage of just The Loop). No one in this case has claimed that this multiplicity of area codes has harmed or inhibited the economic activity of those urban areas.

For the reasons discussed above, we determine that the new 575 area code should go to Area A, and that the 505 area code should remain with Area B. Chairman Schaefer, Commissioner McMinn and Commissioner Lovejoy join in this decision. Vice Chairman Hughes and Commissioner Block dissent from this decision.

C. Implementation Schedule

Based on a projection that the 505 numbering resources would be exhausted by the third quarter of 2002, NeuStar's Petition originally recommended the following implementation schedule:¹² Permissive 10-digit dialing begins -- July 2001

End of permissive dialing and beginning of mandatory dialing/intercept period - - January 2002

End of intercept period and relief date-- March 2002

Because the original estimate of the exhaust period has changed considerably, the telecommunications industry has revised the implementation schedules it recommended for both a two-way geographic split and an overlay. Those recommendations were set out earlier in this Order. Given that we have adopted the two-way split, we turn our attention to the revised implementation schedule for that relief plan.

Instead of implementing the two-way split in about a year's time, the revised schedule would extend the implementation period to approximately two years. This proposal is strongly supported by the industry (*see, e.g.,*

Qwest Corporation's Comments, 2-4¹³), and is not opposed by anyone. Of at least equal importance is the general recognition that this extended implementation schedule will serve to eliminate or at least mitigate many of the costs associated with the relief plan approved by this Order.

There is in addition the prospect that this implementation period could be extended even more. At the June 13 hearing, Staff recommended that the Commission authorize a number conservation study to see if there are measures that can be undertaken to extend the implementation period and, for future purposes, to extend the life of New Mexico's new area code system. Tr., 16. In view of this prospect, which we further discuss below, the Commission should approve the revised implementation schedule for the two-way geographic split, subject to further revision pending the outcome of the number conservation study that we are directing below.

All Commissioners join in this decision.

D. Number Conservation Study

As mentioned immediately above, Staff proposes a number conservation study. Staff cautions that number conservation measures are not a substitute for an area code relief plan, but can be used to extend the period for the implementation of that plan and to prolong the life of that plan. Tr., 17.

Three steps that may be considered in number conservation are rate center consolidation, number utilization and number pooling. These steps are described in more detail in the comments of Gary Roybal, Telecommunications Bureau Chief for the Commission's Utility Division. Tr., 17-19. Staff requests that a docket be initiated to study these and any other number conservation methods that might be workable. *Id.*, at 19. No one objected to Staff's recommendation.

We agree that, for the reasons Staff has given, the time is ripe for a number conservation study. Inasmuch as the results of that study may lead to a further modification of the implementation schedule set by this Order, we think the number conservation study should proceed under the aegis of this case. This docket will therefore remain open pending, among other things, the results of the conservation study and possible further Commission action based thereon. Staff should conduct a number conservation study as soon as possible,

and should file with the Commission a proposed schedule for that study by no later than July 20, 2001.

All Commissioners join in this decision.

E. Optional Wireless Grandfathering

In its written Comments (filed June 12, 2001) and in its comments at the June 13 hearing, Qwest advocated that wireless providers be permitted the option of "grandfathering" their area codes, i.e., retaining the 505 area code on their existing NXX codes. Qwest states that its wireless customers cannot be reprogrammed by remote means, but instead would have to send or bring their wireless handsets to a designated location to be outfitted with a new computer chip that incorporates the new area code. According to Qwest, grandfathered wireless customers would be required to dial ten digits for local calls to the new area code, and a landline user in the new area code that called a grandfathered wireless customer in the local calling area would also be required to dial ten digits. Grandfathering wireless NXX codes, says Qwest, would not affect seven-digit dialing between landline numbers in the local calling area. Qwest's Comments, 4-5; Tr., 191, 193-195.

We think the possibility of optional grandfathering for wireless providers should be considered, but the record is insufficiently developed for the Commission to make any determinations on this question at this time. Given that this docket will remain open for the other purposes explained in this Order, administrative efficiency will best be served if optional grandfathering for wireless providers is also considered in this docket as provided below.

All Commissioners join in this decision.

F. Customer Education

The minutes of the NANPA/New Mexico telecommunications industry meeting of May 31, 2001,¹⁴ show that customer education issues were seen by the industry as one of the major activities involved in the implementation of a new area code for this State. The participants at that meeting identified several customer education issues, and established an education committee which is to be co-chaired by Gary Roybal of this Commission's Staff. Final Meeting Minutes, 7-9. One of the matters in connection with the introduction of new area codes that the FCC expressly delegated to the states was that

of "directing public education efforts regarding area code changes." 47 C.F.R. § 52.19(a). That important subject should be addressed in this docket.

The Commission commends the New Mexico telecommunications industry for the creation of a customer education committee. Such a committee is necessary to develop and, where appropriate, coordinate the customer education efforts associated with the two-way geographic split and area code assignments provided by this Order. The Commission will monitor the committee's progress by requiring periodic reports to be filed in this docket as provided below. The Commission will not specifically review or approve the actions of the committee, and will provide further direction to the committee only if the reports indicate that further direction is required.

No request has been made by the industry for Commission determination of an appropriate mechanism for sharing among industry members the costs of customer education. If it so desires, the committee may develop its own cost-sharing mechanism, subject only to the requirement that all industry members should expect to contribute to the cost on an equitable basis.

If the committee is unable to achieve consensus on cost issues, or on any issues that may arise concerning customer education efforts, the Commission stands ready to resolve those issues in an expedited proceeding, upon request.

All Commissioners join in this decision.

THE COMMISSION FINDS AND CONCLUDES:

1. The foregoing Statement of the Case, statement on jurisdiction, and Discussion are adopted as Findings and Conclusions of the Commission.

2. An NPA relief plan should be approved for the 505 NPA as provided by this Final Order on Rehearing.

3. To the extent that it is inconsistent with this Final Order on Rehearing, the Final Order issued herein on May 8, 2001, should be permanently vacated, and this Final Order on Rehearing should be substituted therefor.

IT IS THEREFORE ORDERED:

A. A two-way geographic split, as shown on Exhibit 1 to this Order (which is incorporated herein by reference), and as more fully described in NeuStar's Petition (and sup-

porting exhibits) as Alternative #2, is adopted as amended and as provided by this Order. As indicated on Exhibit 1, the area originally designated as Area A shall receive the new 575 area code, and the area originally designated as Area B shall retain the 505 area code.

B. Amended Alternative #2 shall be implemented in conformance with the revised implementation schedule that the New Mexico telecommunications industry has proposed for a two-way split. That implementation schedule is set out in full above. That implementation schedule is subject to revision pending the outcome of the number conservation study required by this Order.

C. Staff shall conduct a number conservation study as provided by this Order. Staff shall file in this docket a proposed schedule for this study by no later than July 20, 2001.

D. Qwest and any other wireless providers that would like the Commission to institute an optional grandfathering program for such providers shall file in this docket written justifications for such a program by no later than August 1, 2001. Such justifications shall at minimum include specific citations to and explanation of FCC and any other legal authority that permits such a program, a discussion of any identical or similar programs in other jurisdictions and how that experience applies to New Mexico, and all New Mexico-specific facts that support such a program. Interested persons may file any desired responses by no later than August 15, 2001.

E. The customer education committee created by the New Mexico telecommunications industry shall develop and, where appropriate, coordinate the customer education efforts associated with the two-way geographic split and area code assignments provided by this Order. The first meeting of the committee shall take place within 15 days of the date of this Order. After each meeting, the committee shall file a progress report in this docket for the Commission's consideration. All such reports shall be filed by no later than 10 days after each meeting.

F. To the extent that it is inconsistent with this Final Order on Rehearing, the Final Order issued herein on May 8, 2001, is permanently vacated, and this Final Order on Rehearing is substituted therefor.

G. This Docket shall remain open as provided by this Order until further order of the Commission.

H. Staff of the Utility Division shall mail a copy of this Order to all persons on the telecommunications mailing list, to NeuStar and to any other person requesting service. Staff shall cause this Order to be published in the New Mexico *Register*, and shall post this Order on the Commission's web site.

I. This Order is effective immediately.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 10th day of July, 2001.

NEW MEXICO PUBLIC
REGULATION COMMISSION

TONY SCHAEFER,
CHAIRMAN

HERB H. HUGHES,
VICE CHAIRMAN

RORY McMINN,
COMMISSIONER

JEROME D. BLOCK,
COMMISSIONER

LYNDA M. LOVEJOY,
COMMISSIONER

I dissent from the decision in Section III.B of this Order concerning the assignment of area codes.

JEROME D. BLOCK,
COMMISSIONER

I dissent from the decision in Section III.B of this order concerning the assignment of Area Codes. I also disagree with certain language in Sections I and II of this Order. Specifically, I disagree with the parenthetical statement on the second and third lines of page 3, with the clause after "May 2, 2000", in the first sentence of the Introduction on page 6, and with the second sentence in the last paragraph before Subsection A on page 7.

I believe this language is very misleading because there were in fact no hearings which specifically focused on the Area Code split ultimately approved by the Commission (in which Area B retains the 505 area code) until the So-

corro hearing held after the Commission's May 8th vote on the Area Code split. The opposite recommendation (for Area A to retain the 505 Area Code) was the recommendation that had been noticed for all previous hearings.

HERB H. HUGHES,
VICE CHAIRMAN

¹ NeuStar has been designated as the North American Numbering Plan Administrator ("NANPA") by the Federal Communications Commission. Among NeuStar's responsibilities as NANPA is the assignment of the number for a new NPA upon its creation by a State Commission.

² The Albuquerque and Santa Fe local calling areas contain the following 13 rate centers: Albuquerque, Belen, Bernalillo, Estancia, Laguna Acoma, Los Alamos, Los Lunas, Moriarty, Mountainair, Peña Blanca, Santa Fe, Tijeras and White Rock. The rest of the State, or Area B, has 150 rate centers.

³ The applicable FCC rule declares that an "area code overlay ... occurs when a new area code is introduced to serve the same geographic area as an existing area code...." 47 C.F.R. § 52.19(c)(3).

⁴ During the permissive dialing period, customers may dial either the old or the new area code.

⁵ During the permissive ten-digit dialing period, customers may dial either seven or ten digits.

⁶ Because March 3 falls on a Monday in 2003, we assume that Sunday, March 2, 2003, is the actual date the telecommunications industry recommends.

⁷ Unless otherwise indicated, transcript references are to the public comment hearing of June 13, 2001.

⁸ NeuStar later developed alternatives six, seven and eight at the request of Utility Division Staff. See letter (and attachments) dated August 30, 2000, from Dan H. Burcham to Gary Roybal. Submitted for the record and discussed, **Tr.**, 10/31/00, 4-13. However, neither Staff nor the telecommunications industry supported any of these later alternatives, and the consensus of Staff and industry regarding Alternative #2 remained unchanged.

⁹ This service expands a local calling area to reach multiple exchanges that have a community of interest, replacing toll calls within the EAS area with flat-rated service.

¹⁰ The same situation can occur on a limited basis with a split, but the extent of the problem will be limited only to

any EAS areas that are divided by the new area code boundary line. All other EAS areas will be unaffected by the split.

¹¹ This lack of formal cost studies underscores Staff's comments about the difficulty in carrying out such a study, and further highlights the finding of Staff's "Cost Study Survey" (submitted as an exhibit at the June 13 hearing) that eight neighboring and other regional states did not perform or rely on formal cost studies as a part of their area code proceedings. **Tr.**, 11 and 15.

¹² Later, at one of the initially scheduled hearings, NeuStar's representative said that numbering resources in the 505 NPA were then projected to exhaust during the fourth quarter of 2002. **Tr.**, 8/23/00, 3. This extension of the projected exhaust period did not result in any proposed modification to the recommended implementation schedule.

¹³ "Qwest is in full support of the industry's proposed dates, as these dates (Sundays) will have the least impact on customers, allowing for ample customer notification, while permitting sufficient time for service providers to plan and complete system and network changes, and allowing customer directory changes." **Id.**, at 4

¹⁴ These minutes, entitled "Final Meeting Minutes," were attached as an exhibit to the NANPA Comments filed herein on June 11, 2001.

**NEW MEXICO REAL
ESTATE COMMISSION**

NOTICE OF RULE HEARING

Unlicensed Activity, Licensure Recognition, Errors and Omissions Insurance to be Focus of Real Estate Commission Rule Hearing

The New Mexico Real Estate Commission will convene a rule hearing on Friday, August 24, 2001, at 9 a.m. in the Real Estate Commission offices, 1650 University NE, Suite 490, Albuquerque, New Mexico. A regular Commission meeting will convene at the same location following the conclusion of the rule hearing.

The Commission will be reviewing and receiving licensee and public comment on proposed amendments to existing rules, and adoption of new rules, pertaining to licensing fees; licensing requirements; unlicensed activity; licensure recognition agreements

with other states and jurisdictions; mandatory errors and omissions insurance for active salespersons and brokers; Salesperson and Associate Broker incorporation; continuing education credit for teaching Commission-approved continuing education courses; the Land Title Trust Fund Act; trade names; delivery of documents related to real estate transactions; and the Commission's complaint, investigative, and disciplinary processes.

Persons desiring to present their views on the proposed rule changes may appear in person at the hearing and/or send written comments to the attention of Wayne W. Ciddio, Executive Secretary, New Mexico Real Estate Commission, 1650 University NE, Suite 490, Albuquerque, New Mexico 87102 or by e-mail at wayne.ciddio@state.nm.us.

If you are an individual with a disability who is need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the rule hearing or meeting, please contact Mr. Ciddio at least one week prior to the rule hearing or as soon as possible. Public documents can be provided in various accessible formats. Please contact Mr. Ciddio if a summary or some other type of accessible format is needed.

A summary of the proposed rule changes follows. Interested persons may obtain a complete text of proposed changes by contacting Dora Forte, Commission Administrative Secretary, by telephone at (505) 841-9120, or by accessing the Commission web site at www.state.nm.us/clients/nmrec under "News" "Notice of Rule Hearing".

SUMMARY OF PROPOSED RULE CHANGES

Part 1 – General Provisions and Definitions, creates a new definition for "Errors and Omissions Insurance", a new program that is described in detail in a new Part 5, "Errors and Omissions Insurance".

Part 2 – License and Other Fees, inserts the language "not to exceed" before each fee category, thereby enabling the Commission to lower fees without a rule hearing.

Part 3 – Broker's License: Examination and Licensing Application Requirements, gives the Commission broad au-

thority to issue Broker's licenses to applicants from other states and jurisdictions whose licensing requirements are substantively equivalent to New Mexico's requirements. This concept is known as "licensure recognition".

Part 4 – Salesperson's License: Examination and Licensing Application Requirements, gives the Commission broad authority to issue Salesperson's licenses to applicants from other states and jurisdictions whose licensing requirements are substantively equivalent to New Mexico's requirements. This concept is known as "licensure recognition".

Part 5 – Errors and Omissions Insurance, creates a new rule requiring active Salespersons and Brokers to obtain and maintain errors and omissions insurance coverage, either through the Commission's contract insurance provider or through an independent provider that meets the minimum requirements of this rule, effective January 1, 2002. If the Commission cannot secure through a competitive bidding process a provider that can provide coverage of not less than \$100,000 for each licensed individual and entity per covered claim and not less than a \$500,000 aggregate limit per licensed individual or entity, with a deductible for each occurrence of not more than \$1,000, at a maximum \$150 annual premium, the insurance requirement would be suspended. Please see the Commission web site for the complete text of this proposed rule.

Part 9 – License Surrender/ Inactivation, deletes the word "Surrender" from the Part name, and specifies that a Salesperson's or Broker's license will be placed on inactive status if they fail to obtain and maintain an errors and omissions insurance policy either through the contract provider or an independent provider meeting the minimum requirements in the proposed Errors and Omissions Insurance rule.

Part 11 – License Renewal, specifies that a Salesperson or Broker will not be eligible to renew their license in active status if they fail to obtain and maintain an errors and omissions insurance policy either through the contract provider or an independent provider meeting the minimum requirements in the proposed Errors and Omissions Insurance rule.

Part 12 – License Revocation, renames the Part "License Suspension and Revocation", and rewrites the Part to clarify

that the Commission may take disciplinary action up to and including license suspension and revocation for violations of the license law and rules and regulations by a person who is licensed, and may impose other penalties as provided by law, Commission rules, regulations, and policies, for unlicensed persons who violate the license law or rules and regulations. This language, along with enabling language in the real estate license law, brings unlicensed real estate activity under the jurisdiction of the Real Estate Commission.

Part 13 – Continuing Education: Licensee Requirements, allows Commission-approved instructors to apply up to ten (10) credit hours during each three-year licensing cycle toward fulfillment of their own continuing education requirements for teaching Commission approved courses.

Part 16 – Qualifying Broker: Affiliation and Responsibilities, allows a Qualifying Broker to receive and disburse commissions, referral fees and other considerations to partnerships, corporations, or Limited Liability Companies (LLC's) wholly owned by Salespersons or Associate Brokers and their spouses.

Part 26- Land Title Trust Fund Act, creates a new rule reflecting changes to the Act allowing but not requiring Qualifying Brokers to maintain pooled interest-bearing trust accounts whose proceeds are paid to Land Title Trust Fund and Low Income Housing Trust accounts.

Part 29 – Trade Name, continues the requirement that a Qualifying Broker register and do business under a trade name as registered with the Commission, but removes the Commission's authority to approve trade names.

Part 33 – Document Execution and Delivery, specifies that it is the Qualifying Broker or Broker-in-Charge's responsibility to insure that all parties to a real estate transaction receive legible copies of "any and all" documents pertaining to the transaction, but deletes from the rule the list of specific documents that must be provided.

Part 36 – Investigations, renames the Part "Complaints and Investigations", specifies who may file a complaint, how complaints are assigned, investigated, and dismissed, sets time limits for responding to complaints, and specifies that a complaint may be filed not only

against a licensee, but against any person who engages in the acts of a real estate Salesperson or Broker with or without a real estate license.

RULE HEARING

Friday, August 24, 2001
9 a.m. Real Estate Commission
Offices
1650 University NE, Suite 490
Albuquerque, New Mexico

NEW MEXICO REGULATION AND LICENSING DEPARTMENT

CONSTRUCTION INDUSTRIES COMMISSION

Notice is hereby given that the Construction Industries Commission will hold a regular meeting on Friday, September 21, 2001 at 9:30 a.m., at the Taos County Commission Chambers, located at the Taos County Administration Office, 105 Albright Street, Taos New Mexico. The Commission will consider pending agenda items and discuss such other business as may require formal action by the Commission. Anyone who requires special accommodations is requested to notify the Commission at 725 St. Michael's Drive, Santa Fe, New Mexico 87501 of such needs at least ten days prior to the meeting.

NEW MEXICO RETIREE HEALTHCARE AUTHORITY

NOTICE OF PUBLIC MEETING AND HEARING TO CONSIDER PROPOSED AMENDMENT TO 2.81.7 NMAC

NOTICE OF PUBLIC MEETING

The purpose of this hearing is to obtain input on proposed amendments to 2.81.7 NMAC, Benefits Eligibility or Non-Eligibility for Retirees of Independent Public Employees.

I. SOLICITATION OF COMMENTS

The New Mexico Retiree Health Care Authority ("ANMRHCA") is soliciting comments from the public on proposed amendments to 2.81.7 NMAC. On August 27, 2001, at 9:00 a.m., the NMRHCA will hold a public meeting to discuss proposed amendments to its eligibility rule. The meeting will be held

at the offices of the NMRHCA at 810 West San Mateo, Suite D in Santa Fe. The meeting will offer interested parties an opportunity to comment on the proposed amendment to the rule. In addition, interested persons can submit written comments before August 17, 2001 to Milton Sanchez, Executive Director, 810 West San Mateo, Suite D, Santa Fe, New Mexico 87501 regarding the proposed amendment to 2.81.7 NMAC.

If an individual with a disability 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 or meeting, please contact Rosemarie Quintana at 1-800-233-2576, at least one week prior to the meeting or as soon as possible. The text of the proposed rule can also be obtained from Milton Sanchez, Executive Director, NMRHCA.

NEW MEXICO WATER QUALITY CONTROL COMMISSION

NOTICE OF PUBLIC MEETING AND PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.4 NMAC – STANDARDS FOR INTERSTATE AND INTRA- STATE SURFACE WATERS

The New Mexico Water Quality Control Commission will hold the October 2001 meeting in Las Cruces, New Mexico beginning on Tuesday, October 9 and continuing through Wednesday, October 10. The hearing will commence on October 9th beginning at 8:30 am MDT. The hearing will consist in part of six stops along the lower Rio Grande. Two (2) fifteen passenger vans will be available to transport the several Commissioners as well as other interested persons. The vans will depart from the Educational Service Center, New Mexico State University north parking lot. Additional interested persons who may wish to accompany the Commission on the tour are encouraged to travel via private vehicle.

The Commission proposes to stop at the following locations on October 9th:

Stop #1: Leasburg dam. Use the overlook at the state park as meeting area
 Stop #2: South along west side of river just below Picacho street (Highway 70)

bridge

Stop #3: Mesilla Diversion dam, east side of river

Stop #4: The East Drain confluence with river just south of Anthony Lake

Stop #5: Canutillo area east of La Union NM where river comes in and out of NM

Stop #6: The Montoya Drain confluence with river near El Paso Electric Plant in Sunland Park

On Wednesday, October 10th, beginning at 9:00 am MDT the Commission will reconvene the public hearing for the purpose of taking testimony on the definition of and designated use(s) of water quality segment 20.6.4.101, the main stem of the Rio Grande from the international boundary and water commission sampling station above American dam upstream to one mile below Percha dam. The Commission will also take evidence on splitting the segment. The public hearing will be held in the New Mexico State University Regents Room at the Educational Service Center, New Mexico State University.

Public parking is available in the lots immediately adjacent to the Educational Service Center.

END OF NOTICES AND PROPOSED RULES SECTION

Adopted Rules and Regulations

NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

NOTICE OF REPEAL

HED-85-6 (HSD) Regulations Governing Criminal Records Check and Employment History of Licensees and Staff of Child Care Facilities, is repealed effective 07/30/01 and repromulgated as 8.8.3 NMAC, Governing Criminal Records Checks and Employment History Verification effective 07/30/01.

NEW MEXICO CHILDREN YOUTH AND FAMILIES DEPARTMENT

TITLE 8 SOCIAL SERVICES CHAPTER 8 CHILDREN, YOUTH AND FAMILIES GENERAL PROVI- SIONS PART 3 GOVERNING CRIMINAL RECORDS CHECKS AND EMPLOYMENT HISTORY VERIFICATION

8.8.3.1 ISSUING AGENCY: Children, Youth and Families Department
[8.8.3.1 NMAC – N, 07/30/01]

8.8.3.2 SCOPE: This rule has general applicability to Licensees and direct providers of care for children in the following settings: Children's Behavioral Health Services and licensed and registered child care, including shelter care.
[8.8.3.2 NMAC – N, 07/30/01]

8.8.3.3 STATUTORY AUTHORITY: The statutory authority for these regulations is contained in the Criminal Offender Employment Act, Section 28-2-1 to 28-2-6 NMSA and in the New Mexico Children's and Juvenile Facility Criminal Records Screening Act, Section 32A-15-1 to 32A-15-4 NMSA 1978 Amended.
[8.8.3.3 NMAC – N, 07/30/01]

8.8.3.4 DURATION: Permanent
[8.8.3.4 NMAC – N, 07/30/01]

8.8.3.5 EFFECTIVE DATE: July 30, 2001.
[8.8.3.5 NMAC – N, 07/30/01]

8.8.3.6 OBJECTIVE:
A. The purpose of these

regulations is to set out general provisions regarding the criminal records checks and employment history verification required by the Prevention & Intervention Division of the Children, Youth and Families Department.

