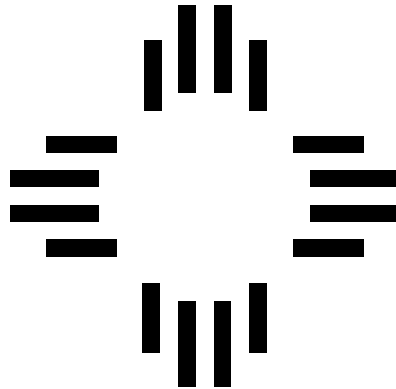


New Mexico Register

Volume XII, Issue Number 24
December 28, 2001



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

The Commission of Public Records
Administrative Law Division
2001

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New Mexico Register

Volume XII, Number 24

December 28, 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

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The New Mexico Register
Published by
The Commission of Public Records
Administrative Law Division
1205 Camino Carlos Rey
Santa Fe, NM 87507

The New Mexico Register is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00, except the first subscription from each New Mexico state agency may be ordered at \$85.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. Telephone: (505) 476-7907; Fax (505) 476-7910; E-mail rules@rain.state.nm.us.

The *New Mexico Register* is available free at
<http://www.nmcpr.state.nm.us/nmregister>

Notices of Rulemaking and Proposed Rules

NEW MEXICO STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The New Mexico State Board of Education ("Board") will convene on Monday, January 14, 2002. The Instructional Services Committee will meet from 1:30 p.m. to 3:30 p.m. on Wednesday, January 16, 2002. The Finance, Transportation & Administration Committee will meet from 3:45 p.m. to 6:30 p.m. on Wednesday, January 16, 2002. The Accountability Committee will meet from 8:00 a.m. to 12:00 p.m. on Thursday, January 17, 2002. The Regular Meeting will begin at 8:00 a.m. on Friday, January 18, 2002. The meetings will be held in the Bataan Memorial Building, Room 238, Santa Fe, New Mexico. Notice of the meeting is given in accordance with the Board's Open Meetings Policy. The agenda will be available at least twenty-four hours prior to the meeting from the Administrative Assistant to the State Board and on the State Board's web page of the State Department of Public Education website (<http://sde.state.nm.us/>).

The New Mexico State Department of Public Education will recommend that the Board take action on

RULE NUMBER	PROPOSED ACTION	(PROPOSED) RULE NAME
6.2.2 NMAC	Amend rule	Operational Bylaws of the Educational Standards Commission ▶
6.19.2 NMAC (Proposed #)	Adopt new rule	Public School Accountability System ✕
6.30.6 NMAC (Proposed #)	Adopt new rule	Review of Local Curriculum ▶
6.63.12 NMAC (Proposed #)	Adopt new rule	School Business Licensure •

- ▶ Instructional Services Committee
- Finance, Transportation & Administration Committee
- ✕ Accountability Committee

Public hearings for the purpose of affording members of the public the opportunity to offer comments regarding 6.2.2 NMAC (Operational Bylaws of the Educational Standards Commission), 6.19.2 NMAC (Public School Accountability System), and 6.63.12 NMAC (School Business Licensure) will be held as follows: Wednesday, January 9, 2002, from 6:00 p.m. to 8:00 p.m. in the Board Room, Las Cruces Public Schools, 505 South Main – Suite 249, Loretto Towne Centre, Las Cruces, New Mexico, and Thursday, January 10, 2002, from 6:00 p.m. to 8:00 p.m. in Room 100, Smith-Brasher Hall, Albuquerque Public Schools, 725 University Blvd., SE, Albuquerque, New Mexico. A public hearing for the purpose of affording members of the public the opportunity to offer comments on proposed new regulation 6.30.6 NMAC (Review of Local Curriculum) was held on Friday, November 2, 2001, in Albuquerque, New Mexico. Notice was provided to the public through mailings and publication on the State Department of Public Education's website.

Copies of 6.2.2 NMAC (Operational Bylaws of the Educational Standards Commission), 6.19.2 NMAC (Public School Accountability System), and 6.63.12 NMAC (School Business Licensure) may be obtained from Inez Naranjo at 827-6683. Copies of proposed new regulation 6.30.6 NMAC (Review of Local Curriculum) may be obtained from Laura Dalton at (505) 827-3876. Written comments regarding the proposed rulemaking should be directed to Mary Jo Bradley at the State Department of Public Education, State Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 or faxed to Ms. Bradley at (505) 827-5066 before 5 p.m. on January 10, 2002. However, the submission of written comments as soon as possible is encouraged.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting, please contact the State Board of Education Office at 827-6571 as soon as possible.

The Board attempts to follow the order and date of items as listed on the Agenda; however, the order and date of specific items are tentative and may vary from the printed Agenda.

Comments, questions, or requests for copies of the Agenda should be directed to Mary Jo Bradley, State Department of Education, Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 or (505) 827-6571.

**DEPARTMENT OF
FINANCE AND
ADMINISTRATION**

LOCAL GOVERNMENT DIVISION

Please be advised that the New Mexico Community Development Council will conduct CDBG Application Hearings on January 3 & 4, 2002. The purpose is to allow applicants to brief the Council on the details of applications submitted for FY 2002 CDBG funding. The hearings will be held at the Ranchers Steak House, 606 North California, Socorro, New Mexico at 9:00 a.m.

**DEPARTMENT OF
FINANCE AND
ADMINISTRATION**

LOCAL GOVERNMENT DIVISION

LEGAL NOTICE

DEPARTMENT OF FINANCE AND
ADMINISTRATION
LOCAL GOVERNMENT DIVISION
SUITE 202, BATAAN MEMORIAL
BUILDING
SANTA FE, NEW MEXICO 87503

DATE: December 6, 2001
RELEASE DATE: For Immediate Release
CONTACT: Donald L. Jordan, Deputy
Director, 827-4447
R E F E R E N C E : N M C o m m u n i t y
Development Council FY2002 Allocation
Meeting

The New Mexico Community Development Council will meet to allocate FY2002 Community Development Block Grant Funds on Tuesday, January 15, 2002 at 9:00 a.m. at the Albuquerque City/County Council Chambers, 1 Civic Plaza, Room B2125, Albuquerque, New Mexico.

**NEW MEXICO STATE
GAME COMMISSION**

NOTICE OF MEETING

The State Game Commission will meet at New Mexico State University, Agriculture Auditorium, Gerald Thomas Building, Room 194, Las Cruces, NM 88003 on January 3, 2002, at 9:00a.m.-5:00p.m.

The proposed agenda may be found by accessing the web site of the New Mexico Department of Game and Fish at www.gmfish.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 or by calling (505) 476-8008.

***NOTE:** Persons attending this Commission meeting who wish to address the Commission regarding agenda items appearing in Old Business and New Business must fill out and submit to the recording secretary an agenda discussion request card available at the table with the agenda copies.*

Those who desire to address the Commission and who claim to represent an organization must provide the following information:

The number of members in the organization, frequency of the organization's meeting and either a signed statement from that organization's president that states the organization has discussed the topic and approved the position that the representative is presenting, or proof that they are a registered lobbyist for the organization.

AGENDA ITEM NO. 1. Meeting Called to Order

AGENDA ITEM NO. 2. Roll Call

AGENDA ITEM NO. 3. Approval of Minutes (November 18-19, 2001)

AGENDA ITEM NO. 4. Approval of Agenda

AGENDA ITEM NO. 5. Introduction of Guests

AGENDA ITEM NO. 6. Consent Agenda

License Revocation

OLD BUSINESS

AGENDA ITEM NO. 7. Marquez Wildlife Area – Consideration of Lease Renewal – Scott Brown

The Commission will review the grazing lease on the Marquez Wildlife Area to determine if renewal is appropriate.

NEW BUSINESS

AGENDA ITEM NO. 8. Adopt Open Meetings Act Regulation – Larry Bell

The law requires the Commission to adopt an open meeting process at their first meeting each year. The Commission will review the current regulation and may amend or adopt it as is.

AGENDA ITEM NO. 9. Statewide

Limited Deer Entry: - Barry Hale

The Department will present information pertaining to implementation of a statewide limited entry system for deer. Included in this presentation will be potential benefits and impacts with implementing such a system. Also, results of similar efforts in other states as well as from New Mexico will be presented for discussion. For further information, contact the Division of Wildlife at (505) 476-8038.

AGENDA ITEM NO. 10. 19.31.10.20 NMAC Areas Closed to Hunting, Fishing and Trapping. – Luis Rios

The following areas shall remain closed to hunting, fishing, and trapping, except as permitted by regulation.

- A. All State Game Refuges.
- B. Sugarite Canyon State Park.
- C. Rio Grande Wild and Scenic

River Area.

- D. All Wildlife Management

Areas.

- E. Valle Vidal Area.
- F. Animas-Gray Peak Area.
- G. Region M.

H. 6B (Valles Calderas)

[4-1-95; 1-29-99; 19.31.1.20 NMAC Rn, 19 NMAC 31.1.20, 4-14-2000; 19.31.10.20 NMAC Rn, 19.31.1.20 NMAC, 9-29-00]

AGENDA ITEM NO. 11. Changes to Cougar Regulation - Luis Rios/Rich Beausoleil

The Department will present information regarding possible implementation of a relaxed cougar hunting strategy in Game Management Unit 30. The presentation will explore possible impacts to cougar populations if Game Management Unit 30 is managed with a No-quota strategy that would include trapping cougar as legal manner of take. For further information, contact the Division of Wildlife at (505) 476-8038.

AGENDA ITEM NO. 12. Amend Big Game Regulation to Allow Fall Turkey Hunting on Valle Vidal – Luis Rios

The Department will present its recommendation regarding a request to open fall turkey hunting on Valle Vidal. For further information, contact the Division of Wildlife at (505) 476-8038.

AGENDA ITEM NO. 13. Discussion on ATV Regulations for Hunting: - Dan Brooks

The Department will present information about the current rules for ATV use for hunting in New Mexico. Also provided will be a brief summary of other western state rules for ATV use.

AGENDA ITEM NO. 14. Deer and Mountain Lion Management in Game Management Unit 30 –Roy Hayes

The Department will be presenting options for increasing mountain lion harvest in GMU 30 to address concerns and issues from the public on declining deer numbers in the area. Those options include increasing the quota and area for the Preventative Lion Program, removing the quota established in regulation for sport hunting, and relaxing the manner and method regulation to allow public sportsmen to use traps and snares for harvesting mountain lions in GMU 30. The potential effects upon the deer herd in GMU 30 from these options will also be discussed

AGENDA ITEM NO. 15. Review of Long Range Plans to set priorities and begin to develop budget.

The Department will present a list of priority management and relate the action accomplished with budget setting activity.

AGENDA ITEM NO. 16. Commission action on transfer/exchange of elk to Kentucky – Luis Rios

The Department will ask the Commission's approval of a request from the Kentucky Department of Fish and Wildlife Resources to transplant up to 200 elk to collaborate with Kentucky in their elk restoration project efforts. For further information, contact the Division of Wildlife at (505) 476-8038.

AGENDA ITEM NO. 17. Habitat Stamp Regulation Re-enactment – Dale Hall

The State Game Commission will consider renewal of the Habitat Stamp Regulation (19 NMAC 34.1).

AGENDA ITEM NO. 18. Share with Wildlife Project List – 2003-2004 – Jane MacCarter

The Department is asking the Commission to review, provide input and approve a list of potential project categories that the Department is interested in funding for Fiscal-Year 2003-2004. All of the projects are addressed and/or supported, directly or indirectly, in the Director's Strategic Plan FY2001-2005 and by the Department's Program List in the Strategic-based Budgeting Document. Upon approval by the Commission (as is or with revisions), the list will be disseminated to the public so that project proposals for Share with Wildlife funding may be submitted to the Department.

AGENDA ITEM NO. 19. Amend License Vendor Bond Regulation – Dan Brooks

The Department would like to amend the license vendor Regulation 19.30.9 NMAC to allow for the Director to develop and implement a license vendor bonding criteria policy that will establish bond limits.

AGENDA ITEM NO. 20.**Commission/Department Discussion**

- Set Future Commission Meeting Dates

AGENDA ITEM NO. 21. General Public Comments: (Comments limited to 3 minutes.)**AGENDA ITEM NO. 22. Closed Executive Session**

- Litigation
- Personnel Matters

AGENDA ITEM NO. 23. Election of New Mexico State Game Commission Chairperson.

NOTE: The meeting will be adjourned upon completion of the agenda or up to those items that time allows. Any items not discussed will be on the following meeting's agenda.

The Agenda is subject to change up to 24 hours prior to the scheduled meeting date and time as deemed necessary by the Chairman. To inquire about agenda changes, please contact the Office of the Director at (505) 476-8008.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Shirley Baker at (505) 476-8030. Please contact Ms. Baker at least 3 working days before the set meeting date. Public documents, including the agenda and minutes can be provided in various accessible forms. Please contact Shirley Baker if a summary or other type of accessible form is needed.