B. Criminal records checks are made to identify those adults who have relevant felony and/or misdemeanor convictions and/or arrests as defined in these regulations that operate as a disqualification to provide services to children.
[8.8.3.6 NMAC – N, 07/30/01]

8.8.3.7 DEFINITIONS:

A. **ALFORD PLEA** means a guilty plea entered by a defendant who simultaneously maintains his/her innocence and for purposes of these regulations is equivalent to a conviction.

B. **ADMINISTRATIVE REVIEW** means an informal process of reviewing a decision that may include an informal conference and/or hearing and/or a review of written records.

C. **ADMINISTRATOR** means the adult in charge of the day-to-day operation of a facility. The Administrator may be the licensee or an authorized representative of the licensee.

D. **ADULT** means a person who has a chronological age of 18 years or older.

E. **APPEAL** means a review of a determination made by the Children, Youth and Families Department, which may include an administrative review.

F. **ARREST** means notice from a law enforcement agency about an alleged violation of law.

G. **CARE RECIPIENT** means any person under the care of a licensee.

H. **CHILD** means a person who has a chronological age of less than 18 years.

I. **CONDITIONAL EMPLOYMENT** means a period of employment which is contingent upon receipt of notice from the Children, Youth and Families Department that the direct provider of care's criminal records check indicates no relevant conviction and/or the period of employment allowed during which the direct provider of care is responsible for providing the disposition of an arrest record.

J. **CRIMINAL HISTORY** means information possessed by

law enforcement agencies of an adult's arrests, indictments, or other formal charges, as well as dispositions arising from these charges.

K. **CRIMINAL RECORDS CHECK** means the process of submitting FBI approved fingerprint cards for the purpose of determining whether or not an applicant has State or Federal convictions on record and, when applicable, obtaining a criminal history. It may also refer to a request made by the Children, Youth and Families Department for a criminal history contained in local law enforcement records.

L. **CRIMINAL RECORDS CLEARANCE** means that the Children, Youth and Families Department has made a determination, based on the criminal records checks performed, that no relevant conviction exists to operate as a bar to employment.

M. **DIRECT, PHYSICAL SUPERVISION** means continuous visual contact or live video observation by a cleared direct provider of care of a non-cleared direct provider of care during periods when the non-cleared direct provider of care is in immediate physical contact with care recipients. This requirement applies only to settings licensed by Children's Behavioral Health Services.

N. **DIRECT PROVIDER OF CARE** means any adult who, as a result of employment, contractual service or volunteer service has direct care or routine and unsupervised physical access to any care recipient and is required to obtain a criminal records check pursuant to these or other applicable regulations.

O. **DISPOSITION** means the ruling, sentencing or other final settlement of a criminal matter.

P. **EMPLOYMENT HISTORY** means a written summary of the most recent three year period of employment with names, addresses and telephone numbers of employers with stated reasons for leaving employment and all periods of unemployment with stated reasons for periods of unemployment, and verifying references.

Q. **LICENSEE** means the holder of, or applicant for, a license, certification, or registration pursuant to 7.20.11 NMAC, 8.16.2 NMAC, 7.8.3 NMAC; 8.17.2 NMAC.

R. **LICENSING AUTHORITY** means the Children, Youth and Families Department.

S. **NOLO CONTENDERE** means a plea of no contest. For the purposes of these regulations, a nolo contendere is equivalent to a conviction.

T. **PENDING CHARGES** means charges that have been filed and a court has not yet ruled.

U. **RELATIVE CARE PROVIDER**: A direct provider of care for children who are related to him/her within the third degree of consanguinity.

V. **RELEVANT CONVICTION** means a plea, judgment or verdict of guilty or a conviction following a plea of nolo contendere, conditional plea of guilty or nolo contendere, or an Alford plea that is considered grounds for disqualification for employment under these regulations.

[8.8.3.7 NMAC – N, 07/30/01]

8.8.3.8 APPLICABILITY: These regulations apply to all Licensees and direct providers of care in the following settings:

- A. Behavior Management Skills Development;
- B. Care Coordination Service;
- C. Group Home Service;
- D. Home-Based Family-Centered Casework or Treatment;
- E. Day Treatment;
- F. Residential Treatment;
- G. Treatment Foster Care Services Agency Staff;
- H. Licensed Child Care Homes;
- I. Licensed Child Care Centers;
- J. Registered Child Care Homes;
- K. Licensed Shelter Care;
- L. Licensed Before And After School Care.

[8.8.3.8 NMAC – N, 07/30/01]

8.8.3.9 NON-APPLICABILITY:

- A. These regulations do not apply to the following settings:
- (1) Hospitals or Infirmaries;
 - (2) Intermediate Care Facilities;
 - (3) Children's Psychiatric Centers;
 - (4) Home Health Agencies;
 - (5) Diagnostic and Treatment Centers;
 - (6) Unlicensed and/or unregistered Child Care Homes

B. These regulations do not apply to the following adults:

- (1) Treatment Foster Care Parents;
 - (2) Relative Care Providers;
 - (3) Non-Caregiver Adults Residing in Registered Child Care Homes;
 - (4) Foster Grandparent volunteers;
 - (5) Screened and monitored volunteers of official programs, such as work/study students, providing the program is waived by the Licensing Authority from the criminal records check requirement;
 - (6) Volunteers working less than eight (8) hours per week.
- [8.8.3.9 NMAC – N, 07/30/01]

8.8.3.10 COMPLIANCE:

A. Compliance with these regulations is a condition of licensure, registration, certification and/or renewal, and/or continuation of same.

B. The Licensee is required to:

- (1) Submit two FBI-approved fingerprint cards for all direct providers of care within five working days of commencement of service, whether employment, contractual, or volunteer. **EXCEPTION:** In the case of licensed child care homes, the Licensee must submit fingerprint cards, within five working days, for any adult who resides in the home or any persons residing in the home who reaches 18 years of age.

- (2) Submit the FBI-approved fingerprint cards to CYFD along with the specified fee.

- (3) Verify the employment history of any potential direct provider of care. The verification shall include contacting references and prior employers/agencies to elicit information regarding the reason for leaving prior employment or service. The verification shall be documented and available for review by the Licensing Authority. **EXCEPTION:** Verification of employment history is not required for registered home providers, child care homes licensed for six (6) or fewer children, or relative care providers.

- (4) In settings licensed by Children's Behavioral Health Services, provide for direct physical supervision of direct providers of care who have not received a criminal records clearance from the Children, Youth and Families Department.

[8.8.3.10 NMAC – N, 07/30/01]

8.8.3.11 COMPLIANCE EXCEPTIONS:

A. A direct provider of care is not required to undergo an additional criminal records check if he/she begins employment, contractual services, or volunteer service with another Licensee within one calendar year of departure from employment, contract, or volunteer service with a prior Licensee. The direct provider of care is responsible for providing proof of his/her prior criminal records check clearance. The direct provider of care must certify that he/she has not been arrested or convicted of any offense during the interim period. **EXCEPTION:** If a direct provider of care is to be employed, contracted or volunteering in a setting licensed by Children's Behavior Health Services, he/she is not required to undergo an additional criminal records check if he/she began employment, contractual services, or volunteer service with another Licensee within 180 days of departure from a prior Licensee.

B. If a direct provider of care who has not resided in the United States for a minimum of five years is employed, contracted or volunteering in a setting licensed by Children's Behavior Health Services, he/she must provide proof of criminal records clearance from his/her country of origin.

[8.8.3.11 NMAC – N, 07/30/01]

8.8.3.12 PROHIBITIONS:

A. Any Licensee who violates these regulations may be subject to revocation, suspension, sanctions, or denial of licensure, certification, or registration.

B. Licensure, certification, or registration is subject to receipt by the Licensing Authority of a criminal records clearance for the Licensee and/or the Licensee's Administrator.

C. Licensure, certification or registration may not be granted by the Licensing Authority if a criminal records check of the Licensee and/or the Licensee's Administrator reveals a relevant conviction.

D. Licensure, certification, or registration may not be granted by the Licensing Authority if a screen from the Protective Services Division or an employment history verification of the Licensee and/or the Licensee's Administrator reveals information which indicates abuse or neglect of children.

E. A Licensee may not retain employment, volunteer service or contract with any direct provider of care:

- (1) For whom a criminal

records check reveals a relevant conviction;

(2) For whom an employment history verification reveals evidence which indicates that a potential for the abuse or neglect of children exists.

F. A Licensee shall be in violation of these regulations if it retains a direct provider of care for more than fifteen working days following the mailing of a notice verifying relevant convictions by the Licensing Authority. The notice shall be mailed certified return receipt requested.

G. A Licensee shall be in violation of these regulations if it retains any direct provider of care beyond 180 days for whom a criminal records check clearance has not been received. At the discretion of the Children, Youth and Families Department, this time frame may be extended.

H. A Licensee shall be in violation of these regulations if it hires, contracts with, uses in volunteer service, or retains any direct provider of care for whom an employment history verification reveals information which indicates the abuse or neglect of children.

[8.8.3.12 NMAC – N, 07/30/01]

8.8.3.13 CONVICTIONS

A. For the purpose of these regulations, the following convictions shall disqualify a person for a license or as a registered child care provider:

- (1) Child abuse and/or neglect;
- (2) family or domestic abuse or violence;
- (3) any crime against a child, including, but not limited to, child pornography, false imprisonment, kidnapping, endangerment of a minor, contributing to the delinquency of a minor;
- (4) rape, criminal sexual penetration, criminal sexual contact, incest or other non-consensual or forcible sexual acts;
- (5) any crime involving adult abuse, neglect or financial exploitation;
- (6) indecent exposure;
- (7) felony larceny, robbery, burglary or aggravated burglary;
- (8) felony trafficking of controlled substances;
- (9) arson;
- (10) any criminal offense involving fraud; or
- (11) any crime involving moral turpitude, including but not lim-

ited to, prostitution, solicitation, possession of controlled substances, minor in possession of alcohol, driving while intoxicated or driving under the influence, both felony or misdemeanor, petty theft and any other offense that a reasonable person believes would impact a person's ability to provide a safe setting for children.

B. For a person with an arrest or conviction for any offense not listed in subsection A, the provisions of the Criminal Offender Employment Act control. NMSA 1978, 28-2-1 through 28-2-6, as amended. Any person in this category must demonstrate that they have remained free of any arrest, probation violation, parole violation or conviction for a period of three consecutive years, and that the person is able to provide child care services in a safe manner.

C. Any person who applies for licensed or registered status shall also submit his/her name and any aliases for a child abuse and neglect screen. Any person who has a substantiated adult or child abuse or neglect case shall be prohibited from providing any service related to these regulations.

D. Any person and all employees who apply for the renewal of their license must certify that they have not been arrested or convicted of an offense for the interim period of the date of expiration of the license to the date of request for renewal. If at any time during the license or registration period, any person is arrested or convicted of any offense shall report all of the information to the Children, Youth and Families Department within 24 hours. Failure to report any arrest or conviction is grounds for immediate revocation of the license or registered status.

E. Any person who is denied the privilege of providing child care services may request a review pursuant to 8.8.3.14.

[8.8.3.13 NMAC – N, 07/30/01]

8.8.3.14 APPEAL RIGHTS:

A. Any Licensee who is denied licensure, certification, or registration or is sanctioned pursuant to these regulations may appeal that decision to the Children, Youth and Families Department.

B. Any direct provider of care who is disqualified from service due to a violation of 8.8.3.13 B, C or D may request a hearing from the Children, Youth and Families Department. The request for hearing shall be made as soon as possible, but not less than fifteen

days from notice.

[8.8.3.14 NMAC – N, 07/30/01]

HISTORY OF 8.8.3 NMAC:

HED 85-6 (HSD), Regulations Governing Criminal Records Check And Employment History Of Licensees And Staff Of Child Care Facilities, 08/30/85.

HISTORY OF REPEALED MATERIAL:

HED 85-6 (HSD), Regulations Governing Criminal Records Check And Employment History Of Licensees And Staff Of Child Care Facilities - Repealed, 07/30/01

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to Title 19, Chapter 31, Part 5, sections 4, 7, 8,11,14,15,16.

19.31.5.4 DURATION:

[April 1, 2000-March 31, 2001] April 1, 2001-March 31, 2002.

[8-2-84...7-31-95, A, 7-31-97, A, 7-15-98; A, 7-31-99; 19.31.5.4 NMAC - Rn & A, 19 NMAC 31.5.4, 8-31-2000; A, 08-15-01]

19.31.5.7 DEFINITIONS:

A. "**Area GS-1" (GS-1)**, as used herein, shall mean the area bounded by the following: beginning at the New Mexico-Colorado border at I-25, south on I-25 to U.S. 285, south on U.S. 285 to N.M. 41, south on N.M. 41 to U.S. 60, west on U.S. 60 to I-25, north on I-25 to N.M. 44, northwest on N.M. 44 to the southeastern border of the Jicarilla Apache Indian Reservation, north on the Jicarilla Apache Indian Reservation border to the New Mexico-Colorado border, east to I-25.

B. "**Area GS-2" (GS-2)**, as used herein, shall mean the area bounded by the following: beginning at the New Mexico-Arizona border at I-40, east on I-40 to I-25, south on I-25 to I-10, west on I-10 to N.M. 11, south on N.M. 11 to the New Mexico-Mexico border, west to the New Mexico-Arizona border, north to I-40.

C. "**Area S-3" (S-3)**, as used herein, shall mean the area bounded by the following: beginning at the New Mexico-Texas border at U.S. 54, north on U.S. 54 to U.S. 285, south on U.S. 285 to the New Mexico-Texas border, east to U.S. 54.

D. "**Area S-4" (S-4)**, as used herein, shall mean the area bounded by the following: beginning at the New Mexico-Arizona border at Four-corners south to I-40; east on I-40 to I-25; north on I-25 to N. M. 44; northwest on N. M. 44 to the southern reservation boundary of the Jicarilla Apache Reservation; north and west along the western reservation boundary to the New Mexico-Colorado border; west along the New Mexico-Colorado border

to the Four-corners.

E. "Lesser Prairie-Chicken hunting area", as used herein, shall mean the area bounded by the following: beginning at the New Mexico-Texas border at U.S. 60, south along the New Mexico-Texas border to N.M. 234, west on N.M. 234 to N.M. 8, west on N.M. 8 to N.M. 176, west on N.M. 176 to U.S. 62-180, west on U.S. 62-180 to the Pecos River, north along the Pecos River to U.S. 60, east to the New Mexico-Texas Border, including all Lesser Prairie-Chicken management areas owned by the State Game Commission.

F. "Middle Rio Grande Valley hunt area (MRGV)", as used herein, shall mean Valencia and Socorro counties.

G. "Eastern New Mexico Sandhill Crane hunt area (Eastern)", as used herein, shall mean that area in the following counties: Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt.

H. "Southwest New Mexico Sandhill Crane hunt area (Southwest)", as used herein, [shall mean that area beginning at the southeastern corner of Luna County, west along the Luna County line to the southwest corner of Luna County, north along the Luna County line to I-10, east along I-10 to U.S. 180, north along U.S. 180 to its junction with N.M. 26, northeast along N.M. 26 to N.M. 27, north along N.M. 27 to N.M. 152, east along N.M. 152 to I-25, south along I-25 to I-10, west along I-10 to the Luna County line, south along the Luna County line to the New Mexico-Mexico border.] shall mean that area bounded on the south by the New Mexico/Mexico border; on the west by the New Mexico/Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna County line, and south to the New Mexico/Mexico border.

I. "Southwest Band-tailed Pigeon hunting area" (Southwest BPHA), as used herein, shall mean that portion of New Mexico both south of U.S. 60 and west of I-25.

J. "Regular Band-tailed Pigeon hunting area" (Regular BPHA), as used herein, shall mean that portion of New Mexico not included in the southwest Band-tailed Pigeon hunt area.

K. "Central Flyway", as used herein, shall mean that portion of New Mexico east of the Continental Divide, with the exception of the Jicarilla Apache Indian Reservation.

L. "Non-toxic shot", as used herein, shall mean that non-toxic shot approved for use by the U. S. Fish and Wildlife Service.

M. "Possession limit", as used herein, shall mean twice the daily bag limit except where otherwise defined.

N. "Dove North Zone" (North Zone), as used herein, shall mean that portion of New Mexico north of I-40 from the Arizona-New Mexico border to Tucumcari and U.S 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

O. "Dove South Zone" (South Zone), as used herein, shall mean that portion of New Mexico south of I-40 from the Arizona-New Mexico border to Tucumcari and U.S 54 at its junction with I-40 at Tucumcari to the New Mexico-Texas border.

P. "Estancia Valley Sandhill Crane hunt area (EV)", as used herein, shall mean that area beginning at Mountainair bounded on the west by N.M. highway 55 north to N.M. 337, north to N.M. 14, and north to Interstate 25; on the north by Interstate 25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to N.M. 55 in Mountainair.

[8-2-84...7-31-95; A, 7-31-98; 819.31.5.7 NMAC - Rn, 19 NMAC 31.5.7, 8-31-2000; A, 08-15-01]

19.31.5.8 OPEN AREAS, SPECIES, SEASONS DATES, AND DAILY BAG LIMITS:

[2000-2001] 2001-2002 season: all dates are [2000] 2001 unless otherwise specified.

SPECIES	OPEN AREAS	SEASON OPEN	DAILY BAG LIMIT
Teal	Central Flyway portion of state	Sept. [16-24] 15-23	4 (singly or in aggregate)
Pheasant	Statewide, excluding Valencia County	Dec. [14-17] 13-16	3(males)
	Valencia County	Dec. [16] 15	3(males)
Youth-only Pheasant Hunt *See information; Section 19.31.5.14	Seven Rivers WMA	Dec. [9] 8	3(males)
Pheasant (special permit) *See information; Section 19.31.5.14	Seven Rivers WMA and W.S. Huey WMA	Dec. [16] 15	3(males)
Blue Grouse	GS-1	Sept. 1-30	3
	GS-2	Oct. 1-31	3
Lesser Prairie-Chicken	SEASON CLOSED		
Quail: Gambel's, scaled, Northern Bobwhite And Montezuma (Mearns)	Statewide	Nov. 15 through Feb. 15, [2001] 2002	15 (singly or in aggregate; no more than 5 shall be Mearns)
Sandhill Crane *Special permit required; See information Section 19.31.5.11	MRGV	Oct. [28-29] 27-28	2 (3 per season)
	EV	Oct. 27-28	2 (4 per season)
	MRGV	Nov. [18-19] 17-18	2 (3 per season)
	MRGV	Dec. [09-10] 8-9	2 (8 per season)
	Southwest	Nov. [04-05] 3-4 and	2 (3 per season)
	MRGV	Jan. [06-07, 2001] 5-6, 2002	(Possession-6, regular and special seasons combined)
		Jan. [13-14, 2001] 12-13, 2002	

Sandhill Crane*Special permit required; See information Section 19.31.5.12	Eastern	Oct. 31 through Jan. 31, [2001] 2002	3
Band-tailed Pigeon	Southwest <u>BPHA</u> Regular <u>BPHA</u>	Oct. 1-20	Sept. 1-20 55
Dove	North zone South zone	Sept. 1-Oct. 30	Sept. 1-30 and Dec. 1-30 15 (singly or in aggregate) 15 (singly or in aggregate)
Tree Squirrel	GS-1 GS-2 GS-3 GS-4	[Sept. 1-30] <u>Sept. 1-Oct. 31</u> [Oct. 1-31] <u>Oct. 1-Nov. 30</u> [Sept. 1-30] <u>Sept. 1-Oct. 31</u> [Sept. 1-30] <u>Sept. 1-Oct. 31</u>	8 (singly or in aggregate)

A. The William S. Huey WMA shall be open for dove, quail, and Sandhill Crane hunting only on Monday, Wednesday, and Saturday during established statewide seasons. Use of vehicles will be restricted to designated areas.

B. The Brantley Wildlife Management Area (excluding the Seven Rivers Waterfowl Management Area portion, as posted) shall be open for dove, quail, pheasant, September teal, and Sandhill Crane hunting during established statewide seasons. Use of vehicles will be restricted to designated areas.

C. The Seven Rivers WMA shall be open for dove, quail, September teal, and Sandhill Crane hunting only on Monday, Wednesday, and Saturday during established statewide seasons. Use of vehicles will be restricted to designated areas. [8-2-84...7-31-95, A, 7-31-97, A, 7-31-98; A, 7-31-99; 19.31.5.8 NMAC - Rn & A, 19 NMAC 31.5.8, 8-31-2000; A, 08-15-01]

19.31.5.11 REQUIREMENTS AND PERMITS FOR THE SPECIAL MIDDLE RIO GRANDE AND SOUTHWEST NEW MEXICO SANDHILL CRANE SEASONS:

A. [~~Five~~] Six separate Sandhill Crane seasons are scheduled with up to a total of [~~260~~] 340 permits available. The permits will be allocated by season as follows:

- (1) [~~2000-2001~~] 2001-2002 season:

Season Dates	Hunt Code	Hunt Location	No. of permits
October [28-29] <u>27-28</u>	[F-0-101] <u>SCR-0-101</u>	MRGV	60
<u>October 27-28</u>	<u>SCR-0-102</u>	<u>EV</u>	<u>40</u>
November [18-19] <u>17-18</u>	[F-0-102] <u>SCR-0-103</u>	MRGV	[50] <u>60</u>
December [09-10] <u>8-9</u>	[F-0-103] <u>SCR-0-104</u>	MRGV	[50] <u>60</u>
November [04-05] <u>3-4</u> and January [06-07, 2001] <u>5-6, 2002</u>	[F-0-104] <u>SCR-0-105</u>	<u>Southwest</u>	[50] <u>60</u>
January [13-14, 2001] <u>12-13, 2002</u>	[F-0-105] <u>SCR-0-106</u>	MRGV	[50] <u>60</u>

- (2) [RESERVED]

B. Hunters participating in the MRGV seasons will be required to successfully pass a waterfowl identification examination prior to hunting. Hunters may take this examination only once per year. Hunters must have in their possession proof of successfully passing this examination while hunting.

C. Only non-toxic shot may be in possession of hunters using shotguns.

D. [RESERVED]

E. While hunting Sandhill Cranes, hunters participating in these seasons must have in their possession a special permit issued by the Department.

F. Hunters who participate in the MRGV and EV seasons shall be required to check-out at designated check stations when they harvest any Sandhill cranes. Those hunters participating in the southwest seasons will be requested to check-out only at designated check stations at the end of each hunt date.

G. Hunters participating in the MRGV and EV seasons who do not submit a questionnaire within five days of the close of their hunt will be considered ineligible to receive a permit the following year. Hunters participating in the southwest seasons who do not submit a questionnaire within five days of the close of their November and January hunts will be considered ineligible to receive a permit the following year.

H. Applications for Sandhill Crane permits shall be submitted on the appropriate application form. A six-dollar application fee shall be required by each applicant. Applicants may apply for a first and second choice of seasons. A maximum of one season will be awarded to successful applicants. The deadline date for application shall be the second Saturday in September. All applications must be mailed to the Santa Fe office. Applications that have been mailed and postmarked but not delivered by the deadline date will be accepted by the Santa Fe office up to 5 working days after that deadline.

I. No more than four persons may apply per application.

J. Applications for permits may be returned to the sender if such applications are not on the proper form or do not supply adequate information.