NEW MEXICO NURSING HOME ADMINISTRATORS BOARD

PUBLIC RULE HEARING AND MEETING NOTICE

The New Mexico Nursing Home Administrators Board will convene a public rule hearing at 1:30 p.m. on Friday, February 8, 2002, in the Conference Room at the Boards & Commissions Building located at 2055 South Pacheco, Suite 400, Santa Fe, New Mexico. The purpose of the

rule hearing is to consider amendments to the following Board regulations in 16.13 NMAC: Part 2, "Fees"; Part 4, "Examination of Approved Applicants"; Part 7 "License Issuance"; Part 8 "License Renewal"; Part 10, "Expired License"; Part 11, "Lapsed License"; Part 12, "License Reactivation"; Part 13, "Continuing Education Requirement"; Part 14, "Approved Continuing Education"; and Part 17, "Disciplinary Proceedings".

Persons desiring to present their views on the proposed rules may call or write to request draft copies from the Board office at (505) 476-7121 or 2055 S. Pacheco, Suite 400, Santa Fe, New Mexico 87504; or e-mail a request to NursingHomeAdminBd@state.nm.us. All written comments must be submitted to the Board office by *Tuesday, January 29, 2002*, in order that the Board members may receive the comments in their meeting packets for review prior to the meeting.

A regular business meeting will follow the rule hearing during which action will be taken on the proposed rules. During the meeting, the Board may enter into Executive Session to discuss licensing matters.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing and/or meeting but you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please notify Carmen Payne at (505) 476-7121 at least two weeks prior to the meeting or as soon as possible.

PUBLIC ACCOUNTANCY BOARD

NOTICE OF PROPOSED RULEMAKING

The New Mexico Public Accountancy Board ("Board") will convene on Friday, January 18, 2002. The meeting will be held at 9:00 a.m. in the Real Estate Commission Board Room, 1650 University Blvd. NE, Suite 490, Albuquerque, New Mexico. Notice of the meeting is given in accordance with the Board's Open Meetings Policy. At the beginning of the meeting, a public hearing will be held for the purpose of affording members of the public the opportunity to offer comments on proposed new rules that will replace existing rules.

The Board staff will recommend that the Board adopt the following new rules:

PROPOSED NMAC NUMBER	RULE NAME
16.60.1 NMAC	General Provisions
16.60.2 NMAC	Certified Public Accountants (CPA) Examination Requirements
16.60.3 NMAC	Licensure and Continuing Professional Education Requirements
16.60.4 NMAC	Firm Permit, Peer Review Requirements, and Business Name Prohibitions
16.60.5 NMAC	Code of Professional Conduct

Notice of the hearing has been published in the New Mexico Register and in the Albuquerque Journal. Interested parties may access the proposed new rules on the Board's website at www.rld.state.nm.us/accountancy. Copies may also be obtained by contacting the Board office at (505) 841-9108. Written comments regarding the proposed rulemaking should be directed to Mr. Daniel Keays, Executive Director, Public Accountancy Board, 1650 University Blvd. NE, Suite 400A, Albuquerque, New Mexico 87102 or faxed to (505) 841-9101. Comments must be received by 5:00 p.m. on January 14, 2002; however, the submission of written comments as soon as possible is encouraged.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting should contact the Board office at (505) 841-9108 by 5:00 p.m. on January 11, 2002.

**STATE OF NEW MEXICO
PUBLIC REGULATION
COMMISSION
INSURANCE DIVISION**

IN THE MATTER OF THE AMENDMENT OF TITLE INSURANCE RULES

DOCKET NO. 01-313-IN

NOTICE OF HEARING ON PROPOSED RULEMAKING AND PROCEDURAL ORDER

The purpose of this hearing is to obtain input on proposed amendments to 13.14.17 NMAC, Underwriter's Experience Report, and 13.14.18 NMAC, Forms.

I. SOLICITATION OF COMMENTS

The Superintendent of Insurance is issuing this Notice to provide an opportunity for public comment and to create a record for a decision on proposed amendments to 13.14.17.29 NMAC to change the transaction codes to match the NM Form numbers, and to 13.14.18 NMAC to adopt the ALTA Short Form Policy. The Superintendent requests written and oral comments from all interested persons and entities on the proposed amendments.

All relevant and timely comments, including data, views, or arguments, will be considered by the Superintendent. In reaching his decision, the Superintendent may take into account information and ideas not contained in the comments, providing that such information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of the Superintendent's reliance on such information is noted in the Order the Superintendent ultimately issues.

II. ORDER

IT IS THEREFORE ORDERED that this Notice of Hearing on Proposed Rulemaking and Procedural Order be issued.

IT IS FURTHER ORDERED that an informal public hearing be held on January 22, 2002, at 9:30 a.m. in the Fourth Floor Hearing Room of the P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico for the purpose of receiving oral public comments including data, views, or arguments on the proposed rule. All interested persons wishing to present testimony may do so at the hearing. Interested persons should contact the Insurance Division ahead of time to confirm the hearing date, time, and place since hearings are occasionally rescheduled.

IT IS FURTHER ORDERED that all interested parties may file written comments on the proposed rule on or before January 15, 2002. All relevant and timely comments, including data, views, or arguments will be considered by the Superintendent before final action is taken in this proceeding. An original and two copies of written comments must be filed prior to the hearing with the Chief Clerk, Public Regulation Commission, P.O. Box 1269, Santa Fe, NM 87504-1269. The docket number must appear on each submittal. If possible, please also submit a diskette copy of written comments to the Chief Clerk or e-mail a copy of written comments to elizabeth.bustos@state.nm.us. Comments will be available for public inspection during regular business hours in the office of the Chief Clerk, Room 406, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, NM.

IT IS FURTHER ORDERED that the Superintendent may require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a fuller record and a more efficient proceeding.

IT IS FURTHER ORDERED that staff of the Superintendent of Insurance's Office shall cause a copy of this Notice to be published once in the New Mexico Register and once in the *Albuquerque Journal*, both on or before December 28, 2001. To obtain a copy of the proposed rule: (1) send the docket number, rule name, and rule number to the Chief Clerk, P.O. Box 1269, Santa Fe, NM 87504-1269 along with a self-addressed envelope and a check for \$5.00 made payable to the Public Regulation Commission to cover the cost of copying and postage; (2) call the Chief Clerk at 505-827-4526 with the docket number, rule name, and rule number (you will be billed \$5.00 to cover the cost of copying and postage); or e-mail Elizabeth Bustos at elizabeth.bustos@state.nm.us with the docket number, rule name, and rule number (you will receive a copy of the rule in Microsoft WORD format by return e-mail at no charge). The proposed rule is also available for inspection and copying during regular business hours in the office of the Chief Clerk, Room 406, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, NM.