K. It shall be unlawful to submit more than one application for a special MRGV, Southwest or EV sandhill crane season permit. If any permits remain after the original deadline, the Director may authorize a new deadline. A person who is not awarded a permit for which he applied may submit a new application for a permit if such permits remain available.

L. If applications for permits exceed the number of available permits, as herein established, the available permits shall be allotted by means of a random public drawing in the Santa Fe office of the Department of Game and Fish. [8-2-84...7-31-95; A, R, 7-31-96; R, 7-31-97; A, 7-31-98; A, 7-31-99; 19.31.5.11 NMAC - Rn & A, 19 NMAC 31.5.11, 8-31-2000; A, 08-15-01]

19.31.5.14 REQUIREMENTS AND PERMITS FOR YOUTH-ONLY PHEASANT HUNT AND THE SEVEN RIVERS WMA AND W.S. HUEY WMA PHEASANT HUNTS:

A. Up to 40 permits will be available for a Youth-only Pheasant hunt on the Seven Rivers WMA scheduled for the Saturday prior to the opening of the regular season. Up to 65 permits will be available on the Seven Rivers WMA hunt. Up to 40 per-

mits will be available on the W.S. Huey WMA hunt.

B. [Hunters participating in the Youth-only pheasant hunt may not have reached the age of 18 years by the date of the hunt.] Refer to the Hunting and Fishing License Application Rule (19.31.3 NMAC, Section 11-Restrictions) for criteria qualifying an applicant for this youth hunt license.

C. Applications for the [P] PHE-0-001 Youth-only, [P] PHE-0-002 Seven Rivers WMA and [P] PHE -0-003 W.S. Huey WMA permits shall be submitted on the appropriate application form. A six-dollar application fee shall be required by each applicant. The deadline date for application shall be the second Saturday in September. All applications must be mailed to the Santa Fe office. Applications that have been mailed and postmarked but not delivered by the deadline date will be accepted by the Santa Fe office up to 5 working days after that deadline.

D. No more than four persons may apply per application.

E. Applications for permits may be returned to the sender if such applications are not on the proper form or do not supply adequate information.

F. It shall be unlawful to submit more than one application for a permit for the Youth-only pheasant or the special permit Seven Rivers WMA and W.S. Huey WMA pheasant hunts. If any permits remain after the original deadline, the Director may authorize a new deadline. A person who is not awarded a permit for which he applied may submit a new application for a permit if such permits remain available.

G. If applications for permits exceed the number of available permits, as herein established, the available permits shall be allotted by means of a random public drawing in the Santa Fe office of the Department of Game and Fish.

H. Youth hunters participating in this hunt must be accompanied by a non-hunting adult.
[7-31-95, A, 7-31-98; 19.31.5.14 NMAC - Rn & A, 19 NMAC 31.5.14, 8-31-2000; A, 08-15-01]

19.31.5.15 REQUIREMENTS AND PERMITS FOR LESSER PRAIRIE-CHICKEN:

A. Hunters shall have in their possession a Lesser Prairie-Chicken hunting permit. A person desiring a permit shall apply in person to the Department in Santa Fe, Albuquerque, Raton, Las Cruces, or Roswell, or by mail only to the Santa Fe office. Applicants shall submit their name, address, and the number of their general hunting license, or general hunting and fishing license, or small game license, or senior general hunting license, or handicapped general hunting license. Permits shall be free of charge and there shall be no limit on the number of permits available for issue.

B. Hunters shall be requested to checkout at the close of each hunt date at designated check stations.

C. The season for the Lesser Prairie-Chicken is closed for the [~~2000-2001~~] 2001-2002 season.
[7-31-96, A, 7-15-98; A, 7-31-99; 19.31.5.15 NMAC - Rn & A, 19 NMAC 31.5.15, 8-31-2000; A, 08-15-01]

19.31.5.16 FALCONRY SEASONS:

A. Open areas and season dates.

(1) [~~2000-2001~~] 2001-2002 season, all dates are [~~2000~~] 2001 unless otherwise specified.

(a) The season for pheasants, Blue Grouse, quail, Abert's squirrel, and red squirrel shall be statewide and shall be open September 1 through February 28, [~~2001~~] 2002.

(b) The season for dove shall be statewide and shall be open September 1 through November 12 and November 27 through December 30, [~~2001~~] 2002.

(c) The season for Band-tailed Pigeon shall be September 1 through December 16 for the regular hunting area and October 1 through January 15, [~~2001~~] 2002 for the southwest hunting area.

(d) The season for Sandhill Crane shall be in the eastern New Mexico Sandhill Crane hunt area and shall be open from October 17 through January 31, [~~2001~~] 2002.

(e) The season for any duck species and American Coot during the September Teal season within the Central Flyway portion of the state shall be open [~~September 16 through September 24~~] September 15 - 23.

(2) [RESERVED]

(a) [RESERVED]

(b) [RESERVED]

(c) [RESERVED]

(d) [RESERVED]

(e) [RESERVED]

B. Daily bag and possession limits.

(1) Daily bag limits shall be 3 birds (in the aggregate) and 3 squirrels (in the aggregate) and possession limits shall be: pheasant-6; Blue Grouse-6; quail-30 (singly or in the aggregate); tree squirrel-16 (singly or in the aggregate) as listed herein.

(2) Daily bag limit for dove, ducks, Band-tailed Pigeon, and Sandhill Crane shall be 3 birds (in the aggregate) and possession limits shall be 6 birds (in the aggregate) as listed herein.

C. Provisions for possession: The falconry hunter shall not retain nor possess any protected mammal taken by a raptor except Abert's squirrels and red squirrels legally taken during open falconry season. The falconry hunter shall not retain nor possess any protected birds taken by a raptor except those species listed herein that were legally taken during the open falconry season.
[8-2-84...7-31-95; A, 7-31-96; A, R, 7-31-97; A, 7-31-98; A, 7-15-99; 19.31.5.16 NMAC - Rn & A, 19 NMAC 31.5.16, 8-31-2000; A, 08-15-01]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.8 NMAC. Sections 13, and 24 have been amended.

19.31.8.13 ELK (2001-2002):

A. The Director, at his discretion, may adjust the number of public and/or private land elk permits up to 20 percent of the current permit numbers to address significant changes in population or harvest parameters.

B. Public land elk hunts for any legal weapon, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

(1)	Sept. 29 - Oct. 3,	ELK-1-001,	5,	MB,	Sierra Grande Hunt Area of 56.
(2)	Sept. 29 - Oct. 3,	ELK-1-002,	5,	MB,	Sargent WMA in 4.
(3)	Oct. 6 - 10,	ELK-1-003,	15,	MB,	Sargent WMA in 4.
(4)	Oct. 6 - 10,	ELK-1-004,	10,	MB,	Humphries-Rio Chama WMA in 4.
(5)	Oct. 6 - 10,	ELK-1-005,	5,	MB,	5A (Public land only).
(6)	Oct. 6 - 10,	ELK-1-006,	100,	MB,	5B.

(7)	Oct. 6 - 10,	ELK-1-007,	Unlimited,	ES,	12.
(8)	Oct. 6 - 10,	ELK-1-008,	50,	A,	16A (Youth Only. Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.)
(9)	Oct. 6 - 10,	ELK-1-009,	50,	A,	16D (Youth Only. Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.)
(10)	Oct. 6 - 10,	ELK-1-010,	Unlimited,	ES,	21B.
(11)	Oct. 6 - 10,	ELK-1-011,	Unlimited,	ES,	22A.
(12)	Oct. 6 - 10,	ELK-1-012,	Unlimited,	ES,	23.
(13)	Oct. 6 - 10,	ELK-1-013,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(14)	Oct. 6 - 10,	ELK-1-014,	Unlimited,	ES,	43.
(15)	Oct. 6 - 10,	ELK-1-015,	140,	MB,	44/45.
(16)	Oct. 6 - 10,	ELK-1-016,	180,	MB,	49.
(17)	Oct. 6 - 10,	ELK-1-017,	100,	MB,	50.
(18)	Oct. 6 - 10,	ELK-1-018,	20,	A,	50.
(19)	Oct. 6 - 10,	ELK-1-019,	200,	MB,	51.
(20)	Oct. 6 - 10,	ELK-1-020,	20,	MB,	Colin Neblett WMA-South in 54.
(21)	Oct. 6 - 10,	ELK-1-021,	20,	MB,	Colin Neblett WMA-North in 55.
(22)	Oct. 6 - 10,	ELK-1-022,	10,	MB,	Urraca in 55.
(23)	Oct. 6 - 10,	ELK-1-023,	35,	MB,	Valle Vidal/Greenwood areas in 55.
(24)	Oct. 6 - 10,	ELK-1-024,	30,	A,	Valle Vidal/Greenwood areas in 55.
(25)	Oct. 13 - 17,	ELK-1-025,	250,	MB,	2.
(26)	Oct. 13 - 17,	ELK-1-026,	100,	A,	2.
(27)	Oct. 13 - 17,	ELK-1-027,	15,	MB,	Sargent WMA in 4.
(28)	Oct. 13 - 17,	ELK-1-028,	10,	MB,	Humphries-Rio Chama WMA's in 4.
(29)	Oct. 13 - 17,	ELK-1-029,	5,	MB,	5A (Public land only).
(30)	Oct. 13 - 17,	ELK-1-030,	100,	MB,	6A.
(31)	Oct. 13 - 17,	ELK-1-031,	150,	MB,	6C.
(32)	Oct. 13 - 17,	ELK-1-032,	250,	MB,	10.
(33)	Oct. 13 - 17,	ELK-1-033,	Unlimited,	ES,	12.
(34)	Oct. 13 - 17,	ELK-1-034,	110,	MB,	16A.
(35)	Oct. 13 - 17,	ELK-1-035,	200,	MB,	16B.
(36)	Oct. 13 - 17,	ELK-1-036,	55,	MB,	16C.
(37)	Oct. 13 - 17,	ELK-1-037,	50,	MB,	16D.
(38)	Oct. 13 - 17,	ELK-1-038,	50,	MB,	16E.
(39)	Oct. 13 - 17,	ELK-1-039,	45,	MB,	21A.
(40)	Oct. 13 - 17,	ELK-1-040,	Unlimited,	ES,	21B.
(41)	Oct. 13 - 17,	ELK-1-041,	Unlimited,	ES,	22A.
(42)	Oct. 13 - 17,	ELK-1-042,	Unlimited,	ES,	23.
(43)	Oct. 13 - 17,	ELK-1-043,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(44)	Oct. 13 - 17,	ELK-1-044,	10,	ES,	24 (including Ft. Bayard, youth only, Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.)
(45)	Oct. 13 - 17,	ELK-1-045,	150,	MB,	34.
(46)	Oct. 13 - 17,	ELK-1-046,	100,	A,	34.
(47)	Oct. 13 - 17,	ELK-1-047,	115,	MB,	36.
(48)	Oct. 13 - 17,	ELK-1-048,	75,	A,	36.
(49)	Oct. 13 - 17,	ELK-1-049,	140,	MB,	44/45.
(50)	Oct. 13 - 17,	ELK-1-050,	95,	MB,	49.
(51)	Oct. 13 - 17,	ELK-1-051,	100,	MB,	50.
(52)	Oct. 13 - 17,	ELK-1-052,	20,	A,	50.
(53)	Oct. 13 - 17,	ELK-1-053,	200,	MB,	51.
(54)	Oct. 13 - 17,	ELK-1-054,	250,	MB,	52.
(55)	Oct. 13 - 17,	ELK-1-055,	180,	MB,	53 (except Cerro portion)
(56)	Oct. 13 - 17,	ELK-1-056,	20,	MB,	Colin Neblett WMA-South in 54.
(57)	Oct. 13 - 17,	ELK-1-057,	20,	MB,	Colin Neblett WMA-North in 55
(58)	Oct. 13 - 17,	ELK-1-058,	10,	MB,	Urraca WMA in 55.
(59)	Oct. 13 - 17,	ELK-1-059,	35,	MB,	Valle Vidal/Greenwood area in 55.
(60)	Oct. 13 - 17,	ELK-1-060,	30,	A,	Valle Vidal/Greenwood area in 55.
(61)	Oct. 13 - 17,	ELK-1-061,	10,	A,	Sierra Grande Hunt Area of 56.
(62)	Oct. 20 - 24,	ELK-1-062,	15,	MB,	Sargent WMA in 4.
(63)	Oct. 20 - 24,	ELK-1-063,	10,	MB,	Humphries-Rio Chama WMA's in 4.
(64)	Oct. 20 - 24,	ELK-1-064,	5,	MB,	5A (Public land only).
(65)	Oct. 20 - 24,	ELK-1-065,	100,	MB,	5B.
(66)	Oct. 20 - 24,	ELK-1-066,	150,	MB,	6C.
(67)	Oct. 20 - 24,	ELK-1-067,	25,	MB,	7.
(68)	Oct. 20 - 24,	ELK-1-068,	300,	A,	10.

(69)	Oct. 20 - 24,	ELK-1-069,	185,	MB,	16A.
(70)	Oct. 20 - 24,	ELK-1-070,	200,	MB,	16B.
(71)	Oct. 20 - 24,	ELK-1-071,	70,	MB,	16C.
(72)	Oct. 20 - 24,	ELK-1-072,	60,	MB,	16D.
(73)	Oct. 20 - 24,	ELK-1-073,	65,	MB,	16E.
(74)	Oct. 20 - 24,	ELK-1-074,	55,	MB,	21A.
(75)	Oct. 20 - 24,	ELK-1-075,	50,	MB,	22B.
(76)	Oct. 20 - 24,	ELK-1-076,	25,	A,	24 (including Ft. Bayard, Youth Only. Must be 17 years of age or younger to apply. Must provide hunter education certification number on application).
(77)	Oct. 20 - 24,	ELK-1-077,	200,	A,	34.
(78)	Oct. 20 - 24,	ELK-1-078,	115,	MB,	36.
(79)	Oct. 20 - 24,	ELK-1-079,	75,	A,	36.
(80)	Oct. 20 - 24,	ELK-1-080,	55,	MB,	48.
(81)	Oct. 20 - 24,	ELK-1-081,	20,	A,	48.
(82)	Oct. 20 - 24,	ELK-1-082,	95,	MB,	49.
(83)	Oct. 20 - 24,	ELK-1-083,	200,	MB,	51.
(84)	Oct. 20 - 24,	ELK-1-084,	200,	MB,	52.
(85)	Oct. 20 - 24,	ELK-1-085,	95,	MB,	53 (except Cerro portion).
(86)	Oct. 20 - 24,	ELK-1-086,	20,	MB,	Colin Neblett WMA-South in 54.
(87)	Oct. 20 - 24,	ELK-1-087,	20,	MB,	Colin Neblett WMA-North in 55.
(88)	Oct. 20 - 24,	ELK-1-088,	10,	MB,	Urraca WMA in 55.
(89)	Oct. 20 - 24,	ELK-1-089,	35,	MB,	Valle Vidal/Greenwood areas in 55.
(90)	Oct. 20 - 24,	ELK-1-090,	30,	A,	Valle Vidal/Greenwood areas in 55.
(91)	Oct. 27 - 31,	ELK-1-091,	5,	MB,	5A(Public land only).
(92)	Oct. 27 - 31,	ELK-1-092,	100,	MB,	6A.
(93)	Oct. 27 - 31,	ELK-1-093,	140,	A,	16A.
(94)	Oct. 27 - 31,	ELK-1-094,	75,	A,	16B.
(95)	Oct. 27 - 31,	ELK-1-095,	80,	A,	16D.
(96)	Oct. 27 - 31,	ELK-1-096,	75,	A,	16E.
(97)	Oct. 27 - 31,	ELK-1-097,	25,	A,	21A.
(98)	Oct. 27 - 31,	ELK-1-098,	55,	MB,	48.
(99)	Oct. 27 - 31,	ELK-1-099,	20,	A,	48.
(100)	Oct. 27 - 31,	ELK-1-100,	250,	A,	51.
(101)	Oct. 27 - 31,	ELK-1-101,	200,	MB,	52.
(102)	Oct. 27 - 31,	ELK-1-102,	45,	A,	Valle Vidal/Greenwood areas in 55.
(103)	Oct. 31 - Nov. 4,	ELK-1-103,	Unlimited,	ES,	14.
(104)	Nov. 3 - 7,	ELK-1-104,	100,	MB,	5B.
(105)	Nov. 3 - 7,	ELK-1-105,	25,	MB,	7.
(106)	Nov. 3 - 7,	ELK-1-106,	Unlimited,	ES,	12.
(107)	Nov. 3 - 7,	ELK-1-107,	140,	A,	16A.
(108)	Nov. 3 - 7,	ELK-1-108,	50,	A,	16C.
(109)	Nov. 3 - 7,	ELK-1-109,	80,	A,	16D.
(110)	Nov. 3 - 7,	ELK-1-110,	100,	A,	16E.
(111)	Nov. 3 - 7,	ELK-1-111,	Unlimited,	ES,	21B.
(112)	Nov. 3 - 7,	ELK-1-112,	Unlimited,	ES,	22A.
(113)	Nov. 3 - 7,	ELK-1-113,	Unlimited,	ES,	23.
(114)	Nov. 3 - 7,	ELK-1-114,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(115)	Nov. 3 - 7,	ELK-1-115,	250,	A,	51.
(116)	Nov. 3 - 7,	ELK-1-116,	100,	A,	52.
(117)	Nov. 3 - 7,	ELK-1-117,	45,	A,	Valle Vidal/Greenwood areas in 55.
(118)	Nov. 10 - 14,	ELK-1-118,	15,	A,	Sargent WMA in 4.
(119)	Nov. 10 - 14,	ELK-1-119,	30,	A,	Humphries-Rio Chama WMA's in 4.
(120)	Nov. 10 - 14,	ELK-1-120,	100,	A,	6A.
(121)	Nov. 10 - 14,	ELK-1-121,	Unlimited,	ES,	12.
(122)	Nov. 10 - 14,	ELK-1-122,	120,	A,	16A.
(123)	Nov. 10 - 14,	ELK-1-123,	45,	A,	16C.
(124)	Nov. 10 - 14,	ELK-1-124,	80,	A,	16D.
(125)	Nov. 10 - 14,	ELK-1-125,	100,	A,	16E.
(126)	Nov. 10 - 14,	ELK-1-126,	Unlimited,	ES,	21B.
(127)	Nov. 10 - 14,	ELK-1-127,	Unlimited,	ES,	22A.
(128)	Nov. 10 - 14,	ELK-1-128,	Unlimited,	ES,	23.
(129)	Nov. 10 - 14,	ELK-1-129,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(130)	Nov. 10 - 14,	ELK-1-130,	100,	A,	52.
(131)	Nov. 17 - 21,	ELK-1-131,	15,	A,	Sargent WMA in 4.
(132)	Nov. 17 - 21,	ELK-1-132,	30,	A,	Humphries-Rio Chama WMA's in 4.

(133)	Nov. 17 - 21,	ELK-1-133,	150,	A,	5B.
(134)	Nov. 17 - 21,	ELK-1-134,	300,	A,	6C.
(135)	Nov. 17 - 21,	ELK-1-135,	60,	A,	49.
(136)	Nov. 24 - 28,	ELK-1-136,	10,	A,	Sargent WMA in 4.
(137)	Nov. 24 - 28,	ELK-1-137,	30,	A,	Humphries-Rio Chama WMA's in 4.
(138)	Nov. 24 - 28,	ELK-1-138,	5,	A,	5A (Public land only).
(139)	Nov. 24 - 28,	ELK-1-139,	150,	A,	5B.
(140)	Nov. 24 - 28,	ELK-1-140,	300,	A,	6C.
(141)	Nov. 24 - 28,	ELK-1-141,	95,	A,	9 (including Water Canyon WMA).
(142)	Nov. 24 - 28,	ELK-1-142,	5,	A,	Marquez WMA in 9.
(143)	Nov. 24 - 28,	ELK-1-143,	20,	A,	Colin Neblett WMA-South in 54.
(144)	Nov. 24 - 28,	ELK-1-144,	20,	A,	Colin Neblett WMA-North in 55.
(145)	Dec. 1 - 5,	ELK-1-145,	330,	A,	2.
(146)	Dec. 1 - 5,	ELK-1-146,	5,	A,	5A (Public land only).
(147)	Dec. 1 - 5,	ELK-1-147,	Unlimited,	A,	12.
(148)	Dec. 1 - 5,	ELK-1-148,	45,	A,	16C
(149)	Dec. 1 - 5,	ELK-1-149,	Unlimited,	A,	21B.
(150)	Dec. 1 - 5,	ELK-1-150,	Unlimited,	A,	22A.
(151)	Dec. 1 - 5,	ELK-1-151,	Unlimited,	A,	23.
(152)	Dec. 1 - 5,	ELK-1-152,	Unlimited	A,	24 (excluding Ft. Bayard).
(153)	Dec. 1 - 5,	ELK-1-153,	55,	MB,	48.
(154)	Dec. 1 - 5,	ELK-1-154,	20,	A,	48.
(155)	Dec. 1 - 5,	ELK-1-155,	25,	A,	53 (except Cerro portion).
(156)	Dec. 1 - 5,	ELK-1-156,	15,	A,	Urraca WMA in 55.
(157)	Dec. 8 - 12,	ELK-1-157,	5,	A,	5A (Public land only).
(158)	Dec. 8 - 12,	ELK-1-158,	75,	A,	7.
(159)	Dec. 8 - 12,	ELK-1-159,	Unlimited,	A,	12.
(160)	Dec. 8 - 12,	ELK-1-160,	Unlimited,	A,	21B.
(161)	Dec. 8 - 12,	ELK-1-161,	Unlimited,	A,	22A.
(162)	Dec. 8 - 12,	ELK-1-162,	Unlimited,	A,	23.
(163)	Dec. 8 - 12,	ELK-1-163,	Unlimited	A,	24 (excluding Ft. Bayard).
(164)	Dec. 8 - 12,	ELK-1-164,	250,	A,	34.
(165)	Dec. 8 - 12,	ELK-1-165,	50,	A,	50.
(166)	Dec. 8 - 12,	ELK-1-166,	25,	A,	53 (except Cerro portion).
(167)	Dec. 8 - 12,	ELK-1-167,	15,	A,	Urraca WMA in 55.
(168)	Dec. 15 - 19,	ELK-1-168,	5,	A,	5A (Public land only).
(169)	Dec. 15 - 19,	ELK-1-169,	Unlimited,	A,	12.
(170)	Dec. 15 - 19,	ELK-1-170,	Unlimited,	A,	21B.
(171)	Dec. 15 - 19,	ELK-1-171,	Unlimited,	A,	22A.
(172)	Dec. 15 - 19,	ELK-1-172,	Unlimited,	A,	23.
(173)	Dec. 15 - 19,	ELK-1-173,	Unlimited	A,	24 (excluding Ft. Bayard).
(174)	Jan. 12 - 16, 2002,	ELK-1-174,	25,	A,	53 (except Cerro portion).
(175)	Jan. 12 - 16, 2002,	ELK-1-175,	15,	A,	Urraca WMA in 55.
(176)	Jan. 19 - 23, 2002,	ELK-1-176,	Unlimited,	A,	12.
(177)	Jan. 19 - 23, 2002,	ELK-1-177,	Unlimited,	A,	21B.
(178)	Jan. 19 - 23, 2002,	ELK-1-178,	Unlimited,	A,	22A.
(179)	Jan. 19 - 23, 2002,	ELK-1-179,	Unlimited,	A,	23.
(180)	Jan. 19 - 23, 2002,	ELK-1-180,	Unlimited	A,	24 (excluding Ft. Bayard).
(181)	Feb. 16 - 20, 2002,	ELK-1-181,	Unlimited,	A,	12.
(182)	Feb. 16 - 20, 2002,	ELK-1-182,	Unlimited,	A,	21B.
(183)	Feb. 16 - 20, 2002,	ELK-1-183,	Unlimited,	A,	22A.
(184)	Feb. 16 - 20, 2002,	ELK-1-184,	Unlimited,	A,	23.
(185)	Feb. 16 - 20, 2002,	ELK-1-185,	Unlimited	A,	24 (excluding Ft. Bayard).
(186)	Feb. 23 - 27, 2002,	ELK-1-186,	Unlimited,	A,	12.
(187)	Feb. 23 - 27, 2002,	ELK-1-187,	Unlimited,	A,	21B.
(188)	Feb. 23 - 27, 2002,	ELK-1-188,	Unlimited,	A,	22A.
(189)	Feb. 23 - 27, 2002,	ELK-1-189,	Unlimited,	A,	23.
(190)	Feb. 23 - 27, 2002,	ELK-1-190,	Unlimited	A,	24 (excluding Ft. Bayard).
(191)	Mar. 16 - 20, 2002,	ELK-1-191,	Unlimited,	ES,	12.
(192)	Mar. 16 - 20, 2002,	ELK-1-192,	Unlimited,	ES,	21B.
(193)	Mar. 16 - 20, 2002,	ELK-1-193,	Unlimited,	ES,	22A.
(194)	Mar. 16 - 20, 2002,	ELK-1-194,	Unlimited,	ES,	23.
(195)	Mar. 16 - 20, 2002,	ELK-1-195,	Unlimited	ES,	24 (excluding Ft. Bayard).
(196)	Mar. 23 - 27, 2002,	ELK-1-196,	Unlimited,	ES,	12.
(197)	Mar. 23 - 27, 2002,	ELK-1-197,	Unlimited,	ES,	21B.

- (198) Mar. 23 - 27, 2002, ELK-1-198, Unlimited, ES, 22A.
 (199) Mar. 23 - 27, 2002, ELK-1-199, Unlimited, ES, 23.
 (200) Mar. 23 - 27, 2002, ELK-1-200, Unlimited, ES, 24 (excluding Ft. Bayard).

C. Public land elk hunts for bows, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

- (1) Sept. 1 - 20, ELK-2-001, 300, ES, 2.
 (2) Sept. 1 - 20, ELK-2-002, 10, ES, 5A (Public land only).
 (3) Sept. 1 - 20, ELK-2-003, 225, ES, 5B.
 (4) Sept. 1 - 20, ELK-2-004, 150, ES, 6A.
 (5) Sept. 1 - 20, ELK-2-005, 450, ES, 6C.
 (6) Sept. 1 - 20, ELK-2-006, 25, ES, 7.
 (7) Sept. 1 - 20, ELK-2-007, 395, ES, 9 (Including Water Canyon WMA).
 (8) Sept. 1 - 20, ELK-2-008, 5, ES, Marquez WMA in 9.
 (9) Sept. 1 - 20, ELK-2-009, 250, ES, 10.
 (10) Sept. 1 - 20, ELK-2-010, Unlimited, ES, 12.
 (11) Sept. 1 - 20, ELK-2-011, 520, ES, 34.
 (12) Sept. 1 - 20, ELK-2-012, 225, ES, 36.
 (13) Sept. 1 - 20, ELK-2-013, 150, ES, 44/45.
 (14) Sept. 1 - 20, ELK-2-014, 150, ES, 48.
 (15) Sept. 1 - 20, ELK-2-015, 120, ES, 49.
 (16) Sept. 1 - 20, ELK-2-016, 120, ES, 50.
 (17) Sept. 1 - 20, ELK-2-017, 200, ES, 51.
 (18) Sept. 1 - 20, ELK-2-018, 350, ES, 52.
 (19) Sept. 1 - 20, ELK-2-019, 150, ES, 53.
 (20) Sept. 1 - 20, ELK-2-020, 35, ES, Valle Vidal/Greenwood areas in 55.
 (21) Sept. 1 - 20, ELK-2-021, 10, ES, E.S. Barker WMA in 55.
 (22) Sept. 1-15, ELK-2-022, Unlimited, ES, 13.
 (23) Sept. 1-15, ELK-2-023, 300, ES, 15A.
 (24) Sept. 1-15, ELK-2-024, 75, A, 15A.
 (25) Sept. 1-15, ELK-2-025, 275, ES, 15B.
 (26) Sept. 1-15, ELK-2-026, 50, A, 15B.
 (27) Sept. 1-15, ELK-2-027, 260, ES, 16A.
 (28) Sept. 1-15, ELK-2-028, 75, A, 16A.
 (29) Sept. 1-15, ELK-2-029, 250, ES, 16B.
 (30) Sept. 1-15, ELK-2-030, 150, ES, 16C.
 (31) Sept. 1-15, ELK-2-031, 45, A, 16C.
 (32) Sept. 1-15, ELK-2-032, 135, ES, 16D.
 (33) Sept. 1-15, ELK-2-033, 40, A, 16D.
 (34) Sept. 1-15, ELK-2-034, 70, ES, 16E.
 (35) Sept. 1-15, ELK-2-035, 50, A, 16E.
 (36) Sept. 1-15, ELK-2-036, 100, ES, 17.
 (37) Sept. 1-15, ELK-2-037, 40, A, 17.
 (38) Sept. 1-15, ELK-2-038, Unlimited, ES, 18.
 (39) Sept. 1-15, ELK-2-039, 60, ES, 21A.
 (40) Sept. 1-15, ELK-2-040, 20, A, 21A.
 (41) Sept. 1-15, ELK-2-041, Unlimited, ES, 21B.
 (42) Sept. 1-15, ELK-2-042, Unlimited, ES, 22A.
 (43) Sept. 1-15, ELK-2-043, Unlimited, ES, 22B.
 (44) Sept. 1-15, ELK-2-044, Unlimited, ES, 23.
 (45) Sept. 1-15, ELK-2-045, Unlimited, ES, 24 (except Ft. Bayard).
 (46) Sept. 16 - 24, ELK-2-046, Unlimited, ES, 13.
 (47) Sept. 16 - 24, ELK-2-047, 125, ES, 15A.
 (48) Sept. 16 - 24, ELK-2-048, 115, ES, 15B.
 (49) Sept. 16 - 24, ELK-2-049, 130, ES, 16A.
 (50) Sept. 16 - 24, ELK-2-050, 150, ES, 16B.
 (51) Sept. 16 - 24, ELK-2-051, 100, ES, 16C.
 (52) Sept. 16 - 24, ELK-2-052, 85, ES, 16D.
 (53) Sept. 16 - 24, ELK-2-053, 50, ES, 16E.
 (54) Sept. 16 - 24, ELK-2-054, 60, ES, 17.
 (55) Sept. 16 - 24, ELK-2-055, Unlimited, ES, 18.
 (56) Sept. 16 - 24, ELK-2-056, 30, ES, 21A.
 (57) Sept. 16 - 24, ELK-2-057, Unlimited, ES, 21B.
 (58) Sept. 16 - 24, ELK-2-058, Unlimited, ES, 22A.
 (59) Sept. 16 - 24, ELK-2-059, Unlimited, ES, 22B.
 (60) Sept. 16 - 24, ELK-2-060, Unlimited, ES, 23.

(61) Sept. 16 - 24, ELK-2-061, Unlimited, ES, 24 (except Ft. Bayard).
D. Public land elk hunts for muzzle-loaders, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

- | | | | | | |
|------|---------------------|------------|------------|-----|------------------------------------|
| (1) | Sept. 29 - Oct. 3, | ELK-3-001, | 230, | A, | 9 (Including Water Canyon WMA). |
| (2) | Sept. 29 - Oct. 3, | ELK-3-002, | 5, | A, | Marquez WMA in 9. |
| (3) | Sept. 29 - Oct. 3, | ELK-3-003, | 140, | MB, | 44/45. |
| (4) | Sept. 29 - Oct. 3, | ELK-3-004, | 20, | MB, | Colin Neblett WMA-South in 54. |
| (5) | Sept. 29 - Oct. 3, | ELK-3-005, | 20, | MB, | Colin Neblett WMA-North in 55. |
| (6) | Sept. 29 - Oct. 3, | ELK-3-006, | 35, | ES, | Valle Vidal/Greenwood areas in 55. |
| (7) | Oct. 6 - 10, | ELK-3-007, | 350, | MB, | 2. |
| (8) | Oct. 6 - 10, | ELK-3-008, | 100, | MB, | 6A. |
| (9) | Oct. 6 - 10, | ELK-3-009, | 300, | MB, | 6C. |
| (10) | Oct. 6 - 10, | ELK-3-010, | 25, | MB, | 7. |
| (11) | Oct. 6 - 10, | ELK-3-011, | 185, | MB, | 9 (Including Water Canyon WMA). |
| (12) | Oct. 6 - 10, | ELK-3-012, | 5, | MB, | Marquez WMA in 9. |
| (13) | Oct. 6 - 10, | ELK-3-013, | 250, | MB, | 10. |
| (14) | Oct. 6 - 10, | ELK-3-014, | Unlimited, | ES, | 13. |
| (15) | Oct. 6 - 10, | ELK-3-015, | 200, | MB, | 34. |
| (16) | Oct. 6 - 10, | ELK-3-016, | 150, | MB, | 36. |
| (17) | Oct. 6 - 10, | ELK-3-017, | 75, | MB, | 48. |
| (18) | Oct. 6 - 10, | ELK-3-018, | 100, | MB, | 52. |
| (19) | Oct. 6 - 10, | ELK-3-019, | 150, | A, | 52. |
| (20) | Oct. 6 - 10, | ELK-3-020, | 100, | A, | 53 (except Cerro portion). |
| (21) | Oct. 6 - 10, | ELK-3-021, | 10, | MB, | E.S. Barker WMA in 55. |
| (22) | Oct. 13 -17, | ELK-3-022, | 185, | MB, | 9 (Including Water Canyon WMA). |
| (23) | Oct. 13 -17, | ELK-3-023, | 5, | MB, | Marquez WMA in 9. |
| (24) | Oct. 13 - 17, | ELK-3-024, | Unlimited | ES, | 13. |
| (25) | Oct. 13 -17, | ELK-3-025, | 100, | MB, | 15A. |
| (26) | Oct. 13 -17, | ELK-3-026, | 75, | MB, | 15B. |
| (27) | Oct. 13 -17, | ELK-3-027, | 80, | MB, | 17. |
| (28) | Oct. 13 -17, | ELK-3-028, | 60, | MB, | 48. |
| (29) | Oct. 13 -17, | ELK-3-029, | 40, | A, | 48. |
| (30) | Oct. 20 - 24, | ELK-3-030, | 185, | MB, | 9 (Including Water Canyon WMA). |
| (31) | Oct. 20 - 24, | ELK-3-031, | 5, | MB, | Marquez WMA in 9. |
| (32) | Oct. 20 - 24, | ELK-3-032, | 200, | MB, | 15A. |
| (33) | Oct. 20 - 24, | ELK-3-033, | 150, | MB, | 15B. |
| (34) | Oct. 20 - 24, | ELK-3-034, | 90, | MB, | 17. |
| (35) | Nov. 3 - 7, | ELK-3-035, | Unlimited, | ES, | 13. |
| (36) | Nov. 3 - 7, | ELK-3-036, | 330, | A, | 15A. |
| (37) | Nov. 3 - 7, | ELK-3-037, | 180, | A, | 15B. |
| (38) | Nov. 3 - 7, | ELK-3-038, | 45, | A, | 17. |
| (39) | Nov. 10 - 14, | ELK-3-039, | 140, | A, | 9 (Including Water Canyon WMA). |
| (40) | Nov. 10 - 14, | ELK-3-040, | 5, | A, | Marquez WMA in 9. |
| (41) | Nov. 10 - 14, | ELK-3-041, | Unlimited | ES, | 13. |
| (42) | Nov. 10 - 14, | ELK-3-042, | 200, | MB, | 15A. |
| (43) | Nov. 10 - 14, | ELK-3-043, | 150, | MB, | 15B. |
| (44) | Nov. 10 - 14, | ELK-3-044, | 45, | A, | 17. |
| (45) | Nov. 17 - 21, | ELK-3-045, | 50, | A, | 45. |
| (46) | Dec. 1 - 5, | ELK-3-046, | Unlimited, | A, | 13. |
| (47) | Dec. 1 - 5, | ELK-3-047, | 330, | A, | 15A. |
| (48) | Dec. 1 - 5, | ELK-3-048, | 180, | A, | 15B. |
| (49) | Dec. 8 - 12, | ELK-3-049, | Unlimited, | A, | 13. |
| (50) | Dec. 15 - 19, | ELK-3-050, | Unlimited, | A, | 13. |
| (51) | Jan. 19 - 23, 2002 | ELK-3-051, | Unlimited, | A, | 13. |
| (52) | Jan. 19 - 23, 2002, | ELK-3-052, | 325, | A, | 15A. |
| (53) | Jan. 19 - 23, 2002, | ELK-3-053, | 165, | A, | 15B. |
| (54) | Feb. 2 - 6, 2002, | ELK-3-054, | 250, | A, | 15A. |
| (55) | Feb. 2 - 6, 2002, | ELK-3-055, | 165, | A, | 15B. |
| (56) | Feb. 16 - 20, 2002, | ELK-3-056, | Unlimited, | A, | 13. |
| (57) | Feb. 23 - 27, 2002, | ELK-3-057, | Unlimited, | A, | 13. |
| (58) | Mar. 16 - 20, 2002, | ELK-3-058, | Unlimited, | ES, | 13. |
| (59) | Mar. 23 - 27, 2002, | ELK-3-059, | Unlimited, | ES, | 13. |

E. Public land elk hunts for handicapped hunters, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

- | | | | | | |
|-----|--------------------|------------|-----|-----|------|
| (1) | Sept. 29 - Oct. 3, | ELK-4-001, | 30, | MB, | 16A. |
|-----|--------------------|------------|-----|-----|------|

- (2) Sept. 29 - Oct. 3, ELK-4-002, 40, A, 16A.
- (3) Sept. 29 - Oct. 3, ELK-4-003, 30, MB, 16D.
- (4) Sept. 29 - Oct. 3, ELK-4-004, 40, A, 16D.
- (5) Sept. 29 - Oct. 3, ELK-4-005, 80, MB, 34.
- (6) Nov. 17 - 21, ELK-4-006, 40, A, 2.

F. The Director may allot private land elk licenses for use on those ranches whose owners or lessees sign a hunting agreement with the Department.

G. Private land elk hunts for ranches designated as Ranch-Only shall be September 1 through March 31 with the following restrictions: September 1 through September 24 shall be for bow only, September 29 through March 31 shall be for the maximum weapon legal for that GMU, shall be limited to any consecutive 5 day period, and the first private rifle or muzzleloader hunt to start no earlier than the first scheduled public rifle (excluding handicap hunts in 16A, 16D, and 34) or muzzleloader hunt, except in GMU's 4, 46, 47, 54, 55A, 56A, 57, 58.

H. Unlimited private land, either-sex licenses valid for GMU's 12, 13, 14, 18, 21B, 22A, 23, 24, 42, 43, and 55B shall be available over-the-counter or by mail, without deadline at all Department of Game and Fish offices.

(1) Licenses issued for GMU's 12, 13, 14, 18, 21B, 22A, 23, 24, 42, and 43 shall be limited to any consecutive 5 day period from September 1 through March 31 with the following restrictions: September 1 through September 24 shall be for bow only (bow hunters may hunt this entire period), September 29 through March 31 shall be for the maximum weapon legal for that GMU, and the first private rifle or muzzleloader hunt shall start no earlier than the first scheduled public rifle or muzzle loader hunt in that GMU (except in GMU 42).

(2) Licenses issued for GMU 55B shall be limited to any 30 consecutive day period from April 1 through March 31 and any legal weapon may be used during these hunts.

I. Numbers of private land licenses for qualifying ranches shall be available to the level listed for the Game Management Units and bag limits indicated below [~~while numbers of private land either sex (ES) licenses available for non-qualifying ranches as described in 19.30.5.8 (M) NMAC, shall be unlimited, statewide.~~] For those ranches that do not qualify, private land ranch-only either-sex (ES) authorizations will be issued pursuant to 19.30.5.8 (M) NMAC. The bag limits shall be:

	GMU	MB-A,	MB,	A,	and ES.
(1)	2,	0,	115,	90,	0.
(2)	4,	900,	0,	1500,	0.
(3)	5A,	0,	250,	250,	0.
(4)	5B,	0,	190,	190,	0.
(5)	6A,	0,	60,	20,	0.
(6)	6C,	0,	125,	125,	0.
(7)	7,	0,	60,	60,	0.
(8)	9,	0,	300,	350,	0.
(9)	10,	0,	125,	75,	0.
(10)	15A,	0,	62,	152,	0.
(11)	15B,	0,	106,	194,	0.
(12)	16A,	0,	10,	15,	0.
(13)	16B,	0,	4,	1,	0.
(14)	16C,	0,	20,	22,	0.
(15)	16D,	0,	25,	59,	0.
(16)	16E,	0,	46,	109,	0.
(17)	17,	0,	17,	9,	0.
(18)	21A,	0,	3,	1,	0.
(19)	34,	0,	80,	130,	0.
(20)	36,	0,	100,	120,	0.
(21)	44/45,	0,	65,	0,	0.
(22)	46,	600,	0,	600,	0.
(23)	47,	50,	0,	50,	0.
(24)	48,	0,	215,	145,	0.
(25)	49,	0,	20,	10,	0.
(26)	50,	0,	65,	25,	0.
(27)	51,	0,	80,	60,	0.
(28)	52,	0,	70,	20,	0.
(29)	53,	0,	165,	50,	0.
(30)	54,	300,	0,	300,	0.
(31)	55A,	2500,	0,	2000,	0.
(32)	56A,	100,	0,	100,	0.
(33)	56,	0,	10,	10,	0, these shall be for the Sierra Grande portion only.
(34)	57,	400,	0,	800,	0.
(35)	58,	20,	0,	40,	0.

J. The Director may allot private land elk bow licenses for use on ranches in management whose owners or lessees sign a hunting agreement with the Department. The number of bow licenses available, bag limit, and open GMU's or areas shall be as indicated below:

- (1) 57, ES, 2.

(2)	500,	ES,	4.
(3)	67,	ES,	5A.
(4)	144,	ES,	5B.
(5)	31,	ES,	6A.
(6)	92,	ES,	6C.
(7)	20,	ES,	7.
(8)	376,	ES,	9.
(9)	63,	ES,	10.
(10)	53,	ES,	15A.
(11)	9,	A,	15A.
(12)	110,	ES,	15B.
(13)	14,	A,	15B.
(14)	12,	ES,	16A.
(15)	2,	A,	16A.
(16)	4,	ES,	16B.
(17)	0,	A,	16B.
(18)	41,	ES,	16C.
(19)	7,	A,	16C.
(20)	39,	ES,	16D.
(21)	7,	A,	16D.
(22)	48,	ES,	16E.
(23)	20,	A,	16E.
(24)	16,	ES,	17.
(25)	4,	A,	17.
(26)	3,	ES,	21A.
(27)	0,	A,	21A.
(28)	90,	ES,	34.
(29)	55,	ES,	36.
(30)	25,	ES,	44/45.
(31)	100,	ES,	46.
(32)	10,	ES,	47.
(33)	200,	ES,	48.
(34)	5,	ES,	49.
(35)	35,	ES,	50.
(36)	25,	ES,	51.
(37)	40,	ES,	52.
(38)	75,	ES,	53.
(39)	100,	ES,	54.
(40)	500,	ES,	55A.
(41)	10,	ES,	56A.
(42)	0,	ES,	56.
(43)	100,	ES,	57.
(44)	10,	ES,	58.

K. Elk Enhancement Licenses. Elk enhancement licenses shall be valid from September 1 through December 31 for any legal weapon. These licenses shall be valid statewide only on public land where elk hunting is currently allowed, including the Department's Wildlife Management Areas and private land with prior written permission. Bag limit shall be one Mature Bull. The hunt code shall be ELK-1-280. License may be used either by the applicant or any individual of the selected applicant's choice through sale, barter, or gift.

L. Elk Incentive Authorizations.

(1) Distribution. Two (2) elk incentive authorizations will be distributed through a drawing that will include all prior year deer and elk hunters forwarding their harvest survey forms to the Department or its designated agent by the published deadline.

(2) Authorizations to purchase the license may be used either by the applicant or any individual of the selected applicant's choice through sale, barter, or gift.

(3) Elk incentive hunt shall be restricted to the Valle Vidal Unit of the Carson National Forest in Unit 55 during the first Mature Bull hunt after October 1st, using any legal weapon.

[4-1-95, A, 8-15-95, A, 3-14-98, A, 3-31-98, A, 9-15-98, A, 3-15-99, A, 7-15-99; 19.31.8.13 NMAC – Rn & A, 19 NMAC 31.8.13, 3-14-2001; A, 08-15-2001]

19.31.8.24 ELK (2002-2003):

A. The Director, at his discretion, may adjust the number of public and/or private land elk permits up to 20 percent of the current permit numbers to address significant changes in population or harvest parameters.

B. Public land elk hunts for any legal weapon, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

(1)	Sept. 28 - Oct. 2,	ELK-1-001,	5,	MB,	Sierra Grande Hunt Area in 56.
(2)	Sept. 28 - Oct. 2,	ELK-1-002,	5,	MB,	Sargent WMA in 4.