III. ADVISEMENTS

PLEASE BE ADVISED THAT the New Mexico Lobbyist Regulation Act, NMSA 1978, §§2-11-1 *et seq.*, regulates lobbying activities before state agencies, officers, boards and commissions in rulemaking and other policy-making proceedings. A person is a lobbyist and must register with the Secretary of State if the person

is paid or employed to do lobbying or the person represents an interest group and attempts to influence a state agency, officer, board or commission while it is engaged in any formal process to adopt a rule, regulation, standard or policy of general application. An individual who appears for him or herself is not a lobbyist and does not need to register. The law provides penalties for violations of its provisions. For more information and registration forms, contact the Secretary of State's Office, State Capitol Building, Room 420, Santa Fe, NM 87503, (505) 827-3600.

PLEASE BE ADVISED THAT individuals with a disability who are in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, may contact Ms. Ann Echols, on or before January 15, 2002, at (505) 827-4559. Public documents associated with the hearing can be provided in various accessible forms for disabled individuals. Requests for summaries or other types of accessible forms should also be addressed to Ms. Echols.

DONE, this 17th day of December 2001.

NEW MEXICO PUBLIC REGULATION COMMISSION
INSURANCE DIVISION

ERIC P. SERNA,
Superintendent of Insurance

PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL
Capital Outlay Unit
State Education Building
300 Don Gaspar
Santa Fe, New Mexico 87501-2786

NOTICE OF PROPOSED RULEMAKING

The Public School Capital Outlay Council ("Council") is authorized to promulgate rules pursuant to Section 22-24-5.H New Mexico Statutes Annotated 1978. The Council will consider the following:

Rule Number	Proposed Action	(Proposed) Rule Name
6.27.40 NMAC (Proposed #)	Adopt new rule	DEFICIENCIES CORRECTION UNIT: GENERAL PROVISIONS
6.27.41 NMAC (Proposed #)	Adopt new rule	DEFICIENCIES CORRECTION: PRIORITZIATION CRITERIA
6.27.42 NMAC (Proposed #)	Adopt new rule	DEFICIENCIES CORRECTION: MANAGEMENT AND OVERSIGHT
6.27.43 NMAC (Proposed #)	Adopt new rule	DEFICIENCIES CORRECTION: PROJECT APPROVAL PROCEDURES
6.27.2 NMAC	Amend rule	PUBLIC SCHOOL CAPITAL OUTLAY COUNCIL: APPLICATION AND GRANT PROCEDURES

The text of the proposed rules, the date, location, and time of the public hearing(s) to consider comments on the rules, and information regarding submission of written comments may be obtained from Lena Archuleta, Administrative Assistant, Capital Outlay Unit, at 827-3963. This information will also be mailed to public school districts and charter schools. \

The Council will act on the proposed rules at a public meeting for which notice is given in accordance with the Council's Open Meetings Policy. The agenda will be available at least twenty-four hours prior to the meeting from the Administrative Assistant to the Capital Outlay Unit.

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Adopted Rules and Regulations

NEW MEXICO STATE BOARD OF EDUCATION

TITLE 6 PRIMARY & SECONDARY EDUCATION

CHAPTER 60 SCHOOL PERSON- NEL - GENERAL PROVISIONS PART 10 MENTORSHIP PROGRAMS FOR BEGINNING TEACHERS

6.60.10.1 ISSUING AGENCY: State Board of Education
[6.60.10.1 NMAC - N, 07-01-02]

6.60.10.2 SCOPE: All beginning teachers holding a level 1 New Mexico teaching license and employed in a New Mexico public school district, charter school, or state agency shall successfully complete a one to three year beginning teacher mentorship program provided by the public school district, charter school or state agency.
[6.60.10.2 NMAC - N, 07-01-02]

6.60.10.3 STATUTORY AUTHORITY: Section 22-2-8.10, NMSA 1978.
[6.60.10.3 NMAC - N, 07-01-02]

6.60.10.4 DURATION: Permanent
[6.60.10.4 NMAC - N, 07-01-02]

6.60.10.5 EFFECTIVE DATE: July 1, 2002, unless a later date is cited in the history note at the end of a section.
[6.60.10.5 NMAC - N, 07-01-02]

6.60.10.6 OBJECTIVE: To establish requirements for statewide mentorship programs to provide beginning teachers an effective transition into the teaching profession, retain capable teachers, improve the achievement of students, and improve the overall success of the school.
[6.60.10.6 NMAC - N, 07-01-02]

6.60.10.7 DEFINITIONS:

A. **“beginning teacher”** means a teacher holding a New Mexico level 1 teaching license who has less than three complete years, full-or part-time, of classroom teaching experience. For the purpose of this rule, teachers with more than three complete years, full-or part-time, of classroom teaching experience but who hold level 1 licensure are not beginning teachers.

B. **“teaching license”** means a state board of education license issued in Early Childhood, Birth-Grade 3; Elementary Education, Grades K-8; Middle

Level, Grades 5-9; Secondary Education, Grades 7-12; Special Education, Grades K-12; Licensure for K-12; and Secondary Vocational-Technical Education.
[6.60.10.7 NMAC - N, 07-01-02]

6.60.10.8 REQUIREMENTS FOR MENTORSHIP PROGRAMS: All mentorship programs must receive initial approval from the director of professional licensure for the state department of public education (hereinafter the “director”). To receive approval, public school districts, charter schools, or state agencies must submit a proposed mentorship program that aligns with and supports the public school district’s, charter school’s, or state agency’s long range plan for student success and aligns with the state board’s Nine Essential Teacher Competencies and Indicators contained in 6.69.3 NMAC, or any successor competencies adopted by the state board for level 1 teachers. The proposal must describe how the mentorship program addresses the following:

A. Provides individual support for beginning teachers from designated mentors or support providers. The support activities must include collaborative curriculum alignment, design, and planning; they must also include classroom observations, student assessment, individual instructional conferences, and instructional resource development.

B. Is mandatory for all beginning teachers holding level 1 licensure whether standard, alternative, or substandard.

C. Includes structured and research-based training activities for mentors. The training must include the development and needs of beginning teachers, the process of developing mentorship relationships, the process of documenting teacher growth, and best practices in working with novice teachers.

D. Uses a structured process for selection of mentors that includes selection and evaluation criteria and details the person or persons responsible for implementing the selection and evaluation process.