(3)	Oct. 5 - 9,	ELK-1-003,	15,	MB,	Sargent WMA in 4.
(4)	Oct. 5 - 9,	ELK-1-004,	10,	MB,	Humphries-Rio Chama WMA's in 4.
(5)	Oct. 5 - 9,	ELK-1-005,	5,	MB,	5A (Public land only).
(6)	Oct. 5 - 9,	ELK-1-006,	100,	MB,	5B.
(7)	Oct. 5 - 9,	ELK-1-007,	Unlimited,	ES,	12.
(8)	Oct. 5 - 9,	ELK-1-008,	50,	A,	16A (Youth Only. Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.).
(9)	Oct. 5 - 9,	ELK-1-009,	50,	A,	16D (Youth Only. Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.).
(10)	Oct. 5 - 9,	ELK-1-010,	Unlimited,	ES,	21B.
(11)	Oct. 5 - 9,	ELK-1-011,	Unlimited,	ES,	22A.
(12)	Oct. 5 - 9,	ELK-1-012,	Unlimited,	ES,	23.
(13)	Oct. 5 - 9,	ELK-1-013,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(14)	Oct. 5 - 9,	ELK-1-014,	Unlimited,	ES,	43.
(15)	Oct. 5 - 9,	ELK-1-015,	140,	MB,	44/45.
(16)	Oct. 5 - 9,	ELK-1-016,	180,	MB,	49.
(17)	Oct. 5 - 9,	ELK-1-017,	100,	MB,	50.
(18)	Oct. 5 - 9,	ELK-1-018,	20,	A,	50.
(19)	Oct. 5 - 9,	ELK-1-019,	200,	MB,	51.
(20)	Oct. 5 - 9,	ELK-1-020,	20,	MB,	Colin Neblett WMA-South in 54.
(21)	Oct. 5 - 9,	ELK-1-021,	20,	MB,	Colin Neblett WMA-North in 55.
(22)	Oct. 5 - 9,	ELK-1-022,	10,	MB,	Urraca WMA in 55.
(23)	Oct. 5 - 9,	ELK-1-023,	35,	MB,	Valle Vidal/Greenwood areas in 55.
(24)	Oct. 5 - 9,	ELK-1-024,	30,	A,	Valle Vidal/Greenwood areas in 55.
(25)	Oct. 12 - 16,	ELK-1-025,	250,	MB,	2.
(26)	Oct. 12 - 16,	ELK-1-026,	100,	A,	2.
(27)	Oct. 12 - 16,	ELK-1-027,	15,	MB,	Sargent WMA in 4.
(28)	Oct. 12 - 16,	ELK-1-028,	10,	MB,	Humphries-Rio Chama WMA's in 4.
(29)	Oct. 12 - 16,	ELK-1-029,	5,	MB,	5A (Public land only).
(30)	Oct. 12 - 16,	ELK-1-030,	100,	MB,	6A.
(31)	Oct. 12 - 16,	ELK-1-031,	150,	MB,	6C.
(32)	Oct. 12 - 16,	ELK-1-032,	250,	MB,	10.
(33)	Oct. 12 - 16,	ELK-1-033,	Unlimited,	ES,	12.
(34)	Oct. 12 - 16,	ELK-1-034,	110,	MB,	16A.
(35)	Oct. 12 - 16,	ELK-1-035,	200,	MB,	16B.
(36)	Oct. 12 - 16,	ELK-1-036,	55,	MB,	16C.
(37)	Oct. 12 - 16,	ELK-1-037,	50,	MB,	16D.
(38)	Oct. 12 - 16,	ELK-1-038,	50,	MB,	16E.
(39)	Oct. 12 - 16,	ELK-1-039,	45,	MB,	21A.
(40)	Oct. 12 - 16,	ELK-1-040,	Unlimited,	ES,	21B.
(41)	Oct. 12 - 16,	ELK-1-041,	Unlimited,	ES,	22A.
(42)	Oct. 12 - 16,	ELK-1-042,	Unlimited,	ES,	23.
(43)	Oct. 12 - 16,	ELK-1-043,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(44)	Oct. 12 - 16,	ELK-1-044,	10,	ES,	24 (including Ft. Bayard, youth only, Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.).
(45)	Oct. 12 - 16,	ELK-1-045,	150,	MB,	34.
(46)	Oct. 12 - 16,	ELK-1-046,	100,	A,	34.
(47)	Oct. 12 - 16,	ELK-1-047,	115,	MB,	36.
(48)	Oct. 12 - 16,	ELK-1-048,	75,	A,	36.
(49)	Oct. 12 - 16,	ELK-1-049,	140,	MB,	44/45.
(50)	Oct. 12 - 16,	ELK-1-050,	95,	MB,	49.
(51)	Oct. 12 - 16,	ELK-1-051,	100,	MB,	50.
(52)	Oct. 12 - 16,	ELK-1-052,	20,	A,	50.
(53)	Oct. 12 - 16,	ELK-1-053,	200	MB-A,	51.
(54)	Oct. 12 - 16,	ELK-1-054,	250,	MB,	52.
(55)	Oct. 12 - 16,	ELK-1-055,	180,	MB,	53 (except Cerro portion).
(56)	Oct. 12 - 16,	ELK-1-056,	20,	MB-A,	Colin Neblett WMA-North in 54.
(57)	Oct. 12 - 16,	ELK-1-057,	20,	MB-A,	Colin Neblett WMA-South in 55.
(58)	Oct. 12 - 16,	ELK-1-058,	10,	MB,	Urraca WMA in 55.
(59)	Oct. 12 - 16,	ELK-1-059,	35,	MB,	Valle Vidal/Greenwood area in 55.
(60)	Oct. 12 - 16,	ELK-1-060,	30,	A,	Valle Vidal/Greenwood area in 55.
(61)	Oct. 12 - 16,	ELK-1-061,	10,	A,	Sierra Grande Hunt Area in 56.
(62)	Oct. 19 - 23,	ELK-1-062,	15,	MB,	Sargent WMA in 4.
(63)	Oct. 19 - 23,	ELK-1-063,	10,	MB,	Humphries-Rio Chama WMA's in 4.
(64)	Oct. 19 - 23,	ELK-1-064,	5,	MB,	5A (Public land only).

(65)	Oct. 19 - 23,	ELK-1-065,	100,	MB,	5B.
(66)	Oct. 19 - 23,	ELK-1-066,	150,	MB,	6C.
(67)	Oct. 19 - 23,	ELK-1-067,	25,	MB,	7.
(68)	Oct. 19 - 23,	ELK-1-068,	300,	A,	10.
(69)	Oct. 19 - 23,	ELK-1-069,	185,	MB,	16A.
(70)	Oct. 19 - 23,	ELK-1-070,	200,	MB,	16B.
(71)	Oct. 19 - 23,	ELK-1-071,	70,	MB,	16C.
(72)	Oct. 19 - 23,	ELK-1-072,	60,	MB,	16D.
(73)	Oct. 19 - 23,	ELK-1-073,	65,	MB,	16E.
(74)	Oct. 19 - 23,	ELK-1-074,	55,	MB,	21A.
(75)	Oct. 19 - 23,	ELK-1-075,	50,	MB,	22B.
(76)	Oct. 19 - 23,	ELK-1-076,	25,	A,	24 (including Ft. Bayard, Youth Only. Must be 17 years of age or younger to apply. Must provide hunter education certification number on application.).
(77)	Oct. 19 - 23,	ELK-1-077,	200,	A,	34.
(78)	Oct. 19 - 23,	ELK-1-078,	115,	MB,	36.
(79)	Oct. 19 - 23,	ELK-1-079,	75,	A,	36.
(80)	Oct. 19 - 23,	ELK-1-080,	55,	MB-A,	48.
(81)	Oct. 19 - 23,	ELK-1-081,	20,	A,	48.
(82)	Oct. 19 - 23,	ELK-1-082,	95,	MB,	49.
(83)	Oct. 19 - 23,	ELK-1-083,	200,	MB-A,	51.
(84)	Oct. 19 - 23,	ELK-1-084,	200,	MB,	52.
(85)	Oct. 19 - 23,	ELK-1-085,	95,	MB,	53 (except Cerro portion).
(86)	Oct. 19 - 23,	ELK-1-086,	20,	MB-A,	Colin Neblett WMA-South in 54.
(87)	Oct. 19 - 23,	ELK-1-087,	20,	MB-A,	Colin Neblett WMA-North in 55.
(88)	Oct. 19 - 23,	ELK-1-088,	10,	MB,	Urraca WMA in 55.
(89)	Oct. 19 - 23,	ELK-1-089,	35,	MB,	Valle Vidal/Greenwood areas in 55.
(90)	Oct. 19 - 23,	ELK-1-090,	30,	A,	Valle Vidal/Greenwood areas in 55.
(91)	Oct. 26 - 30,	ELK-1-091,	5,	MB,	5A(Public land only).
(92)	Oct. 26 - 30,	ELK-1-092,	100,	MB,	6A.
(93)	Oct. 26 - 30,	ELK-1-093,	40,	A,	16A.
(94)	Oct. 26 - 30,	ELK-1-094,	75,	A,	16B.
(95)	Oct. 26 - 30,	ELK-1-095,	80,	A,	16D.
(96)	Oct. 26 - 30,	ELK-1-096,	75,	A,	16E.
(97)	Oct. 26 - 30,	ELK-1-097,	25,	A,	21A.
(98)	Oct. 26 - 30,	ELK-1-098,	55,	MB-A,	48.
(99)	Oct. 26 - 30,	ELK-1-099,	20,	A,	48.
(100)	Oct. 26 - 30,	ELK-1-100,	250,	A,	51.
(101)	Oct. 26 - 30,	ELK-1-101,	200,	MB-A,	52.
(102)	Oct. 26 - 30,	ELK-1-102,	45,	A,	Valle Vidal/Greenwood areas in 55.
(103)	Oct. 30 - Nov. 3,	ELK-1-103,	Unlimited,	ES,	14.
(104)	Nov. 2 - 6,	ELK-1-104,	100,	MB,	5B.
(105)	Nov. 2 - 6,	ELK-1-105,	25,	MB,	7.
(106)	Nov. 2 - 6,	ELK-1-106,	Unlimited,	ES,	12.
(107)	Nov. 2 - 6,	ELK-1-107,	40,	A,	16A.
(108)	Nov. 2 - 6,	ELK-1-108,	50,	A,	16C.
(109)	Nov. 2 - 6,	ELK-1-109,	80,	A,	16D.
(110)	Nov. 2 - 6,	ELK-1-110,	100,	A,	16E.
(111)	Nov. 2 - 6,	ELK-1-111,	Unlimited,	ES,	21B.
(112)	Nov. 2 - 6,	ELK-1-112,	Unlimited,	ES,	22A.
(113)	Nov. 2 - 6,	ELK-1-113,	Unlimited,	ES,	23.
(114)	Nov. 2 - 6,	ELK-1-114,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(115)	Nov. 2 - 6,	ELK-1-115,	250,	A,	51.
(116)	Nov. 2 - 6,	ELK-1-116,	100,	A,	52.
(117)	Nov. 2 - 6,	ELK-1-117,	45,	A,	Valle Vidal/Greenwood areas in 55.
(118)	Nov. 9 - 13,	ELK-1-118,	15,	A,	Sargent WMA in 4.
(119)	Nov. 9 - 13,	ELK-1-119,	30,	A,	Humphries-Rio Chama WMA's in 4.
(120)	Nov. 9 - 13,	ELK-1-120,	100,	A,	6A.
(121)	Nov. 9 - 13,	ELK-1-121,	Unlimited,	ES,	12.
(122)	Nov. 9 - 13,	ELK-1-122,	120,	A,	16A.
(123)	Nov. 9 - 13,	ELK-1-123,	45,	A,	16C.
(124)	Nov. 9 - 13,	ELK-1-124,	80,	A,	16D.
(125)	Nov. 9 - 13,	ELK-1-125,	100,	A,	16E.
(126)	Nov. 9 - 13,	ELK-1-126,	Unlimited,	ES,	21B.
(127)	Nov. 9 - 13,	ELK-1-127,	Unlimited,	ES,	22A.
(128)	Nov. 9 - 13,	ELK-1-128,	Unlimited,	ES,	23.

(129)	Nov. 9 - 13,	ELK-1-129,	Unlimited,	ES,	24 (excluding Ft. Bayard).
(130)	Nov. 9 - 13,	ELK-1-130,	100,	A,	52.
(131)	Nov. 16 - 20,	ELK-1-131,	15,	A,	Sargent WMA in 4.
(132)	Nov. 16 - 20,	ELK-1-132,	30,	A,	Humphries-Rio Chama WMA's in 4.
(133)	Nov. 16 - 20,	ELK-1-133,	150,	A,	5B.
(134)	Nov. 16 - 20,	ELK-1-134,	300,	A,	6C.
(135)	Nov. 16 - 20,	ELK-1-135,	60,	A,	49.
(136)	Nov. 23 - 27,	ELK-1-136,	10,	A,	Sargent WMA in 4.
(137)	Nov. 23 - 27,	ELK-1-137,	30,	A,	Humphries-Rio Chama WMA's in 4.
(138)	Nov. 23 - 27,	ELK-1-138,	5,	A,	5A (Public land only).
(139)	Nov. 23 - 27,	ELK-1-139,	150,	A,	5B.
(140)	Nov. 23 - 27,	ELK-1-140,	300,	A,	6C.
(141)	Nov. 23 - 27,	ELK-1-141,	95,	A,	9 (including Water Canyon WMA).
(142)	Nov. 23 - 27,	ELK-1-142,	5,	A,	Marquez WMA in 9.
(143)	Nov. 23 - 27,	ELK-1-143,	20,	A,	Colin Neblett WMA-South in 54.
(144)	Nov. 23 - 27,	ELK-1-144,	20,	A,	Colin Neblett WMA-North in 55.
(145)	Nov. 30 - Dec. 4	ELK-1-145,	330,	A,	2.
(146)	Nov. 30 - Dec. 4	ELK-1-146,	5,	A,	5A (Public land only).
(147)	Nov. 30 - Dec. 4,	ELK-1-147,	Unlimited,	A,	12.
(148)	Nov. 30 - Dec. 4	ELK-1-148,	45,	A,	16C
(149)	Nov. 30 - Dec. 4,	ELK-1-149,	Unlimited,	A,	21B.
(150)	Nov. 30 - Dec. 4,	ELK-1-150,	Unlimited,	A,	22A.
(151)	Nov. 30 - Dec. 4,	ELK-1-151,	Unlimited,	A,	23.
(152)	Nov. 30 - Dec. 4,	ELK-1-152,	Unlimited	A,	24 (excluding Ft. Bayard).
(153)	Nov. 30 - Dec. 4	ELK-1-153,	55,	MB-A,	48.
(154)	Nov. 30 - Dec. 4	ELK-1-154,	20,	A,	48.
(155)	Nov. 30 - Dec. 4	ELK-1-155,	25,	A,	53 (except Cerro portion).
(156)	Nov. 30 - Dec. 4	ELK-1-156,	15,	A,	Urraca WMA in 55.
(157)	Dec. 7 - 11,	ELK-1-157,	5,	A,	5A (Public land only).
(158)	Dec. 7 - 11,	ELK-1-158,	75,	A,	7.
(159)	Dec. 7 - 11,	ELK-1-159,	Unlimited,	A,	12.
(160)	Dec. 7 - 11,	ELK-1-160,	Unlimited,	A,	21B.
(161)	Dec. 7 - 11,	ELK-1-161,	Unlimited,	A,	22A.
(162)	Dec. 7 - 11,	ELK-1-162,	Unlimited,	A,	23.
(163)	Dec. 7 - 11,	ELK-1-163,	Unlimited	A,	24 (excluding Ft. Bayard).
(164)	Dec. 7 - 11,	ELK-1-164,	250,	A,	34.
(165)	Dec. 7 - 11,	ELK-1-165,	50,	A,	50.
(166)	Dec. 7 - 11,	ELK-1-166,	25,	A,	53 (except Cerro portion).
(167)	Dec. 7 - 11,	ELK-1-167,	15,	A,	Urraca WMA in 55.
(168)	Dec. 14 - 18,	ELK-1-168,	5,	A,	5A (Public land only).
(169)	Dec. 14 - 18,	ELK-1-169,	Unlimited,	A,	12.
(170)	Dec. 14 - 18,	ELK-1-170,	Unlimited,	A,	21B.
(171)	Dec. 14 - 18,	ELK-1-171,	Unlimited,	A,	22A.
(172)	Dec. 14 - 18,	ELK-1-172,	Unlimited,	A,	23.
(173)	Dec. 14 - 18,	ELK-1-173,	Unlimited	A,	24 (excluding Ft. Bayard).
(174)	Jan. 11 - 15, 2003,	ELK-1-174,	25,	A,	53 (except Cerro portion).
(175)	Jan. 11 - 15, 2003,	ELK-1-175,	15,	A,	Urraca WMA in 55.
(176)	Jan. 18 - 22, 2003,	ELK-1-176,	Unlimited,	A,	12.
(177)	Jan. 18 - 22, 2003,	ELK-1-177,	Unlimited,	A,	21B.
(178)	Jan. 18 - 22, 2003,	ELK-1-178,	Unlimited,	A,	22A.
(179)	Jan. 18 - 22, 2003,	ELK-1-179,	Unlimited,	A,	23.
(180)	Jan. 18 - 22, 2003,	ELK-1-180,	Unlimited	A,	24 (excluding Ft. Bayard).
(181)	Feb. 15 - 19, 2003,	ELK-1-181,	Unlimited,	A,	12.
(182)	Feb. 15 - 19, 2003,	ELK-1-182,	Unlimited,	A,	21B.
(183)	Feb. 15 - 19, 2003,	ELK-1-183,	Unlimited,	A,	22A.
(184)	Feb. 15 - 19, 2003,	ELK-1-184,	Unlimited,	A,	23.
(185)	Feb. 15 - 19, 2003,	ELK-1-185,	Unlimited	A,	24 (excluding Ft. Bayard).
(186)	Feb. 22 - 26, 2003,	ELK-1-186,	Unlimited,	A,	12.
(187)	Feb. 22 - 26, 2003,	ELK-1-187,	Unlimited,	A,	21B.
(188)	Feb. 22 - 26, 2003,	ELK-1-188,	Unlimited,	A,	22A.
(189)	Feb. 22 - 26, 2003,	ELK-1-189,	Unlimited,	A,	23.
(190)	Feb. 22 - 26, 2003,	ELK-1-190,	Unlimited	A,	24 (excluding Ft. Bayard).
(191)	Mar. 15 - 19, 2003,	ELK-1-191,	Unlimited,	ES,	12.
(192)	Mar. 15 - 19, 2003,	ELK-1-192,	Unlimited,	ES,	21B.
(193)	Mar. 15 - 19, 2003,	ELK-1-193,	Unlimited,	ES,	22A.

- (194) Mar. 15 - 19, 2003, ELK-1-194, Unlimited, ES, 23.
 (195) Mar. 15 - 19, 2003, ELK-1-195, Unlimited, ES, 24 (excluding Ft. Bayard).
 (196) Mar. 22 - 26, 2003, ELK-1-196, Unlimited, ES, 12.
 (197) Mar. 22 - 26, 2003, ELK-1-197, Unlimited, ES, 21B.
 (198) Mar. 22 - 26, 2003, ELK-1-198, Unlimited, ES, 22A.
 (199) Mar. 22 - 26, 2003, ELK-1-199, Unlimited, ES, 23.
 (200) Mar. 22 - 26, 2003, ELK-1-200, Unlimited, ES, 24 (excluding Ft. Bayard).

C. Public land elk hunts for bows, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

- (1) Sept. 1 - 20, ELK-2-001, 300, ES, 2.
 (2) Sept. 1 - 20, ELK-2-002, 10, ES, 5A (Public land only).
 (3) Sept. 1 - 20, ELK-2-003, 225, ES, 5B.
 (4) Sept. 1 - 20, ELK-2-004, 150, ES, 6A.
 (5) Sept. 1 - 20, ELK-2-005, 450, ES, 6C.
 (6) Sept. 1 - 20, ELK-2-006, 25, ES, 7.
 (7) Sept. 1 - 20, ELK-2-007, 395, ES, 9 (Including Water Canyon WMA).
 (8) Sept. 1 - 20, ELK-2-008, 5, ES, Marquez WMA in 9.
 (9) Sept. 1 - 20, ELK-2-009, 250, ES, 10.
 (10) Sept. 1 - 20, ELK-2-010, Unlimited, ES, 12.
 (11) Sept. 1 - 20, ELK-2-011, 520, ES, 34.
 (12) Sept. 1 - 20, ELK-2-012, 225, ES, 36.
 (13) Sept. 1 - 20, ELK-2-013, 150, ES, 44/45.
 (14) Sept. 1 - 20, ELK-2-014, 150, ES, 48.
 (15) Sept. 1 - 20, ELK-2-015, 120, ES, 49.
 (16) Sept. 1 - 20, ELK-2-016, 120, ES, 50.
 (17) Sept. 1 - 20, ELK-2-017, 200, ES, 51.
 (18) Sept. 1 - 20, ELK-2-018, 350, ES, 52.
 (19) Sept. 1 - 20, ELK-2-019, 150, ES, 53.
 (20) Sept. 1 - 20, ELK-2-020, 35, ES, Valle Vidal/Greenwood areas in 55.
 (21) Sept. 1 - 20, ELK-2-021, 10, ES, E.S. Barker WMA in 55.
 (22) Sept. 1-15, ELK-2-022, Unlimited, ES, 13.
 (23) Sept. 1-15, ELK-2-023, 300, ES, 15A.
 (24) Sept. 1-15, ELK-2-024, 75, A, 15A.
 (25) Sept. 1-15, ELK-2-025, 275, ES, 15B.
 (26) Sept. 1-15, ELK-2-026, 50, A, 15B.
 (27) Sept. 1-15, ELK-2-027, 260, ES, 16A.
 (28) Sept. 1-15, ELK-2-028, 75, A, 16A.
 (29) Sept. 1-15, ELK-2-029, 250, ES, 16B.
 (30) Sept. 1-15, ELK-2-030, 150, ES, 16C.
 (31) Sept. 1-15, ELK-2-031, 45, A, 16C.
 (32) Sept. 1-15, ELK-2-032, 135, ES, 16D.
 (33) Sept. 1-15, ELK-2-033, 40, A, 16D.
 (34) Sept. 1-15, ELK-2-034, 70, ES, 16E.
 (35) Sept. 1-15, ELK-2-035, 50, A, 16E.
 (36) Sept. 1-15, ELK-2-036, 100, ES, 17.
 (37) Sept. 1-15, ELK-2-037, 40, A, 17.
 (38) Sept. 1-15, ELK-2-038, Unlimited, ES, 18.
 (39) Sept. 1-15, ELK-2-039, 60, ES, 21A.
 (40) Sept. 1-15, ELK-2-040, 20, A, 21A.
 (41) Sept. 1-15, ELK-2-041, Unlimited, ES, 21B.
 (42) Sept. 1-15, ELK-2-042, Unlimited, ES, 22A.
 (43) Sept. 1-15, ELK-2-043, Unlimited, ES, 22B.
 (44) Sept. 1-15, ELK-2-044, Unlimited, ES, 23.
 (45) Sept. 1-15, ELK-2-045, Unlimited, ES, 24 (except Ft. Bayard).
 (46) Sept. 16 - 24, ELK-2-046, Unlimited, ES, 13.
 (47) Sept. 16 - 24, ELK-2-047, 125, ES, 15A.
 (48) Sept. 16 - 24, ELK-2-048, 115, ES, 15B.
 (49) Sept. 16 - 24, ELK-2-049, 130, ES, 16A.
 (50) Sept. 16 - 24, ELK-2-050, 150, ES, 16B.
 (51) Sept. 16 - 24, ELK-2-051, 100, ES, 16C.
 (52) Sept. 16 - 24, ELK-2-052, 85, ES, 16D.
 (53) Sept. 16 - 24, ELK-2-053, 50, ES, 16E.
 (54) Sept. 16 - 24, ELK-2-054, 60, ES, 17.
 (55) Sept. 16 - 24, ELK-2-055, Unlimited, ES, 18.
 (56) Sept. 16 - 24, ELK-2-056, 30, ES, 21A.

- (57) Sept. 16 - 24, ELK-2-057, Unlimited, ES, 21B.
 (58) Sept. 16 - 24, ELK-2-058, Unlimited, ES, 22A.
 (59) Sept. 16 - 24, ELK-2-059, Unlimited, ES, 22B.
 (60) Sept. 16 - 24, ELK-2-060, Unlimited, ES, 23.
 (61) Sept. 16 - 24, ELK-2-061, Unlimited, ES, 24 (except Ft. Bayard).