E. Provides compensation for mentors.

F. Uses an ongoing, formative evaluation of beginning teachers for the improvement of teaching practice.

G. Uses an ongoing summative evaluation of beginning teacher performance during the first 1 to 3 years of teaching, including an annual assessment of

competence for continuing licensure and a final assessment of competence for teachers seeking level 2 licensure. Evaluation of beginning teacher performance shall include annual review and progress reports during the mentorship program, collection of documented evidence of teacher growth and development, and summative assessment of Level I teacher competencies.

H. Has a process for addressing disputes or grievances between mentors and beginning teachers and for replacing mentors for good cause shown.

I. Establishes a program that is at least one year in length but includes provisions whereby support for an additional 2 or 3 years can be provided to teachers who do not successfully complete the first year and continue to be employed in the public school district, charter school, or state agency. and,

J. Has documentation that describes how support was sought and obtained from the local school board, administrators, and other district and school personnel.

[6.60.10.8 NMAC - N, 07-01-02]

6.60.10.9 COMPLETION OF MENTORSHIP PROGRAM: All beginning teachers must successfully complete a minimum of a one-year mentorship program to be eligible for a level 2 license. Successful completion of the program shall be documented on a form available from the professional licensure unit and shall be maintained in each teacher’s licensure file in the professional licensure unit. Under no circumstance shall a beginning teacher who is otherwise eligible to receive a level 2 license unless he or she has been certified as having successfully completed a mentorship program.

[6.60.10.9 NMAC - N, 07-01-02]

6.60.10.10 PROGRAM EVALUATION AND APPROVAL:

All mentorship programs shall be evaluated annually to determine the effectiveness of the program. Mentorship programs must be renewed every 12 months. To accomplish this, public school districts, charter schools, or state agencies shall, within 60 days of the anniversary of the date of the approval of their current mentorship program, submit an annual self-evaluation to the director with evaluation criteria and procedures indicating how teacher retention has improved and student performance has increased.

[6.60.10.10 NMAC - N, 07-01-02]

6.60.10.11**SAVINGS CLAUSE:**

All mentorship programs submitted by a public school district, charter school, or state agency to comply with state board Rule 6 NMAC 4.2.2.1, Alternative Licensure, and approved by the state board shall be deemed to be in compliance with Sections 1 through 9 of this rule. The director reserves the right to impose additional requirements to comply with Section 10 of 6.60.10 NMAC.
[6.60.10.11 NMAC - N, 07-01-02]

HISTORY OF 6.60.10 NMAC:
[Reserved]

NEW MEXICO STATE BOARD OF EDUCATION

This is an amendment to 6.30.2 NMAC, Section 16. The amendment replaces Section 16 (CONTENT STANDARDS: SOCIAL STUDIES) in its entirety.

**6.30.2.16 CONTENT STANDARDS:
SOCIAL STUDIES**

A. Strand: History — Content Standard I: Students are able to identify important people and events in order to analyze significant patterns, relationships, themes, ideas, beliefs, and turning points in New Mexico, United States, and world history in order to understand the complexity of the human experience.

(1) K-4 Benchmark I-A—New Mexico: Describe how contemporary and historical people and events have influenced New Mexico communities and regions.

—(a) Grade K Performance Standards: Identify the customs, celebrations, and holidays of various cultures in New Mexico.

—(b) Grade 1 Performance Standards: Identify common attributes of people living in New Mexico today.

—(c) Grade 2 Performance Standards: Describe how historical people, groups, and events have influenced the local community.

—(d) Grade 3 Performance Standards: Describe how the lives and contributions of people of New Mexico influenced local communities and regions.

—(e) Grade 4 Performance Standards:

(i) Identify important issues, events, and individuals from New Mexico pre-history to the present.

(ii) Describe the role of contemporary figures and how their contri-

butions and perspectives are creating impact in New Mexico.

(2) 5-8 Benchmark I-A New Mexico: Explore and explain how people and events have influenced the development of New Mexico up to the present day.

—(a) Grade 5 Performance Standards:

(i) Describe changes of governance of New Mexico (e.g., indigenous, Spanish, Mexican, French, Texan, United States).

(ii) Explain the reasons for European exploration of the Americas.

—(b) Grade 6 Performance Standards: Describe the relationships among ancient civilizations of the world (e.g., scientific discoveries, architecture, politics, cultures, and religious systems) and their connection to the early development of New Mexico.

—(c) Grade 7 Performance Standards:

(i) Compare and contrast the contributions of the civilizations of the Western Hemisphere (e.g., Aztecs, Mayas, Toltecs, Mound Builders) with the early civilizations of the Eastern Hemisphere (e.g., Sumerians, Babylonians, Hebrews, Egyptians) and their impact upon societies, to include: effect on world economies and trade; roles of people, class structures, language; religious traditions and forms of government; and cultural and scientific contributions (e.g., advances in astronomy, mathematics, agriculture, architecture, artistic and oral traditions, development of writing systems and calendars).

(ii) Describe the characteristics of other indigenous peoples that had an affect upon New Mexico's development (e.g., pueblo farmers, great plains horse culture, nomadic bands, noting their development of tools, trading routes, adaptation to environments, social structure, domestication of plants and animals).

(iii) Explain the significance of trails and trade routes within the region (e.g., Spanish Trail, Camino Real, Santa Fe Trail).

(iv) Describe how important individuals, groups, and events impacted the development of New Mexico from 16th century to the present (e.g., Don Juan de Oñate, Don Diego de Vargas, Pueblo Revolt, Popé, 1837 Revolt, 1848 Rebellion, Treaty of Guadalupe Hildago, William Becknell and the Santa Fe Trail, Buffalo Soldiers, Lincoln County War, Navajo Long Walk, Theodore Roosevelt and the Rough Riders, Robert Goddard, J. Robert Oppenhiemer, Smokey Bear, Dennis Chavez, Manuel Lujan, Manhattan Project, Harrison Schmitt, Albuquerque International Balloon Fiesta).

(v) Explain how New Mexicans have adapted to their physical environments to meet their needs over time (e.g., living in the desert, control over water resources, pueblo structure, highway system, use of natural resources).

(vi) Explain the impact of New Mexico on the development of the American West up to the present, to include: availability of land (e.g., individuals, governments, railroads, tribal); government land grants/treaties; transportation (e.g., wagons, railroads, automobile); identification and use of natural and human resources; population growth and economic patterns; and cultural interactions among indigenous and arriving populations and the resulting changes.

—(d) Grade 8 Performance Standards:

(i) Compare and contrast the settlement patterns of the American Southwest with other regions of the United States.

(ii) Analyze New Mexico's role and impact on the outcome of the Civil War (e.g., strategic geographic location, significance of the Battle of Glorieta Pass, trade routes to California, native allegiances).

(iii) Explain the role New Mexico played in the United States participation in the Spanish American War.

(3) 9-12 Benchmark I-A—New Mexico: Analyze how people and events of New Mexico have influenced United States and world history since statehood.

—(a) Compare and contrast the relationships over time of Native American tribes in New Mexico with other cultures.

—(b) Analyze the geographic, economic, social, and political factors of New Mexico that impacted United States and world history, to include: land grant and treaty issues unresolved to present day and continuing to impact relations between and among citizens at the state, tribal, and federal government levels; role of water issues as they relate to development of industry, population growth, historical issues, and current acequia systems/water organizations; urban development; role of the federal government (e.g., military bases, national laboratories, national parks, Indian reservations, transportation systems, water projects); unique role of New Mexico in the 21st century as a "Minority Majority" state.

—(c) Analyze the role and impact of New Mexico and New Mexicans in World War II (e.g., Native Code Talkers, New Mexico National Guard, internment camps, Manhattan Project, Bataan Death March).

—(d) Analyze the impact of the arts, sciences, and technology of New

Mexico since World War II (e.g., artists, cultural artifacts, nuclear weapons, the arms race, technological advances, scientific developments, high tech industries, federal laboratories).

(e) Explain how New Mexico history represents a framework of knowledge and skills within which to understand the complexity of the human experience, to include: analyze perspectives that have shaped the structures of historical knowledge; describe ways historians study the past; explain connections made between the past and the present and their impact.

(4) K-4 Benchmark I-B—United States: Understand connections among historical events, people, and symbols significant to United States history and cultures.

(a) Grade K Performance Standards: Demonstrate an awareness of community leaders.

(b) Grade 1 Performance Standards:

(i) Identify the significance of United States historical events and symbols (e.g., Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans Day, United States flag, bald eagle).

(ii) Identify and recognize major political and social figures in the United States.

(c) Grade 2 Performance Standards: Describe the cultural diversity of individuals and groups and their contributions to United States history (e.g., George Washington, Ben Franklin, César Chávez, Rosa Parks, National Association for Advancement of Colored People [NAACP], tribal leaders, American Indian Movement [AIM]).

(d) Grade 3 Performance Standards: Describe local events and their connections to state history.

(e) Grade 4 Performance Standards: Describe local events and their connections and relationships to national history.

(5) 5-8 Benchmark I-B—United States: Analyze and interpret major eras, events, and individuals from the periods of exploration and colonization through the Civil War and Reconstruction in United States history.

(a) Grade 5 Performance Standards:

(i) Explain the motivations for the European exploration of the Americas (e.g., Leif Ericson, Christopher Columbus, John Cabot, Hernán Cortez, Jacques Cartier, Henry Hudson).

(ii) Describe and explain the reasons for colonization, to include: religious freedom; desire for land; economic opportunity; a new way of life,

including the role and views of key individuals who founded colonies (e.g., John Smith, William Penn, Lord Baltimore).

(iii) Explain the significance of major historical documents (e.g., the Mayflower Compact, the Declaration of Independence, Federalist Papers, United States Constitution, Bill of Rights, the Gettysburg Address).

(iv) Identify the interactions between American Indians and European settlers, including agriculture, cultural exchanges, alliances, and conflicts (e.g., the first Thanksgiving, the Pueblo Revolt, French and Indian War).

(v) Describe how the introduction of slavery into the Americas, and especially the United States, laid a foundation for conflict.

(vi) Explain early representative government and identify democratic practices that emerged (e.g., Iroquois Nation model, town meetings, assemblies).

(b) Grade 6 Performance Standards: Explain and describe the origins, obstacles, and impact of the Age of Exploration, to include: improvements in technology (e.g., the clock, sextant, work of Prince Henry the Navigator); voyages of Columbus to the New World and the later searches for the Northwest passage, introduction of disease and the resulting population decline, especially among indigenous peoples; exchanges of technology, ideas, agricultural products and practices.

(c) Grade 7 Performance Standards: Analyze United States political policies on expansion of the United States into the Southwest (e.g., Mexican Cession, Gadsden Purchase, broken treaties, Long Walk of the Navajos).

(d) Grade 8 Performance Standards:

(i) Describe, evaluate, and interpret the economic and political reasons for the American Revolution, to include: attempts to regulate colonial trade through passage of Tea Act, Stamp Act, and Intolerable Acts; colonists' reaction to British policy (e.g., boycotts, the Sons of Liberty, petitions, appeals to Parliament); the ideas expressed in the Declaration of Independence, including the Preamble.

(ii) Describe the aspirations, ideals, and events that served as the foundation for the creation of a new national government, to include: Articles of Confederation, the Constitution, and the success of each in implementing the ideals of the Declaration of Independence; major debates of the Constitutional Convention and their resolution (e.g., *The Federalist Papers*), contributions and roles of major individuals in the writing and ratification of the Constitution (e.g., George Washington,

James Madison, Alexander Hamilton, Thomas Jefferson, James Monroe, John Jay); struggles over ratification of the Constitution and the creation of the Bill of Rights.

(iii) Describe and explain the actions taken to build one nation from thirteen states, to include: precedents established by George Washington (e.g., Cabinet, two-term presidency); Alexander Hamilton's financial plan (e.g., the National Bank, payment of debts); creation of political parties (Democratic Republicans and the Federalists).

(iv) Describe the successes and failures of the reforms during the Age of Jackson, to include: extension of franchise to all white men; Indian Removal, The Trail of Tears, The Long Walk; abolition movement (e.g., Quakers, Harriet Tubman, Underground Railroad).

(v) Describe, explain, and analyze the aims and impact of Western Expansion and the settlement of the United States, to include: American belief in Manifest Destiny and how it led to the Mexican War and its consequences; compare African American and Native American slavery; westward migration of peoples (e.g., Oregon, California, Mormons, and Southwest); origins and early history of the Women's Movement.

(vi) Explain how sectionalism led to the Civil War, to include: different economies that developed in the North, South, and West; addition of new states to the Union and the balance of power in the United States Senate (Missouri and 1850 Compromises); extension of slavery into the territories (e.g., Dred Scott Decision, Kansas-Nebraska Act, Frederick Douglass, John Brown); presidential election of 1860, Lincoln's victory, and the South's secession.

(vii) Explain the course and consequences of the Civil War and how it divided people in the United States, to include: contributions and significance of key figures (e.g., Abraham Lincoln, Jefferson Davis, Robert E. Lee, William Tecumseh Sherman, Ulysses S. Grant); major turning points in the Civil War, including Gettysburg; unique nature of the Civil War (e.g., impact of Americans fighting Americans, high casualties caused by disease and type of warfare, widespread destruction of American property); role of African Americans; purpose and effect of the Emancipation Proclamation.