D. Public land elk hunts for muzzle-loaders, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

- (1) Sept. 28 - Oct. 2, ELK-3-001, 230, A, 9 (Including Water Canyon WMA).
 (2) Sept. 28 - Oct. 2, ELK-3-002, 5, A, Marquez WMA in 9.
 (3) Sept. 28 - Oct. 2, ELK-3-003, 140, MB, 44/45.
 (4) Sept. 28 - Oct. 2, ELK-3-004, 20, MB, Colin Neblett WMA-South in 54.
 (5) Sept. 28 - Oct. 2, ELK-3-005, 20, MB, Colin Neblett WMA-North in 55.
 (6) Sept. 28 - Oct. 2, ELK-3-006, 35, ES, Valle Vidal/Greenwood areas in 55.
 (7) Oct. 5 - 9, ELK-3-007, 350, MB, 2.
 (8) Oct. 5 - 9, ELK-3-008, 100, MB, 6A.
 (9) Oct. 5 - 9, ELK-3-009, 300, MB, 6C.
 (10) Oct. 5 - 9, ELK-3-010, 25, MB, 7.
 (11) Oct. 5 - 9, ELK-3-011, 185, MB, 9 (Including Water Canyon WMA).
 (12) Oct. 5 - 9, ELK-3-012, 5, MB, Marquez WMA in 9.
 (13) Oct. 5 - 9, ELK-3-013, 250, MB, 10.
 (14) Oct. 5 - 9, ELK-3-014, Unlimited, ES, 13.
 (15) Oct. 5 - 9, ELK-3-015, 200, MB, 34.
 (16) Oct. 5 - 9, ELK-3-016, 150, MB, 36.
 (17) Oct. 5 - 9, ELK-3-017, 75, MB-A, 48.
 (18) Oct. 5 - 9, ELK-3-018, 100, MB-A, 52.
 (19) Oct. 5 - 9, ELK-3-019, 150, A, 52.
 (20) Oct. 5 - 9, ELK-3-020, 100, A, 53 (except Cerro portion).
 (21) Oct. 5 - 9, ELK-3-021, 10, MB-A, E.S. Barker WMA in 55.
 (22) Oct. 12 -16, ELK-3-022, 185, MB, 9 (Including Water Canyon WMA).
 (23) Oct. 12 -16, ELK-3-023, 5, MB, Marquez WMA in 9.
 (24) Oct. 12 - 16, ELK-3-024, Unlimited, ES, 13.
 (25) Oct. 12 -16, ELK-3-025, 100, MB, 15A.
 (26) Oct. 12 -16, ELK-3-026, 75, MB, 15B.
 (27) Oct. 12 -16, ELK-3-027, 80, MB, 17.
 (28) Oct. 12 -16, ELK-3-028, 60, MB-A, 48.
 (29) Oct. 12 -16, ELK-3-029, 40, A, 48.
 (30) Oct. 19 - 23, ELK-3-030, 185, MB, 9 (Including Water Canyon WMA).
 (31) Oct. 19 - 23, ELK-3-031, 5, MB, Marquez WMA in 9.
 (32) Oct. 19 - 23, ELK-3-032, 200, MB, 15A.
 (33) Oct. 19 - 23, ELK-3-033, 150, MB, 15B.
 (34) Oct. 19 - 23, ELK-3-034, 90, MB, 17.
 (35) Nov. 2 - 6, ELK-3-035, Unlimited, ES, 13.
 (36) Nov. 2 - 6, ELK-3-036, 330, A, 15A.
 (37) Nov. 2 - 6, ELK-3-037, 180, A, 15B.
 (38) Nov. 2 - 6, ELK-3-038, 45, A, 17.
 (39) Nov. 9 - 13, ELK-3-039, 140, A, 9 (Including Water Canyon WMA).
 (40) Nov. 9 - 13, ELK-3-040, 5, A, Marquez WMA in 9.
 (41) Nov. 9 - 13, ELK-3-041, Unlimited, ES, 13.
 (42) Nov. 9 - 13, ELK-3-042, 200, MB, 15A.
 (43) Nov. 9 - 13, ELK-3-043, 150, MB, 15B.
 (44) Nov. 9 - 13, ELK-3-044, 45, A, 17.
 (45) Nov. 16 - 20, ELK-3-045, 50, A, 45.
 (46) Nov. 30 - Dec. 4, ELK-3-046, Unlimited, A, 13.
 (47) Nov. 30 - Dec. 4, ELK-3-047, 330, A, 15A.
 (48) Nov. 30 - Dec. 4, ELK-3-048, 180, A, 15B.
 (49) Dec. 7 - 11, ELK-3-049, Unlimited, A, 13.
 (50) Dec. 14 - 18, ELK-3-050, Unlimited, A, 13.
 (51) Jan. 18 - 22, 2003, ELK-3-051, Unlimited, A, 13.
 (52) Jan. 18-22, 2003, ELK-3-052, 325, A, 15A.
 (53) Jan. 18-22, 2003, ELK-3-053, 165, A, 15B.
 (54) Feb. 1 - 5, 2003, ELK-3-054, 250, A, 15A.
 (55) Feb. 1 - 5, 2003, ELK-3-055, 165, A, 15B.
 (56) Feb. 15 - 19, 2003, ELK-3-056, Unlimited, A, 13.
 (57) Feb. 22 - 26, 2003, ELK-3-057, Unlimited, A, 13.
 (58) Mar. 15 - 19, 2003, ELK-3-058, Unlimited, ES, 13.

(59) Mar. 22 - 26, 2003, ELK-3-059, Unlimited, ES, 13.

E. Public land elk hunts for handicapped hunters, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

- (1) Sept. 28 - Oct. 2, ELK-4-001, 30, MB, 16A.
- (2) Sept. 28 - Oct. 2, ELK-4-002, 40, A, 16A.
- (3) Sept. 28 - Oct. 2, ELK-4-003, 30, MB, 16D.
- (4) Sept. 28 - Oct. 2, ELK-4-004, 40, A, 16D.
- (5) Sept. 28 - Oct. 2, ELK-4-005, 80, MB-A, 34.
- (6) Nov. 16 - 20, ELK-4-006, 40, A, 2.

F. The Director may allot private land elk licenses for use on those ranches whose owners or lessees sign a hunting agreement with the Department.

G. Private land elk hunts for ranches designated as Ranch-Only shall be September 1 through March 31 with the following restrictions: September 1 through September 24 shall be for bow only, September 28 through March 31 shall be for the maximum weapon legal for that GMU, shall be limited to any consecutive 5 day period, and the first private rifle or muzzleloader hunt to start no earlier than the first scheduled public rifle (excluding handicap hunts in 16A, 16D, and 34) or muzzleloader hunt, except in GMU's 4, 46, 47, 54, 55A, 56A, 57, 58.

H. Unlimited private land, either-sex licenses valid for GMU's 12, 13, 14, 18, 21B, 22A, 23, 24, 42, 43, and 55B shall be available over-the-counter or by mail, without deadline at all Department of Game and Fish offices.

(1) Licenses issued for GMU's 12, 13, 14, 18, 21B, 22A, 23, 24, 42, and 43 shall be limited to any consecutive 5 day period from September 1 through March 31 with the following restrictions: September 1 through September 24 shall be for bow only (bow hunters may hunt this entire period), September 28 through March 31 shall be for the maximum weapon legal for that GMU, and the first private rifle or muzzleloader hunt shall start no earlier than the first scheduled public rifle or muzzle loader hunt in that GMU (except in GMU 42).

(2) Licenses issued for GMU 55B shall be limited to any 30 consecutive day period from April 1 through March 31 and any legal weapon may be used during these hunts.

I. Numbers of private land licenses for qualifying ranches shall be available to the level listed for the Game Management Units and bag limits indicated below [~~while numbers of private land either sex (ES) licenses available for non-qualifying ranches as described in 19.30.5.8 (M) NMAC, shall be unlimited, statewide:] For those ranches that do not qualify, private land ranch-only either-sex (ES) authorizations will be issued pursuant to 19.30.5.8 (M) NMAC.~~ The bag limits shall be:

	GMU	MB-A,	MB,	A,	ES.
(1)	2,	0,	115,	80,	0.
(2)	4,	800,	0,	1500,	0.
(3)	5A,	0,	250,	250,	0.
(4)	5B,	0,	190,	190,	0.
(5)	6A,	0,	60,	20,	0.
(6)	6C,	0,	125,	125,	0.
(7)	7,	0,	60,	60,	0.
(8)	9,	0,	300,	350,	0.
(9)	10,	0,	125,	75,	0.
(10)	15A,	0,	62,	152,	0.
(11)	15B,	0,	106,	194,	0.
(12)	16A,	0,	10,	15,	0.
(13)	16B,	0,	4,	1,	0.
(14)	16C,	0,	20,	22,	0.
(15)	16D,	0,	25,	59,	0.
(16)	16E,	0,	46,	109,	0.
(17)	17,	0,	17,	9,	0.
(18)	21A,	0,	3,	1,	0.
(19)	34,	0,	80,	130,	0.
(20)	36,	0,	100,	120,	0.
(21)	44/45,	0,	65,	0,	0.
(22)	46,	600,	0,	600,	0.
(23)	47,	50,	0,	50,	0.
(24)	48,	0,	215,	145,	0.
(25)	49,	0,	20,	10,	0.
(26)	50,	0,	65,	25,	0.
(27)	51,	0,	80,	60,	0.
(28)	52,	0,	70,	20,	0.
(29)	53,	0,	165,	50,	0.
(30)	54,	300,	0,	300,	0.
(31)	55A,	2500,	0,	2000,	0.
(32)	56A,	100,	0,	100,	0.
(33)	56,	0,	10,	10,	0, these shall be for the Sierra Grande portion only.
(34)	57,	400,	0,	800,	0.
(35)	58,	20,	0,	40,	0.

J. The Director may allot private land elk bow licenses for use on ranches in management whose owners or lessees sign a hunting agreement with the Department. The number of bow licenses available, bag limit, and open GMU's or areas, shall be as indicated below:

(1)	57,	ES,	2.
(2)	500,	ES,	4.
(3)	67,	ES,	5A.
(4)	144,	ES,	5B.
(5)	31,	ES,	6A.
(6)	92,	ES,	6C.
(7)	20,	ES,	7.
(8)	376,	ES,	9.
(9)	63,	ES,	10.
(10)	53,	ES,	15A.
(11)	9,	A,	15A.
(12)	110,	ES,	15B.
(13)	14,	A,	15B.
(14)	12,	ES,	16A.
(15)	2,	A,	16A.
(16)	4,	ES,	16B.
(17)	0,	A,	16B.
(18)	41,	ES,	16C.
(19)	7,	A,	16C.
(20)	39,	ES,	16D.
(21)	7,	A,	16D.
(22)	48,	ES,	16E.
(23)	20,	A,	16E.
(24)	16,	ES,	17.
(25)	4,	A,	17.
(26)	3,	ES,	21A.
(27)	0,	A,	21A.
(28)	90,	ES,	34.
(29)	55,	ES,	36.
(30)	25,	ES,	44/45.
(31)	100,	ES,	46.
(32)	10,	ES,	47.
(33)	200,	ES,	48.
(34)	5,	ES,	49.
(35)	35,	ES,	50.
(36)	25,	ES,	51.
(37)	40,	ES,	52.
(38)	75,	ES,	53.
(39)	100,	ES,	54.
(40)	500,	ES,	55A.
(41)	10,	ES,	56A.
(42)	0,	ES,	56.
(43)	100,	ES,	57.
(44)	10,	ES,	58.

K. Elk Enhancement Licenses. Elk enhancement licenses shall be valid from September 1 through December 31 for any legal weapon. These licenses shall be valid statewide only on public land where elk hunting is currently allowed, including the Department's Wildlife Management Areas and private land with prior written permission. Bag limit shall be one Mature Bull. The hunt code shall be ELK-1-280. License may be used either by the applicant or any individual of the selected applicant's choice through sale, barter, or gift.

L. Elk Incentive Authorizations.

(1) Distribution. Two (2) elk incentive authorizations will be distributed through a drawing that will include all prior year deer and elk hunters forwarding their harvest survey forms to the Department or its designated agent by the published deadline.

(2) Authorizations to purchase the license may be used either by the applicant or any individual of the selected applicant's choice through sale, barter, or gift.

(3) Elk incentive hunt shall be restricted to the Valle Vidal Unit of the Carson National Forest in Unit 55 during the first Mature Bull hunt after October 1st, using any legal weapon.

[4-1-95, A, 8-15-95; R 3-14-98; Re-pr, 3-15-99, A, 12-31-99, A, 9-14-00; 19.31.8.24 NMAC – Rn & A, 19 NMAC 31.8.24, 3-14-2001; A, 08-15-2001]

**NEW MEXICO
DEPARTMENT OF LABOR**

JOB TRAINING DIVISION

**TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 2 JOB TRAINING
PART 17 WORKFORCE INVESTMENT ACT (WIA) YOUTH COUNCILS**

11.2.17.1 ISSUING AGENCY: New Mexico Department of Labor.
[11.2.17.1 NMAC – N, 8/15/01]

11.2.17.2 SCOPE: The State Administrative Entity (SAE), State Workforce Development Board (WDB), New Mexico Workforce Development Areas/ Local Workforce Development Boards (NMWDAs/LWDBs), and other State WIA subrecipients.
[11.2.17.2 NMAC – N, 8/15/01]

11.2.17.3 STATUTORY AUTHORITY: Youth Council regulations are promulgated through the Workforce Investment Act of 1998 (Public Law 105-220, 29 U.S.C. 2801, et. seq.; Final Rule at Title I, Chapter 4, "Youth Activities," Sections 126 through 129 and in the Federal Register Volume 65, Number 156, dated August 11, 2000, Part 661, "Statewide and Local Governance of the Workforce Investment System Under Title I of the Workforce Investment Act," Part 664, "Youth Activities Under Title I of the Workforce Investment Act," any amendments to the aforementioned references, Section 506 (c); Pub. L. 105-220; 20 U.S.C. 9276(c); the New Mexico Workforce Development Act, New Mexico House Bill 740, Chapter 260, Laws of 1999, Forty-fourth Legislature.
[11.2.17.3 NMAC – N, 8/15/01]

11.2.17.4 DURATION: Permanent.
[11.2.17.4 NMAC – N, 8/15/01]

11.2.17.5 EFFECTIVE DATE: August 15, 2001, unless a later date is cited at the end of a section.
[11.2.17.5 NMAC – N, 8/15/01]

11.2.17.6 OBJECTIVE: Youth Councils are to provide expertise in youth policy and assist the Local Workforce Development Board in developing and recommending local youth employment and training policy and practice. Youth Councils shall broaden the youth employment and training focus in the com-

munity to incorporate a youth development perspective, establish linkages with other organizations serving youth in the local area, and evaluate and make decisions related to issues that can have an impact on the success of youth in the labor market.

[11.2.17.6 – N, 8/15/01]

11.2.17.7 DEFINITIONS:

[RESERVED].

[11.2.17.7 NMAC – N, 8/15/01]

11.2.17.8 ACTION:

A. Membership. Youth Councils must be established as a subgroup within each local board. The membership of each Youth Council must include: members of the local board, such as educators, employers, and representatives of human service agencies, who have special interest or expertise in youth policy; members who represent service agencies, such as juvenile justice and local law enforcement agencies; members who represent local public housing authorities; parents of eligible youth seeking assistance under subtitle B of Title I of WIA; individuals, including former participants, and members who represent organizations, that have experience relating to youth activities; and members who represent the Job Corps, if a Job Corps Center is located in the local area represented by the council. Youth Councils may include other individuals, who the chair of the local board, in cooperation with the chief elected official, determines to be appropriate. Members of the Youth Council who are not members of the local board must be voting members of the Youth Council and non-voting members of the local board.

B. Responsibilities. The Youth Council is responsible for coordinating youth activities in a local area; developing portions of the local plan related to eligible youth, as determined by the chairperson of the local board; recommending eligible youth service providers in accordance with WIA Section 123, subject to the approval of the local board; conducting oversight with respect to eligible providers of youth activities in the local area, subject to the approval of the local board; and carrying out other duties, as authorized by the chairperson of the local board, such as establishing linkages with educational agencies and other youth entities.

[11.2.17.8 NMAC – N, 8/15/01]

11.2.17.9 RESCISSIONS: None.

However, this Issuance supersedes State Information Notice (SIN) No. 34-99, dated December 1, 1999.

[11.2.17.9 NMAC – N, 8/15/01]

11.2.17.10 CONTACT ENTITY: Inquiries regarding this policy should be directed to the Job Training Division in Santa Fe at (505) 827-6827.
[11.2.17.10 NMAC – N, 8/15/01]

11.2.17.11 DISTRIBUTION: NM State and Local WDB Chairpersons, SAE NMDOL Legal Counsel, SAE NMDOL EO Officer, NMWDAs/LWDBs Administrative Staff, State WIA Subrecipients, USDOL Federal Representative, and New Mexico Records Center and Archives.
[11.2.17.11 NMAC – N, 8/15/01]

11.2.17.12 ATTACHMENTS: None.

[11.2.17.12 NMAC – N, 8/15/01]

**NEW MEXICO
DEPARTMENT OF LABOR**

JOB TRAINING DIVISION

**TITLE 11 LABOR AND WORKERS' COMPENSATION
CHAPTER 2 JOB TRAINING
PART 18 WORKFORCE INVESTMENT ACT (WIA) YOUTH ACTIVITIES**

11.2.18.1 ISSUING AGENCY: New Mexico Department of Labor.
[11.2.18.1 NMAC – N, 8/15/01]

11.2.18.2 SCOPE: The State Administrative Entity (SAE), State Workforce Development Board (WDB), New Mexico Workforce Development Areas/ Local Workforce Development Boards (NMWDAs/LWDBs), and other State WIA subrecipients.
[11.2.18.2 NMAC – N, 8/15/01]

11.2.18.3 STATUTORY AUTHORITY: The Workforce Investment Act of 1998 (Public Law 105-220, 29 U.S.C. C. 2801, et. seq.; Final Rule at Title I, Chapter 4, "Youth Activities," Sections 126 through 129 and in the Federal Register Volume 65, Number 156, dated August 11, 2000, Part 664, "Youth Activities Under Title I of the Workforce Investment Act," and any amendments thereto, Section 506(c), Pub. L. 105-220; 20 U.S.C. 9276(c); New Mexico Workforce Development Act, New Mexico House Bill 740, Chapter 260, Laws of

1999, Forty-fourth Legislature.
[11.2.18.3 NMAC – N, 8/15/01]

11.2.18.4 DURATION: Permanent.
[11.2.18.4 NMAC – N, 8/15/01]

11.2.18.5 EFFECTIVE DATE: August 15, 2001, unless a later date is cited at the end of a section.
[11.2.18.5 NMAC – N, 8/15/01]

11.2.18.6 OBJECTIVE: Youth activities offer a broad range of coordinated services to include opportunities for assistance in both academic and occupational learning, developing leadership skills, and preparing for further education, additional training and eventual employment. The varied services may be provided in combination or alone at different times during a youth's development. Decision making is at the local level with Youth Councils responsible for recommending and coordinating youth policies and programs to the Local Workforce Developments Boards. Strong connections are to exist between youth program activities and the One-Stop service delivery system so that youth learn early how to access the services of the One-Stop system and continue to use those services throughout their working lives.
[11.2.18.6 NMAC – N, 8/15/01]

11.2.18.7 DEFINITIONS:
[RESERVED].
[11.2.18.7 NMAC – N, 8/15/01]

11.2.18.8 ACTION: Guidance and instruction for the delivery of WIA services related to youth eligibility, Out-of-School Youth, program design, concurrent enrollment, summer employment opportunities, One-Stop services, and Youth Opportunity Grants are described below:

A. Eligibility. An eligible youth is an individual who is age 14 through 21, is a low income individual (one who receives, or is a member of a family that receives, cash payments under a Federal, State, or local income-based public assistance program; or received an income, or is a member of a family that received a total family income, for the six-month period prior to application for the program involved [exclusive of unemployment compensation, child support payments, payments described in this paragraph, above, and old-age survivors insurance benefits received under the Social Security Act]) that, in relation to family size, does not exceed the higher of the poverty line, for

an equivalent period; or is a member of a household that receives or has been determined within the six-month period prior to application for the program involved to be eligible to receive food stamps pursuant to the Food Stamp Act of 1977; or qualifies as a homeless individual, as defined in the Stewart B. McKinney Homeless Assistance Act; or is a foster child on behalf of whom State or local government payments are made; or in cases permitted by regulations promulgated by the United States Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in this paragraph, above, but who is a member of a family whose income does not meet such requirements; and is within one or more of the following categories:

(1) Deficient in basic literacy skills (i.e. computes or solves problems, reads, writes, or speaks English at or below grade level 8.9; or is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual's family or in society);

(2) School dropout;

(3) Homeless, runaway or foster child;

(4) Pregnant or parenting;

(5) Offender, or,

(6) Is an individual (including a youth with a disability) who requires additional assistance to complete an educational program, or to secure and hold employment. Local boards may define this category.

B. Up to five percent of youth participants served by youth programs in a local area may be individuals who do not meet the income criteria for eligible youth, provided that they are within one or more of the following categories: school dropout, basic skills deficient (as defined above), or are one or more grade level below the grade level appropriate to the individual's age, pregnant or parenting, possess one or more disabilities, including learning disabilities, homeless or runaway, offender, or face serious barriers to employment as identified by the local board.

C. The eligibility barriers for eligible youth are not the same as the eligibility barriers for the five percent of youth participants who do not have to meet income eligibility requirements. Both lists of eligibility barriers include school dropouts, homeless or runaway, pregnant or parenting, and offender, but each list contains barriers

not included on the other list.

D. The criteria for income eligibility under the National School Lunch Program are not the same as the Act's income eligibility criteria. Therefore, the school lunch list may not be used as a substitute for income eligibility to determine who is eligible for services under the Act.

E. A disabled youth whose family does not meet income eligibility criteria under the Act may be eligible for youth services and considered to be a low-income individual if the youth's own income meets the income criteria established in the WIA or meets the income eligibility criteria for cash payments under any Federal, State or local public assistance program.

F. Enrollment. All youth participants must be registered in order to collect information to support a determination of eligibility. Equal Employment Opportunity (EEO) data must be collected on individuals during the registration process.

G. Out-of-School Youth. An out-of-school youth is an individual who: is an eligible youth who is a school dropout; or is an eligible youth who has either graduated from high school or holds a GED, but is basic skills deficient, unemployed or underemployed. A school dropout is defined as an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth attending an alternative school is not a dropout.

H. At least 30 percent of the total amount of all funds allocated to a local area must be used to provide activities to out-of-school youth. Although it is not necessary to ensure that 30 percent of such funds spent on summer employment opportunities (or any other particular element of the youth program) or are spent on out-of-school youth, the funds spent on these activities are included in the total to which the 30 percent requirement applies. If the State Administrative Entity (SAE), after an analysis of the eligible youth population in the local area, determines that the local area will be unable to meet the out-of-school percentage due to a low number of out-of-school youth, a request to lower the percentage may be submitted to the USDOL by the SAE.

I. Program Design. For each youth participant that meets the eligibility requirements, the design framework of local youth programs must:

(1) Provide an objective

assessment of each youth which includes assessment of the academic level, skill level, and service needs of each participant, to include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of the participant. A new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

(2) Develop an Employability Development Plan (EDP) that expresses an individual service strategy for each youth participant that shall identify an employment goal (including, in appropriate circumstances, nontraditional employment), appropriate achievement objectives to include up to three youth employment competencies as identified in the Act, and appropriate services for the participant taking into account the objective assessment above. A new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and,

(3) Provide preparation for postsecondary educational opportunities in appropriate cases, provide linkages between academic and occupational learning, provide preparation for employment, and provide effective connections to intermediary organizations that provide strong links to the job market and employers. Local boards must ensure appropriate links to entities that will foster the participation of eligible local area youth. Such links may include connections to local area justice and law enforcement officials, local public housing authorities, local education agencies, Job Corps representatives and representatives of other area youth initiatives, including those that serve homeless youth and other public and private youth initiatives.