(viii) Analyze the character and lasting consequences of Reconstruction, to include: Reconstruction plans; impact of Lincoln's assassination and the impeachment of Andrew Johnson; attempts to protect the rights and enhance

the opportunities for freemen by the 13th, 14th, and 15th Amendments to the United States Constitution; post-Civil War segregation policies and their resulting impact on racial issues in the United States.

(6) 9-12 Benchmark I-B—United States: Analyze and evaluate the impact of major eras, events, and individuals in United States history since the Civil War and Reconstruction.

(a) Analyze the impact and changes that Reconstruction had on the historical, political, and social developments of the United States.

(b) Analyze the transformation of the American economy and the changing social and political conditions in the United States in response to the Industrial Revolution, to include: innovations in technology, evolution of marketing techniques, changes to the standard of living, and the rise of consumer culture; rise of business leaders and their companies as major forces in America (e.g., John D. Rockefeller, Andrew Carnegie); development of monopolies and their impact on economic and political policies (e.g., laissez-faire economics, trusts, trust busting); growth of cities (e.g., influx of immigrants, rural-to-urban migrations, racial and ethnic conflicts that resulted); efforts of workers to improve working conditions (e.g., organizing labor unions, strikes, strike breakers); rise and effect of reform movements (e.g., Populists, William Jennings Bryan, Jane Addams, muckrakers); conservation of natural resources (e.g., the Grand Canyon, Yellowstone, Anasazi ruins at Mesa Verde, Colorado, National Reclamation Act of 1902); progressive reforms (e.g., the national income tax, direct election of senators, women's suffrage, prohibition).

(c) Analyze the United States' expanding role in the world during the late 19th and 20th centuries, to include: causes for a change in foreign policy from isolationism to interventionism; causes and consequences of the Spanish American War; expanding influence in the Western Hemisphere (e.g., the Panama Canal, Roosevelt Corollary added to the Monroe Doctrine, the "Big Stick" policy, "Dollar Diplomacy"); events that led to the United States' involvement in World War I; United States' rationale for entry into WWI and impact on military process, public opinion, and policy; United States' mobilization in WWI (e.g., its impact on politics, economics, and society); United States' impact on the outcome of World War I; United States' role in settling the peace (e.g., Woodrow Wilson, Treaty of Versailles, League of Nations, Senator Henry Cabot Lodge, Sr.).

(d) Analyze the major political, economic, and social developments that occurred between World War I and World

War II, to include: social liberation and conservative reaction during the 1920s (e.g., flappers, prohibition, the Scopes trial, Red Scare); causes of the Great Depression (e.g., over production, under consumption, credit structure); rise of youth culture in the "Jazz Age"; development of mass/popular culture (e.g., rise of radio, movies, professional sports, popular literature); human and natural crises of the Great Depression, (e.g., unemployment, food lines, the Dust Bowl, western migration of Midwest farmers); changes in policies, role of government, and issues that emerged from the New Deal (e.g., the Works programs, Social Security, challenges to the Supreme Court); role of changing demographics on traditional communities and social structures.

(e) Analyze the role of the United States in World War II, to include: reasons the United States moved from a policy of isolationism to involvement after the bombing of Pearl Harbor; events on the home front to support the war effort (e.g., war bond drives, mobilization of the war industry, women and minorities in the work force); major turning points in the war (e.g., the Battle of Midway, D-Day Invasion, dropping of atomic bombs on Japan).

(f) Analyze the development of voting and civil rights for all groups in the United States following Reconstruction, to include: intent and impact of the 13th, 14th, and 15th Amendments to the Constitution; segregation as enforced by Jim Crow laws following Reconstruction; key court cases (e.g., *Plessy v. Ferguson*, *Brown v. Board of Education of Topeka*, *Roe v. Wade*); roles and methods of civil rights advocates (e.g., Martin Luther King, Jr., Malcolm X, Rosa Parks, Russell Means, César Chávez); the passage and effect of the voting rights legislation on minorities (e.g., 19th Amendment, role of Arizona Supreme Court decision on Native Americans and their disenfranchisement under Arizona constitution and subsequent changes made in other state constitutions regarding their voting rights [New Mexico 1962], 1964 Civil Rights Act, Voting Act of 1965, 24th Amendment); impact and reaction to the efforts to pass the Equal Rights Amendment, rise of Black Power, Brown Power, American Indian Movement, United Farm Workers.

(g) Analyze the impact of World War II and the Cold War on United States' foreign and domestic policy, to include: origins, dynamics, and consequences of the Cold War tensions between the United States and the Soviet Union; new role of the United States as a world leader (e.g., Marshall Plan, NATO); need for, establishment, and support of the United Nations; implementation of the foreign policy of containment, including the Truman Doctrine; Red Scare (e.g., McCarthyism,

House Un-American Activities Committee, nuclear weapons, arms race); external confrontations with communism (e.g., the Berlin Blockade, Berlin Wall, Bay of Pigs, Cuban Missile Crisis, Korea, Vietnam); Sputnik and the space race; image of 1950s affluent society; political protests of Vietnam Conflict (War); counterculture in the 1960s.

(h) Analyze the impact of the post-Cold War Era on United States' foreign policy, to include:

role of the United States in supporting democracy in Eastern Europe following the collapse of the Berlin Wall;

new allegiances in defining the new world order; role of technology in the information age.

(i) Explain how United States history represents a framework of knowledge and skills within which to understand the complexity of the human experience, to include: analyze perspectives that have shaped the structures of historical knowledge; describe ways historians study the past; explain connections made between the past and the present and their impact.

(7) K-4 Benchmark I-CWorld: Students will identify and describe similar historical characteristics of the United States and its neighboring countries.

(a) Grade K Performance Standards: Identify the local, state, and national symbols (e.g., flag, bird, song).

(b) Grade 1 Performance Standards: Identify and compare celebrations and events from the United States, Mexico, and Canada.

(c) Grade 2 Performance Standards: Describe and compare similarities of the history of peoples in North America through literature (e.g., story telling, fables, folktales, fairy tales).

(d) Grade 3 Performance Standards: Identify and compare components that create a community in the United States and its neighboring countries.

(e) Grade 4 Performance Standards: Explain how historical events, people, and culture influence present day Canada, Mexico, and the United States (e.g., food, art, shelter, language).