J. Program Elements.
The programs shall provide elements consisting of:

(1) Tutoring, study skills training, and instruction, leading to completion of secondary school, including dropout prevention strategies;

(2) Alternative secondary school services, as appropriate;

(3) Summer employment

opportunities that are directly linked to academic and occupational learning;

(4) Paid and unpaid work experiences are planned, structured learning experiences that take place in a workplace for a limited period of time. Funds under the Act may be used to pay wages and related benefits for work experiences. Work experience workplaces may be in the private, for-profit sector, the non-profit sector, or the public sector. The purpose is to provide the youth participant with the opportunities for career exploration and skill development and is not to benefit the employer, although the employer may, in fact, benefit from the activities performed by the youth. Work experiences may be subsidized or unsubsidized and may include the following elements:

(a) Instruction in employability skills or generic workplace skills such as those identified by the Secretary's Commission on Achieving Necessary Skills (SCANS);

(b) Exposure to various aspects of an industry;

(c) Progressively more complex tasks;

(d) Internships and job shadowing;

(e) The integration of basic academic skills into work activities;

(f) Supported work, work adjustment, and other transition activities;

(g) Entrepreneurship; and,

(h) Other elements designed to achieve the goals of work experience.

(5) In most cases, on-the-job training is not an appropriate work experience activity for youth participants under age 18. Local program operators may choose, however, to use this service strategy for eligible youth when it is appropriate based on the needs identified by the objective assessment of an individual youth participant;

(6) Occupational skill training, as appropriate;

(7) Leadership development opportunities, which may include exposure to postsecondary educational opportunities; community and service learning projects; peer-centered activities, including peer mentoring and tutoring; organizational and team work training, including team leadership training; training in decision-making, including determining priorities; citizenship training, including life skills training such as parenting, work behavior training, and

budgeting of resources; employability; and positive social behaviors which are incorporated by many local programs as part of their menu of services which focus on areas that may include, but are not limited to, the following:

(a) Positive attitudinal development;

(b) Self esteem building;

(c) Cultural diversity training; and,

(d) Work simulation activities.

(8) Supportive services which may include linkages to community services; assistance with transportation costs; assistance with child care and dependent care costs; assistance with housing costs; referrals to medical services; and assistance with uniforms or other appropriate work attire and work-related tool costs, including such items as eye glasses and protective eye gear;

(9) Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;

(10) All youth must receive some form of follow-up services for a minimum of 12 months after the completion of participation. Follow-up services may include: leadership development and supportive service activities; regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise; assistance in securing better paying jobs, career development and further education; work-related peer support groups; adult mentoring, and tracking the progress of youth in employment after training. Follow-up services may be provided beyond twelve (12) months at the State or local board's discretion.

(11) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate.

(12) Additional requirements may include:

(a) Those youth meeting eligibility and enrollment requirements shall be provided information on the full array of applicable or appropriate services that are available through the local board or other eligible providers or One-Stop partners; and referral to appropriate training and educational programs that have the capacity to serve the participant or applicant either on a sequential or concurrent basis.

(b) Applicants not meeting enrollment requirements or who cannot be served shall be referred for

further assessment, as necessary, and referred to appropriate programs to meet the basic skills and training needs of the applicant.

(13) Concurrent Enrollment. Under the Act, eligible youth are 14 through 21 years of age. Adults are defined in the Act as individuals age 18 and older. Thus, individuals ages 18 through 21 may be eligible for and participate in both adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable to the services received. Local program operators may determine, for individuals in this age group, the appropriate level and balance of youth and/or adult services. Connections between the One-Stop system and youth service providers facilitate the coordination and provision of youth activities, connections to intermediaries with links to the job market and employers, and access to information about WIA youth programs and other youth service providers.

(14) Local program operators must identify and track the funding streams which pay the costs of services provided to individuals who are participating in youth and adult programs concurrently, and ensure that services are not duplicated.

(15) Individual Training Accounts are not allowed for youth participants. However, individuals age 18 and above, who are eligible for training services under the adult and dislocated worker program, may receive Individual Training Accounts through that program.

(16) Summer Employment Opportunities. Local boards are required to offer summer youth opportunities that provide direct linkages to academic and occupational learning as part of the menu of services required as described in Program Elements above as part of a comprehensive year-round program.

(17) The summer youth employment opportunities element is **not** intended to be a stand-alone program. Local programs should integrate a youth's participation in that element into a comprehensive year-round strategy for addressing the youth's employment and training needs. All youth must be provided with a minimum of twelve months of follow-up services.

(18) If, in the administration of the summer employment opportunities element of the local youth program, providers other than the grant recipient/fiscal agent (the chief elected

official) are used to provide summer youth employment opportunities, these providers must be selected by awarding a grantor contract on a competitive basis, based on the recommendation of the youth council and on criteria contained in the State Plan.

(19) The law provides specific core indicators of performance for youth, and requires that all participating youth be included in the determination of whether the local levels of performance are met. The following core indicators for eligible youth aged 14 through 18 apply to those participants in all youth activities:

(a) Attainment of basic skills, and, as appropriate, work readiness or occupational skills;

(b) Attainment of secondary school diplomas and their recognized equivalents; and,

(c) Placement and retention in postsecondary education, advanced training, military service, employment, or qualified apprenticeships.

(20) The following core indicators for eligible youth aged 19 through 21 apply to those participants in all youth activities:

(a) Entry into unsubsidized employment;

(b) Retention in unsubsidized employment six months after entry into the employment;

(c) Earnings received in unsubsidized employment six months after entry into the employment; and,

(d) Attainment of a recognized credential related to achievement of educational skills (such as secondary school diploma or its recognized equivalent), or occupational skills, by participants who enter post-secondary education, advanced training, or unsubsidized employment.

(21) A single customer satisfaction measure for employers and a single customer satisfaction indicator for participants must be used for all adults, dislocated workers and youth.

(22) One-Stop Services to Youth. Connections between the youth program and the One-Stop system may include those that facilitate:

(a) The coordination and provision of youth activities;

(b) Linkages to the job market and employers;

(c) Access for eligible youth to the information and services as required above; and,

(d) Other activities designed to achieve the purposes of the

youth program and youth activities.

(23) Local boards have the flexibility to offer services to area youth who are not eligible under the youth program through the One-Stop centers. However, One-Stop services for non-eligible youth must be funded by programs that are authorized to provide services to such youth. For example, basic labor exchange services under the Wagner-Peyser Act may be provided to any youth.

(24) Youth Opportunity Grants. Youth Opportunity Grants (YOG) are awarded through a competitive selection process. The USDOL Secretary establishes appropriate application procedures, selection criteria, and an approval process for awarding Youth Opportunity Grants to accomplish the purpose of the Act. All individuals ages 14 through 21 who reside in the community identified in the grant are eligible to receive services under the grant. A local board is eligible to receive a Youth Opportunity Grant if it serves a community that:

(a) Has been designated as an empowerment zone (EZ) or enterprise community (EC) as noted within the Internal Revenue Code of 1986;

(b) Is located in a State that does not have an EZ or an EC and that has been designated by its Governor as a high poverty area; or,

(c) Is one of two areas in a State that been designated by the Governor as an area for which a local board may apply for a Youth Opportunity Grant, and that meets the poverty rate criteria in the Internal Revenue Code of 1986.

(25) An entity other than a local board is eligible to receive a grant if that entity:

(a) Is a WIA Indian and Native American grant recipient under WIA; and,

(b) Serves a community that:

(i) Meets the poverty rate criteria in the Internal Revenue Code of 1986; and,

(ii) Is located on an Indian reservation or serves Oklahoma Indians or Alaska Native villages or Native groups, as provided in the WIA.

(26) The USDOL Secretary negotiates performance measures, including appropriate performance levels for each indicator, with each selected grantee, based on information contained in the application.

(27) Prohibitions and Other Requirements. No provision of the WIA shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution, school, or school system.

(28) All of the funds made available under the WIA shall be used in accordance with the requirements of the Act. None of the funds made available under the act may be used to provide funding under the School- to-Work Opportunities Act of 1994, unless the programs funded under the Act serve only those participants eligible to participate in the programs under the Act.

(29) Noninterference and nonreplacement of regular academic requirements: no funds shall be used to provide an activity for eligible youth who are not school dropouts if participation in the activity would interfere with or replace the regular academic requirements of the youth.

(30) The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) is federal legislation that protects eligible student's privacy interest in his or her "educational records." FERPA affords eligible students the right to inspect their educational records, the right to have the records amended, and the right to have some control over the disclosure of information from the records. FERPA provides that education records, or personally identifiable information from such records, may be disclosed by educational agencies and institutions only after an eligible student provides written consent, except in statutorily specified circumstances. Note: In relation to WIA, this Act pertains to in-school youth and youth and adults attending post-secondary training.

(31) Youth Councils shall establish linkages with educational agencies responsible for services to participants as appropriate.

(32) The local board shall make opportunities available for individuals who have successfully participated in programs carried out under this section to volunteer assistance to participants in the form of mentoring, tutoring, and other activities.

[11.2.18.8 NMAC – N, 8/15/01]

11.2.18.9 RESCISSIONS: None. However, this Issuance supersedes State Information Notice (SIN) No. 35-99, dated December 1, 1999.
[11.2.18.9 NMAC – N, 8/15/01]

11.2.18.10 CONTACT ENTITY: Inquiries regarding this policy should be directed to the Job Training Division in Santa Fe at (505) 827-6827.
[11.2.18.10 NMAC – N, 8/15/01]

11.2.18.11 DISTRIBUTION: NM State and Local WDB Chairpersons, SAE NMDOL Legal Counsel, SAE NMDOL EO Officer, NMWDAs/LWDBs Administrative Staff, State WIA Subrecipients, USDOL Federal Representative, and New Mexico Records Center and Archives.
[11.2.18.11 NMAC – N, 8/15/01]

11.2.18.12 ATTACHMENTS: None.
[11.2.18.12 NMAC – N, 8/15/01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.200 NMAC, Sections 30, 60 and 70.

2.80.200.30 VACANCY ON THE BOARD

A. In the event any elected member of the PERA board retires from his or her job, resigns from the board or dies, that member shall be considered to have resigned from the board and the board shall, by resolution, declare that office vacant as of the date of the adoption of such resolution. Such resolution shall be adopted within 30 days after the board member's retirement, resignation or death.

B. In the event any elected member of the PERA board ceases employment with an affiliated public employer, and is not reemployed by an affiliated public employer from the same membership (state, county or non-county municipal) group from which that member was elected within thirty (30) days, that member shall be considered to have resigned from the board. For purposes of Section 80.200.30, the term "ceases employment" shall include leave without pay status that extends for more than twelve (12) weeks.

C. The resolution declaring the vacancy shall be publicized

immediately in conjunction with a notice inviting eligible individuals to apply for appointment to the position within thirty (30) days of the publication of notice of vacancy. Publication shall be, at the minimum, by special notice to employees in the affected membership group through their employers. The board shall select the new member from among the interested persons who apply pursuant to the publication of the notice of vacancy. If no applications are received, the board shall entertain nominations by the members present.

D. Any vacancy of an elected member occurring on the board shall be filled by the remaining board members, even though a quorum not be present, at a regularly scheduled board meeting within 90 days after the adoption of the resolution declaring the vacancy. The member selected to fill the vacancy shall be selected from the membership group, whether state, county or non-county municipal or retired member, which experienced the vacancy. If a vacancy in the municipal membership group is that of a county member, the replacement member shall be a county employee. The selected member shall be appointed to serve for the remainder of the vacated term.

[10-15-97; 11-15-97; 2.80.200.30 NMAC – Rn & A, 2 NMAC 80.200.30, 12-28-00; A, 8-15-01]

2.80.200.60 ELECTION OF RETIRED BOARD MEMBERS

A. During the January monthly meeting, the retirement board shall adopt a resolution specifying when nominating petitions are due to be returned to PERA. These nominating petitions are due not earlier than six months prior and not later than one month prior to the election for the position of retired board member.

B. Any retired member who is receiving a disability or normal retirement pension from PERA is eligible for election to a retired board member position.

C. Nominating petitions shall be signed only by retired members of the association. To be eligible, a candidate must have a minimum of 50 nominations. A valid nomination shall include a signature, a legible printing of the retiree's name, address and the last four digits of the retiree's social security number. A nomination that does not include all these elements shall not be counted. A retired member may sign more than one nominating petition for different candidates. The five candi-

dates with the highest number of nominations shall be included on the ballot and the other or others shall be eliminated. The names of the five retired members receiving the highest number of nominations shall be placed on the election ballot in descending order according to the number of signatures received. In case of a nominating tie, the election committee shall determine the names and order in which they are placed on the ballot by lottery or similar method.

D. In the event any nominee is unable or unwilling to accept a nomination, that nominee's name shall be removed from the ballot and the resulting vacancy on the ballot shall not be filled. If the inability or unwillingness to accept a nomination occurs after the ballots have been printed the election committee shall treat all votes cast for that nominee as void.

E. If only one retiree is nominated for a retired board member position, the election shall be cancelled and that retiree shall automatically be declared the winner for the retired board member position pursuant to subsection 200.80.

F. Only retired members shall be eligible to participate in the election of retired board members.

G. The campaign contribution limit of twenty-five dollars (\$25.00) contained in NMSA 1978, Section 10-11-130.1(B)(2000) shall apply to each four year term retired board member election.

[10-15-97; 11-15-97; 12-15-99; 2.80.200.60 NMAC – Rn & A, 2 NMAC 80.200.60, 12-28-00; A, 8-15-01]

2.80.200.70 ELECTION OF NON-RETIRED BOARD MEMBERS

A. During the January monthly meeting, the retirement board shall adopt a resolution specifying when nominating petitions are due to be returned to PERA. These nominating petitions are due not earlier than 6 months prior and not later than 1 month prior to the election for the position of non-retired board member.

(1) Candidates nominated for any non-retired board member position shall be vested members of the association.

(2) Only state members may nominate candidates for state board member positions. Only county members may nominate candidates for the county board member position. Only

non-county municipal members may nominate candidates for the remaining municipal board member positions.

(3) To be eligible, a candidate must have a minimum of 150 valid nominations of non-retired PERA members from the candidate's membership group on his or her nominating petition. A valid nomination shall include a signature, a legible printing of the member's name, the member's current employer and the last four digits of the member's social security number. A nomination that does not include all these elements shall not be counted. A member may sign more than one nominating petition for different candidates.

(4) The five candidates with the highest number of nominations for each non-retired position shall be included on the ballot and the other or others shall be eliminated. The names of the five non-retired members receiving the highest number of nominations for a position shall be placed on the election ballot in descending order according to the number of signatures received. In case of a nominating tie, the election committee shall determine the names and order in which they are placed on the ballot by lottery or similar method.

(5) In the event any nominee is unable or unwilling to accept the nomination, his or her name shall be removed from the ballot and the vacancy on the ballot shall not be filled. If such a vacancy occurs after the ballots have been printed, the election committee shall treat all votes cast for that candidate as void.

(6) If only one member is nominated for a non-retired board member position, the election shall be cancelled and that member shall automatically be declared the winner for the non-retired board member position pursuant to subsection 200.80.

(7) All members of record of the membership group for which the election is held shall be eligible to receive a ballot as provided in subparagraph 8(a) below, except that only county members shall vote in elections for the county member position, and shall not be eligible to vote in elections for non-county municipal positions. The applicable membership group for any member who is no longer a currently employed, contributing employee of an affiliated public employer shall be determined as of the last date on which the member was a currently employed, contributing employee of an affiliated pub-

lic employer.

(8) For purposes of the election of non-retired board members, "member of record" shall mean the following:

(a) all persons listed in PERA electronic membership history records as members no more than 60 days prior to the date of mailing ballots; or

(b) all persons who have filed with PERA a valid application for membership form 60 days or more prior to the date of mailing ballots.

(c) While members of record shall qualify to receive a ballot, in the case of those new members listed in subparagraph 70.A(8)(b), a written request for a ballot must be made to PERA.

(9) For purposes of the election of non-retired board members:

(a) ballots shall be mailed to all non-county municipal members of record in the case of an election of a non-county municipal board position;

(b) ballots shall be mailed to all county municipal members of record in the case of an election of the county municipal board position; and

(c) ballots shall be mailed to all state members of record in the case of an election of a state board position.

B. [Reserved] The campaign contribution limit of twenty-five dollars (\$25.00) contained in NMSA 1978, Section 10-11-130.1(B)(2000) shall apply to each four year term non-retired board member election.

[10-15-97; 11-15-97; 12-15-99; 2.80.200.70 NMAC – Rn & A, 2 NMAC 80.200.70, 12-28-00; A, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.80.300 NMAC, SECTIONS 6 AND 30

2.80.300.6 OBJECTIVE: The objective of this rule is to set the Public Employees Retirement Board's investment policy [particularly in the area of use of New Mexico investment brokers,] for investments of funds under NMSA 1978, Sections 10-11-132 and 10-11-133, as amended.

[10-15-97; 2.80.300.6 NMAC – Rn, 2 NMAC 80.300.6, 12-28-00; A, 8-15-01]

2.80.300.30 [USE OF NEW MEXICO INVESTMENT BROKERS] BEST EXECUTION AND BEST PRICE

A. Statement of Policy:

The New Mexico Public Employees Retirement Board adopts the following statement as its policy with respect to securities transactions of the PERA investment funds.

(1) The Board serves as trustee of the retirement funds created under the Public Employees Retirement Act, NMSA 1978, Section 10-11-1 et seq.; the Judicial Retirement Act, NMSA 1978, Section 10-12B-1 et seq.; the Magistrate Retirement Act, NMSA 1978, Section 10-12C-1 et seq.; and the Volunteer Firefighters Retirement Act, NMSA 1978, Section 10-11A-1 et seq.

(2) As trustee of these funds, the Board has a fiduciary responsibility to invest these funds solely in the interest of participants and beneficiaries and exclusively to provide benefits to these participants and beneficiaries and to pay reasonable administrative costs. The Board also has a fiduciary obligation to give primacy to the preservation of trust funds and to insure the procurement of a reasonable income while avoiding undue investment risks.

(3) The Board has delegated the investment of the funds under its jurisdiction to external investment managers except for a small number of accounts that are invested directly by the PERA Investment Division.

(4) By contractual agreement, the Board has delegated to its investment managers full discretion with regard to securities transactions so long as they conform to New Mexico State statutes, the PERA Investment Plan and the specific PERA investment objectives and guidelines for each particular investment portfolio.

(5) Both by contract and by virtue of common law trust principles, the investment managers serve as fiduciaries to PERA and must at all times act in a fiduciary capacity to PERA and the investment accounts assigned to them.

(6) As fiduciaries of the funds, both the Board and its investment managers are obligated to require that all securities transactions be made on the basis of best execution under the circumstances at the lowest available price.

(7) The Board's policy is that all securities transactions shall be executed on the basis of best execution under the circumstances at the lowest available price and that all investment decisions shall be made solely for the benefit of fund participants and their beneficiaries.

B. [Reserved]

[10-15-97; 2.80.300.30 NMAC – Rn & A, 2 NMAC 80.300.30, 12-28-00; A, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.80.400 NMAC, SECTION 10

2.80.400.10 MEMBER COVERAGE UNDER PERA

A. Full-time employees who work 40 or more hours in a week and part-time employees who work 20 or more hours but fewer than 40 hours in a week shall be members.

B. The following employees are excluded from coverage:

(1) Retired members from any other state system as defined in subsection C of 2.80.100.7 NMAC who subsequently become employees of affiliated public employers.

(2) Independent contractors. Persons who render services to an affiliated public employer as independent contractors are not employees who are entitled to PERA membership unless the employment contract provides that they are "employees" for federal and state taxation purposes, or the IRS had determined that they are "employees" under the contract.

(3) Seasonal or student employees.

(a) "Seasonal employee" or "temporary employee" means an employee who works in a position designated by the affiliated public employer as seasonal or temporary and created to last no more than 9 consecutive months.

(b) "Student employee" means an employee who during at least 8 months in any calendar year, or during the period of employment, is enrolled at an educational institution whose academic credits would be accepted by a state educational institution or a public school district and carrying at least 12 credit hours or is enrolled in an educational institution's graduate studies program and carrying at least 9 credit hours. Any person who is a regular full-time employee is not a "student" for purposes of exclusion from PERA membership.

(4) Retired members of PERA who are subsequently employed by an affiliated public employer and who have not earned up to \$15,000.00 or more in a calendar year.

[10-15-97; 12-15-99; 2.80.400.10 NMAC – Rn, 2 NMAC 80.400.10, 12-28-00; A, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.80.600 NMAC, SECTION 20. THIS RULE IS ALSO RENUMBERED TO COMPLY WITH THE NEW NMAC REQUIREMENTS.

2.80.600.20 SERVICE CREDIT

A. In order to claim service credit for service rendered prior to August 1, 1947 or for a period prior to the employer becoming an affiliated public employer, a member shall:

(1) File a claim for the period of employment showing specific beginning and ending dates of employment.

(2) Provide certification of employment to the association for the period or periods claimed as prior service.

(3) File an affidavit, to be certified and signed by two other persons who know of the employment, together with any additional documentary evidence available which may be required by the board if no records are available for the period of prior service claimed.

(4) Provide payroll records, personnel action forms showing hire date(s), term of employment, full-time or part-time, job classification, salary amounts and dates of personnel actions, job description, if any.

(5) Contribution history from the federal social security administration for the claimed period of employment, if applicable.

B. Forfeited service credit may be reinstated by repayment of withdrawn member contributions, together with interest from the date of withdrawal to the date of repayment at the rate or rates set by the board, under the following conditions:

(1) Service credit may be reinstated in one-year increments, beginning with the most recently forfeited service credit. A one-year increment is 12 consecutive but not necessarily continuous months of service credit. After reinstatement of all 12-month "years" as defined herein, any remaining service credit that totals less than 12 months may be reinstated by payment in one lump sum as provided herein.

(2) All forfeited service credit may also be reinstated by repayment of the total amount of all member contributions withdrawn from each pe-

riod of service together with interest from the date of withdrawal to the date of repayment at the rate set by the board.

(3) A former member who is employed by an employer covered under the Educational Retirement Act must provide evidence of current contributing membership in the Educational Retirement Association; such evidence shall be either certification by the employer, in the form prescribed by the association, or certification by the Educational Retirement Association (ERA).

(4) Payment for reinstated service credit must be received by the association prior to the member's effective date of retirement.

(5) Interest received to reinstate forfeited service credit under this subsection shall not be refunded to the member. The purchase cost received to reinstate forfeited service credit which is determined to be unnecessary to provide the maximum pension applicable to the member and which is purchased in reliance on information provided by PERA shall be refunded to the member.

C. "Actual credited service" for purposes of NMSA 1978, Section 10-11-27 means only that service credit earned during periods of employment with the New Mexico State Police in the positions of patrolman or sergeant, or as an aircraft division pilot. No service credit which is either purchased or acquired free by state police members shall be increased by 20% as provided in NMSA 1978, Section 10-11-27.

D. Military service credit is free in some cases and may be purchased in other cases as provided by statute.

(1) Where a member wishes to claim service credit pursuant to NMSA 1978, Section 10-11-6 the association shall, upon the member's request, furnish that member a form of affidavit for completion and certification of such service. The affidavit shall be accompanied by documentary evidence of the member's entry and discharge from service in a uniformed service of the United States.

(2) The affiliated public employer by whom the member was employed immediately prior to entering a uniformed service of the United States shall certify in writing the date of termination of employment of the member. This requirement may be waived if PERA records contain sufficient documentation of the date of termination of such prior employment.

(3) The affiliated public

employer by whom the member was employed immediately after discharge from a uniformed service of the United States shall certify in writing to the association the member's date of return to employment within thirty days of reemployment. This requirement may be waived if PERA records contain sufficient documentation of the date of return to employment. Members who are not reemployed by an affiliated public employer within ninety days following termination of the period of intervening service but who nevertheless claim reemployment rights under federal law shall provide to the association written certification from the affiliated public employer that the member is entitled to reemployment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

(4) The affidavit, employer certifications, and documentary evidence of uniformed service shall be presented to the association for approval.

(5) Service credit for periods of intervening service in the uniformed services following voluntary enlistment, reenlistment or appointment shall be awarded only upon compliance by the member and the affiliated public employer with the provisions of NMSA 1978, Section 10-11-6, as amended, and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended, including but not limited to the payment to the association of contributions required from the member and the employer.

(6) PERA members who are also members of the military service reserve components who are activated pursuant to a federal call to duty, deployment or peacekeeping mission or other declared national emergency may receive free service credit subject to the conditions of this section. The member must provide a form DD 214 and other documentation as required by PERA to support an award of free service credit.

E. A member who claims service credit for one or more periods of employment for which an employer failed to remit the required contributions to the association may receive service credit only after receipt by the association of payment by the employer of the delinquent contributions plus applicable interest and penalties, if any, along with the following documentation:

(1) Payroll records for the claimed periods of employment, indicat-

ing the salary for the claimed employment dates.

(2) Personnel action forms showing hire date(s), term of employment, job classification, salary amounts and dates of personnel actions.

(3) Job description.

(4) Contribution history from the federal social security administration for the claimed period of employment, if applicable.

(5) Explanation from the employer as to why contributions were not withheld or paid to the association.

(6) Any other information requested by the association. If original records have been lost or destroyed, affidavits in a form acceptable to the association may be submitted for the purpose of substantiating the employment. The association may accept such affidavits in lieu of original records if it deems them sufficient to establish the required employment information.

[10-15-97; 11-15-97; 1-15-99; 12-15-99; 2.80.600.20 NMAC – Rn & A, 2 NMAC 80.600.20, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO
2.80.700 NMAC, SECTIONS 10
AND 20.

2.80.700.10 PROCEDURE FOR
RETIREMENT

A.

(1) The member shall request an application for retirement from PERA. To insure that the member may retire on the date the member has chosen, the completed application should be returned to PERA, with the required documents described in subsection B below, at least 60 days prior to the selected date of retirement. The completed application and all supporting documentation must be filed with PERA no later than the close of business on the last working day of the month prior to the selected date of retirement.

(2) PERA shall furnish the member an estimate of retirement pension payable under form of payment A within a reasonable time of receipt of the properly completed application and required documents. If the member also desires an estimate of retirement pension payable under forms of payment B, C and D, the member shall request such an estimate in writing.

(3) When the application

is filed, PERA shall furnish the member's last affiliated public employer with an Employer's Certification of earnings form to be completed and returned to PERA. The final calculation of pension cannot be processed until PERA receives the properly completed Employer's Certification form.

(4) PERA will furnish the member a final calculation of retirement pension based on the information provided by the affiliated public employer.

(5) The completed application form must either include or be accompanied by a signed notarized statement of consent by the member's spouse to the form of payment and beneficiary elected by the member or an affidavit that the member is not married. An affidavit naming all former spouses must also accompany the final application form.

(6) The application shall be considered to be "filed" when PERA receives the completed application as evidenced by a writing on the application indicating the date of receipt by PERA.

(7) Retirement will be effective on the first day of the month following: a) the filing with PERA of the completed, signed application with all required documentation; b) the member's qualifying for retirement based on service and age; and c) the member's termination of employment.

(8) The retirement of the member shall be submitted to the board for ratification at the next regular meeting following the effective date of retirement.

B. The retiring member shall furnish the following documents to PERA:

(1) Proof of age of the member and any designated beneficiary or beneficiaries. Acceptable documents are a birth certificate, a baptismal certificate or ~~[a copy of life insurance policy or certified copy of voter registration issued over ten years prior;]~~ religious record of birth established before age 5 years, or any two of the following documents showing the date of birth of the member or designated beneficiary or beneficiaries:

(a) Copy of a life insurance policy;

(b) Certified copy of voter registration issued over ten years prior;

(c) Tribal census record;

(d) Childhood immunization record made prior to age

eighteen (18) years;

(e) Military record;

(f) Birth certificate

of child showing age of parent;

(g) Physician's or midwife's record of birth;

(h) Passport;

(i) Immigration

record;

(j) Naturalization

record.

(2) ~~[Proof of age meeting a standard at least equivalent to that applied by the social security administration.]~~ A copy of a marriage certificate or other proof of marital status acceptable in a court of law for any designated beneficiary to be identified as a spouse.

(3) Complete endorsed copies of all court documents necessary to ascertain the current marital status of the member and whether any ex-spouse of the member is entitled to any portion of the member's benefits. Such documents shall include the final decrees and marital property settlements for all marriages during the member's employment with an affiliated public employer. If the member's only divorce was prior to becoming a PERA member, then the final divorce decree is required, but no marital property settlement is required. If the member was divorced more than once before becoming a PERA member, then only the most recent final decree is required.

(4) Any member with an effective retirement date after December 31, 1998 shall provide authorization to the association for the electronic transfer of pension payments to the retiree's banking institution, or a waiver in lieu thereof. Such authorization or waiver shall be executed, in writing, in the form prescribed by the association.

C. No adjustments to the pension based on failure to claim free service credit may be made after the first pension payment.

D. If a member has three or more years of service credit under each of two or more coverage plans, the pension factor and pension maximum provided under the coverage plan which produces the highest pension shall apply. The coverage plan from which the member was last employed shall govern the age and service requirements for retirement.

E. Upon meeting the membership requirements in 2.80.400 NMAC, a member shall combine concurrent salaries received from two affiliated public employers. In the case of concurrent full-time and part-time em-

ployment or full-time and elected official service, service credit shall be earned only for the full-time employment. In the case of two part-time employments, service credit shall be earned only for the employment which has the lowest pension factor and pension maximum. No combining of concurrent salary may occur for employees who are on extended annual or sick leave until retirement.

F. A member is vested in his or her accrued benefits when the member reaches normal retirement age of the plan in which he or she is a member at the time of retirement or was last a member.

G. A member who retires must remain unemployed by an employer covered by any state system for a period of at least 90 days before returning to public employment. If the retired member is re-employed by an employer covered by any state system within 90 days of retirement, his or her pension will be suspended immediately. A retired member who performs work for an employer covered by any state system as an independent contractor under a contract approved by PERA is not subject to the provisions of this section. A retired member who works for an employer covered by any state system and who is exempt or excluded from membership in that system under the applicable retirement act is not subject to the provisions of this section. A retired member who performs work for an employer affiliated with the Educational Retirement Association is not subject to the provisions of this section.

[10-15-97; 11-15-97; 1-15-99; 12-15-99; 2.80.700.10 NMAC - Rn & A, 2 NMAC 80.700.10, 12-28-00; A, 8-15-01]

2.80.700.20 BENEFIT PAYMENT The maximum annual benefit limits contained in Internal Revenue Code Section 415(b), as amended and adjusted, are incorporated herein by reference. Notwithstanding any other provision of the PERA Act and regulations, all benefits paid from the PERA trust fund shall be distributed in accordance with the requirements of Internal Revenue Code Section 401(a)(9) and the regulations under that section. In order to meet these requirements, the trust fund must be administered in accordance with the following provisions:

A. The entire interest of the member shall:

(1) Be completely distributed to the member not later than the required beginning date defined in sub-

section (B) below, or

(2) Shall be distributed, beginning not later than the required beginning date, in accordance with Internal Revenue Service regulations, over ~~[the life of such member or over the lives of such member and a designated beneficiary.]~~ a period not extending beyond the life expectancy of such member or the life expectancy of such member and a designated beneficiary.

B. Distribution of a member's benefit must begin by the "required beginning date," which is defined as the later of the:

(1) April 1 of the calendar year following the calendar year in which the member attains the age of seventy and one-half (70½), or

(2) April 1 of the calendar year after the calendar year in which the member retires.

C. The life expectancy of the member or the member's spouse may not be recalculated after the benefits commence.

D. If a member dies before the distribution of the member's benefits has begun, distribution to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died.

E. The amounts payable to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirements of the Internal Revenue Code Section 401(a)(9)(G) and regulations thereunder. [2.80.700.20 NMAC – N, 12-28-00; A, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.80.1000 NMAC, SECTIONS 7, 20 AND 30

2.80.1000.7 DEFINITIONS: For purposes of disability retirement the following definitions shall apply:

A. "commensurate" employment means that the applicant is able to engage in some profitable employment or enterprise in the State of New Mexico, but does not require that the applicant be able to perform work which pays an equivalent or substantially equivalent salary as the applicant's pre-injury compensation.

B. "course of the member's performance of duty" means place

or activity for which the employer's business requires the presence of the employee, but shall not include travel or time on the way to assume the duties of employment or travel or time leaving such duties, except when the employee is temporarily assigned to a destination other than his or her normal work station or is within the "special errand" rule, in which case such time will be considered to be in the course of employment. Mere presence on the employer's premises while coming to or going from the job shall not establish this element unless the member has also assumed or is performing job duties.

C. "likely to be permanent" means that the weight of the medical evidence presented indicates that the applicant has either reached maximum medical improvement and the disability will probably last at least until the applicant reaches the age at which he or she will become eligible for normal retirement or that the medical information supports a determination of permanent disability, even though maximum medical improvement has not been reached.

D. "solely and exclusively" means the member's work is so substantial a factor of the disability that the disability would not have occurred at the time without it and a pre-existing condition is not a significant contributing factor material to the disability.

E. "totally incapacitated" means inability, as a result of either sudden injury or illness or the cumulative long-term effects of injury or illness, to work the member's regular work week.

[10-15-97; 1-15-99; 2.80.1000.7 NMAC – Rn, 2 NMAC 80.1000.7, 12-28-00; A, 8-15-01]

2.80.1000.20 DISABILITY REVIEW COMMITTEE

A. The disability review committee shall consist of at least one physician licensed in New Mexico and at least three, but not more than five members of the board; the physician need not be either a board member or association member, but may be either or both. The committee may also engage a ~~[New Mexico board-certified psychologist or psychiatrist]~~ psychologist (Ph.D.) or a psychiatrist (M.D.) licensed in New Mexico to serve on an as-needed basis to evaluate and advise the committee regarding applications for disability retirement based in whole or in part on mental incapacity.

B. The executive director or designated representative shall act

as secretary for the committee.

C. Compensation:

Members of the committee shall receive no compensation other than that authorized by the Per Diem and Mileage Act, except that physicians, psychiatrists or psychologists who are not board or association members and are engaged by the board to serve on the committee may be compensated at the rate established by the board.

[10-15-97; 11-15-97; 2.80.1000.20 NMAC – Rn, 2 NMAC 80.1000.20, 12-28-00; A, 8-15-01]

2.80.1000.30 INITIAL APPLICATION PROCEDURE

A. Application. The association shall provide application forms for members to use in complying with these provisions. No member shall be deemed an applicant for disability retirement until the member or his or her representative or employer has completed and filed the disability application package, including all the forms for disability retirement. The following forms shall be required in order to process the application:

(1) Employer's Report of Disability (not applicable to members who are not currently employed contributing members). If the employer refuses to provide the report, the committee may take whatever steps it deems necessary to obtain the required information.

(2) Member's Examining Physician's Statement for Disability Retirement Benefits. If the application is for disability retirement based on mental incapacity, the examining physician must be either a psychologist (Ph.D.) certified in the state in which he or she practices or psychiatrist (M.D.) licensed in the state in which he or she practices. If the application is for disability retirement based on both physical and mental incapacity, reports must be made for each kind of incapacity by the appropriate medical professionals. The examining physician's statements shall be based on an examination of the member not more than 3 months prior to the date of consideration of the application.

(3) Employer's first report of injury, if any.

(4) A list of all health care practitioners consulted who have examined or treated the member regarding the disability.

(5) Copies of any and all vocational rehabilitation reports and work performance evaluation reports made since the disability was incurred.

(6) Release of medical

information to PERA on a form signed by the applicant or his or her legal representative.

(7) Any other information requested by the committee.

B. Notification: The applicant shall be given notice of every meeting at which his or her application is to be considered. Such notice shall be in writing and mailed not less than five days prior to such meeting, unless the applicant waives, in writing, the notification requirement in order to expedite any action on his or her application.

C. Meetings: The committee shall hold its regular meetings at designated times at the PERA building, Santa Fe, New Mexico. A majority of the committee members, at least one of whom must be a physician, shall constitute a quorum. No action may be taken by the committee in the absence of a quorum.

(1) Confidentiality: Meetings of the committee shall not be open to the public in order to preserve the confidentiality of medical records pursuant to NMSA 1978, Section 14-2-1. The applicant may be present to hear discussion and to address the committee during consideration of his or her application.

(2) Testimony and oral statements or arguments made by an applicant or his or her representative shall be tape recorded.

D. Release of medical reports: Copies of medical reports may be given to the applicant or his or her representative, provided a release of information form is signed by the applicant or his or her legal representative.

E. Examination: Upon receipt and consideration of the completed disability retirement forms required in 30.A above, the committee may notify the applicant in writing if further examination is necessary, and if so, the type of examination and information necessary to document the disability application. If, after the applicant has been notified in writing, the applicant fails without good cause to report to an examining physician within 90 days, his or her application for disability retirement benefits shall become void.

F. The committee shall determine whether the applicant meets the requirements for disability retirement, and approve or deny the application. The applicant shall be notified by letter of the committee's action within 10 working days of its meeting. If the application is approved, the type (duty or non-duty) of the retirement pension and

the effective date shall be submitted to the board for ratification at the next regular meeting following the effective date of retirement.

G. If the application for disability retirement is approved, the member, unless excluded from coverage by the federal social security administration, shall apply for federal disability benefits within [45] 30 calendar days of approval of the application for disability retirement. A copy of the federal social security administration application shall be submitted to PERA.

H. If an application for disability retirement benefits is approved and the member does not terminate employment within 45 calendar days [~~or apply for federal disability benefits—within 45 calendar days of approval~~], a new application must be filed and approved by the committee before a disability retirement pension can be paid.

I. If an application for disability retirement benefits is denied, and the applicant either fails to appeal or appeals and the denial is upheld on appeal, the applicant may not re-apply for disability retirement benefits based on the same disorder for at least one year after the date of the initial denial. [10-15-97; 11-15-97; 1-15-99; 12-15-99; 2.80.1000.30 NMAC – Rn, 2 NMAC 80.1000.30, 12-28-00; A, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.85.100 NMAC, SECTION 8

2.85.100.8 GENERAL PROVISIONS

A. [Financial Hardship] Unforeseeable Emergency Withdrawal Applications. The deferred compensation administrator shall handle the processing of [financial hardship] unforeseeable emergency withdrawal applications including, but not limited to:

- (1) Sending out withdrawal applications;
- (2) Answering questions on the process and rules;
- (3) Reviewing applications for completeness and compliance;
- (4) Making decisions concerning whether or not withdrawal applications are approved;
- (5) Sending appropriate notices to participants (approved or denied);
- (6) Sending detailed denial letters explaining specific reason(s) why application was denied and instructions for reapplication/appeal.

B. Appeals. Appeals of

denials of applications for financial hardship] unforeseeable emergency withdrawals shall be handled by the deferred compensation third party administrator. The deferred compensation administrator shall also maintain files on approvals/denials and provide regular reports to the Board on [financial hardship] unforeseeable emergency activity.

C. Unforeseeable Emergency. In the event of an unforeseeable emergency, a participant may request that benefits be paid to him or her immediately, provided, however, that payment of any such benefits after the elected or mandatory commencement date shall be subject to any limitations specified by an investment carrier. Such request shall be filed with the [deferred compensation] third party administrator. [Payments shall be paid within forty-five (45) days of such approval.] If the third party administrator determines that the application for unforeseeable emergency meets the standards of the Internal Revenue Service guidelines and the plan document, payment will be made within twenty-four (24) hours of such approval. Benefits to be paid shall be limited strictly to the amount necessary to meet the unforeseeable emergency constituting financial hardship to the extent such unforeseeable emergency is not relieved:

- (1) through reimbursement or compensation by insurance or otherwise;
- (2) by liquidation of the participant's assets, to the extent the liquidation of such assets would not itself cause financial hardship; or
- (3) by cessation of deferrals under the Plan.

D. Matters Not Constituting Unforeseeable Emergencies. Divorce or foreseeable personal expenditures normally budgetable, such as a down payment on a home, the purchase of an automobile, college or other educational expenses, etc., will not constitute an unforeseeable emergency. [10-15-97; 2.85.100.8 NMAC – Rn, 2 NMAC 85.100.8, 12-28-00; A, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO SECTION 2.85.200 NMAC, SECTION 8. THIS RULE IS ALSO RENUMBERED TO COMPLY WITH THE NEW NMAC REQUIREMENTS.

PART 200 DOMESTIC RELATIONS ORDERS FOR DIVISION OF DEFERRED COMPENSATION ACCOUNTS AT DIVORCE/ WITHHOLDING OF CHILD SUPPORT OBLIGATIONS

2.85.200.8 GENERAL PROVISIONS

A. Funds from a deferred

compensation account may only be paid out when the participant terminates employment, retires or dies. Funds may also be paid as a result of an approved unforeseen emergency as defined in 26 C.F.R. Section 1.457-2 (h)(4). Divorce is not an unforeseeable emergency.

B. A conformed copy of [~~divorce decrees or~~] a plan-approved domestic relations court orders which determines the community interest in or child support obligation from a participating employee's State of New Mexico deferred compensation plan ["plan"] and assigns a separate interest to the participating employee's spouse, former spouse, child or other dependent shall be provided to the deferred compensation administrator ["administrator"] within a reasonable time after entry of the [~~decree or~~] order.

C. [~~Specific information identifying the parties, i.e. full names, addresses, Social Security numbers, must be contained in a divorce decree or order which divides the community interest in the plan.~~] The following information must be contained in the domestic relations order:

(1) the name, social security number and last known mailing address of the participating employee and the alternate payee;

(2) the amount or percentage of the participating employee's benefit to be paid to the alternate payee, or the manner in which such amount is to be determined;

(3) the relationship of the alternate payee to the participating employee;

(4) the number of payments or the period to which the domestic relations order applies;

(5) the specific name of each plan covered by the domestic relations order;

(6) all required signatures must be signed by the court.

D. Upon receipt of an appropriate court order, the administrator will provide notice by certified mail, return receipt requested, to a spouse, former spouse or child or other dependent who has a court determined interest in a participating public employee's plan when an application from the participating employee requesting disbursement is received by the administrator.

E. The administrator's files must contain current names and addresses for persons having an interest in plan accounts. Any person who has an interest in a plan account must provide the administrator with a written, notarized

statement of any change of name or address made after entry of the court order. If a notice is returned as undeliverable because of incorrect name or address, the administrator will not be responsible for further attempts at notification.

[10-15-97; 2.85.200.8 NMAC - Rn & A, 2 NMAC 85.200.8, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.85.300 NMAC, SECTION 8. IT IS ALSO RENUMBERED TO COMPLY WITH THE NEW NMAC REQUIREMENTS.

2.85.300.8 GENERAL PROVISIONS

A. Pursuant to Internal Revenue Code Section 457, a participant [~~who terminates employment~~] shall make a written election of either an immediate or a deferred distribution [~~within sixty days following the end of the year in which the termination occurs~~] not later than sixty (60) days after the date of his or her separation from service. The election shall be filed with the deferred compensation administrator by the participant.

B. [~~The participant is required to notify the deferred compensation administrator within 30 days service of the participant's termination of employment~~] If the participant fails to make written election as required by the plan, distribution shall be made as a cash lump sum of the amount or cash value of all investments held for the participant's account on the first business day of the calendar month, not earlier than 90 days and not later than 120 days after the date of the participant's separation from service.

[~~C. The deferred compensation administrator shall request in writing such an election by the participant within one week of the date of notice to the administrator of such termination. If no response is received to the first request a second request shall be made. If no response is received to the second request a third and final request shall be made by certified mail return receipt requested no later than the last day of February of the year following termination. If no response is received to the third notice, the participant is in default of this requirement.~~

[~~D. The notice requirements in paragraph 8.3 above are waived if the participant fails to notify the deferred compensation administrator of termination of employment within thirty days of such termination.~~

[~~E. When a participant is deemed to be in default, the participant's account will be paid out as follows:~~

(1) ~~Amounts under \$2500 shall be paid~~

~~to the participant in a lump sum;~~

(2) ~~Amounts from \$2500 to and including \$10,000 shall be paid to the participant in a 3-year annuity payable annually;~~

(3) ~~Amounts over \$10,000 shall be paid to the participant in a 10-year annuity payable annually.~~

~~The 3 and 10-year annuities shall have provisions for payment to a designated beneficiary or estate in case the participant dies before the annuity is paid out in full; this will apply only to those accounts which have commenced payout to the participant.]~~
[10-15-97; 2.85.300.8 NMAC - Rn & A, 2 NMAC 85.300.8, 8-15-01]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

THIS IS AN AMENDMENT TO 2.85.400 NMAC, SECTION 8. THIS RULE IS ALSO RENUMBERED TO COMPLY WITH THE NEW NMAC REQUIREMENTS.

2.85.400.8 GENERAL PROVISIONS

A. A local public body electing to participate in the deferred compensation plan shall file [~~a certified copy of its written notice of participation~~] an agreement, in a form acceptable to the board, with the deferred compensation administrator and the board within fifteen (15) working days of approval by the governing authority of the local public body. [~~Filing shall be effective at the time of the last filing.~~] Such agreement shall state the local public body agrees to be bound by the association's deferred compensation rules and regulations and that it shall remain in effect not less than two years from its effective date participation. A model notice of participation shall be available upon request from the deferred compensation administrator.

B. A local public body electing to terminate participation in the deferred compensation plan shall file a certified copy of its written notice of termination with the deferred compensation administrator and the board within fifteen (15) working days of approval by the governing body of the local public body. [~~Filing shall be effective at the time of the last filing.~~] A model notice of termination shall be available upon request from the deferred compensation administrator. A local body may terminate its participation in the deferred compensation plan not less than two years after the date its participation became effective.

C. A local public body electing to participate in the deferred compensation plan shall submit payment data and contributions electronically. The third party administrator shall assist the local public body on the selection of a method for electronic submission for the local public body and provide specific submission requirements.

[11-15-97; 2.85.400.8 NMAC - Rn & A, 2 NMAC 85.400.8, 8-15-01]

**END OF ADOPTED RULES AND
REGULATIONS SECTION**

**2001
SUBMITTAL DEADLINES AND PUBLICATION DATES**

Vol. XI	Submittal Deadline	Publication Date
No. 1	January 4	January 15
No. 2	January 16	January 31
No. 3	February 1	February 14
No. 4	February 15	February 28
No. 5	March 1	March 14
No. 6	March 15	March 30
No. 7	April 2	April 13
No. 8	April 16	April 30
No. 9	May 1	May 15
No. 10	May 16	May 31
No. 11	June 1	June 14
No. 12	June 15	June 29
No. 13	July 2	July 16
No. 14	July 17	July 31
No. 15	August 1	August 15
No. 16	August 16	August 30
No. 17	September 4	September 13
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No. 20	October 16	October 31
No. 21	November 1	November 15
No. 22	November 16	November 30
No. 23	December 3	December 14
No. 24	December 17	December 28

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