(8) 5-8 Benchmark I-CWorld: Compare and contrast major historical eras, events, and figures from ancient civilizations to the Age of Exploration.

(a) Grade 5 Performance Standards:

(i) Describe the characteristics of early societies, including the development of tools and adaptation to environments.

(ii) Identify, describe, and explain the political, religious, economic and social conditions in Europe that led to

the Era of Colonization.

(iii) Identify the European countries that colonized the North American continent and their areas of settlement.

(iv) Describe the development of slavery as a widespread practice that limits human freedoms and potentials.

(b) Grade 6 Performance Standards:

(i) Describe and compare the characteristics of the ancient civilizations of Egypt, Mesopotamia and China and explain the importance of their contributions to later civilizations, to include: significance of river valleys; early irrigation and its impact on agriculture; forms of government (e.g., the theocracies in Egypt, dynasties in China); effect on world economics and trade; key historical figures; religious traditions, cultural, and scientific contributions (e.g., writing systems, calendars, building of monuments such as the pyramids).

(ii) Describe and analyze the geographic, political, economic, religious, and social structures of early civilizations of India, to include: location and description of the river systems and other topographical features that supported the rise of this civilization; significance of the Aryan invasions; structure and function of the caste system; important aesthetic and intellectual traditions (e.g., Sanskrit literature, medicine, metallurgy, mathematics including Hindu-Arabic numerals and the number zero).

(iii) Describe and analyze the geographic, political, economic, religious, and social structures of the early civilizations in China, to include: location and description of the origins of Chinese civilization in the Huang-He Valley, Shang dynasty, geographical features of China that made governance and movement of ideas and goods difficult and served to isolate the country; life of Confucius and the fundamental teachings of Confucianism and Taoism; rule by dynasties (e.g., Shang, Qin, Han, Tang, and Ming); historical influence of China on other parts of the world (e.g., tea, paper, wood-block printing, compass, gunpowder).

(iv) Describe major religions of the world to include Hinduism, Buddhism, Judaism, Christianity, and Islam (e.g., founding leaders, traditions, customs, beliefs).

(v) Compare and contrast the geographic, political, economic, and social characteristics of the Ancient Greek, Ancient Roman, Ottoman, Indian, Arabic, African, and Middle Eastern civilizations and their enduring impacts on later civilizations; to include: influence of

Mediterranean geography on the development and expansion of the civilizations; development of concepts of government and citizenship (e.g., democracy, republics, codification of laws, Code of Hammurabi); scientific and cultural advancements (e.g., networks of roads, aqueducts, art, architecture, literature, theater, philosophy); contributions and roles of key figures (e.g., Socrates, Plato, Aristotle, Alexander the Great, Julius Caesar, Augustus).

(vi) Compare and contrast the political and economic events and the social and geographic characteristics of Medieval European life and their enduring impacts on later civilizations, to include: creation and expansion of the Byzantine empire; reasons for the fall of the Roman Empire; new forms of government, feudalism, and the beginning of limited government with the Magna Carta; role of the Roman Catholic Church and its monasteries; causes, course, and effects of the Crusades; impact of the Black Plague; contributions and roles of key figures (e.g., Charlemagne, Joan of Arc, Marco Polo).

(c) Grade 7 Performance Standards: Compare and contrast the influence of Spain on the Western Hemisphere from colonization to the present.

(d) Grade 8 Performance Standards:

(i) Describe and explain the significance of the Line of Demarcation on the colonization of the New World.

(ii) Compare and contrast the influence of European countries (e.g., England, France, Holland) on the development of colonies in the New World.

(iii) Describe and explain the impact of the American Revolution on France and the French Revolution.

(9) 9-12 Benchmark I-CWorld: Analyze and interpret the major eras and important turning points in world history from the Age of Enlightenment to the present to develop an understanding of the complexity of the human experience.

(a) Describe and explain how the Renaissance and Reformation influenced education, art, religion, and government in Europe, to include: development of Renaissance artistic and literary traditions (e.g., Michelangelo, Leonardo da Vinci, Shakespeare); development of Protestantism (e.g., Martin Luther, John Calvin); religious conflict and persecutions (e.g., Spanish Inquisition).

(b) Analyze and evaluate the actions of competing European nations for colonies around the world and the impact on indigenous populations.

(c) Explain and analyze revolutions (e.g., democratic, scientific, technological, social) as they evolved throughout

the Enlightenment and their enduring effects on political, economic, and cultural institutions, to include: Copernican view of the universe and Newton's natural laws; tension and cooperation between religion and new scientific discoveries; impact of Galileo's ideas and the introduction of the scientific method as a means of understanding the universe; events and ideas that led to parliamentary government (English Civil War, Glorious Revolution); Enlightenment philosophies used to support events leading to American and French Revolutions; Napoleonic Era (e.g., codification of law); Latin America's wars of independence.

(d) Analyze the pattern of historical change as evidenced by the Industrial Revolution, to include: conditions that promoted industrialization; how scientific and technological innovations brought about change; impact of population changes (e.g., population growth, rural-to-urban migrations, growth of industrial cities, emigration out of Europe); evolution of work/business and the role of labor (e.g., the demise of slavery, division of labor, union movement, impact of immigration); political and economic theories of capitalism and socialism (e.g., Adam Smith, Karl Marx); status and roles of women and minorities.

(e) Analyze and evaluate the impact of 19th century imperialism from varied perspectives, to include: clash of cultures; British Empire expands around the world; nationalism (e.g., competition and conflict between European nations for raw materials and markets, acquisition of colonies in Africa and Asia, impact on indigenous populations).

(f) Describe and analyze the geographic, political, economic, religious, and social structures of the civilizations of East Asia.

(g) Analyze and evaluate the causes, events, and effects of World War I, to include: rise of nationalism (e.g., unification of Germany, Otto Von Bismarck's leadership); rise of ethnic and ideological conflicts (e.g., the Balkans, Austria-Hungary, decline of the Ottoman Empire); major turning points and the importance of geographic, military, and political factors in decisions and outcomes; human costs of the mechanization of war (e.g., machine-gun, airplane, poison gas, submarine, trench warfare, tanks); effects of loss of human potential through devastation of populations and their successive generations; effects of the Russian Revolution and the implementation of communist rule.

(h) Analyze and evaluate the causes, events, and impacts of World War II from various perspectives, to include: failures and successes of the Treaty of Versailles and the League of Nations; rise of totalitarianism (e.g., Nazi Germany's poli-

cies of European domination, Holocaust); political, diplomatic, and military leadership (e.g., Winston Churchill, Joseph Stalin, Franklin Roosevelt, Emperor Hirohito, Adolf Hitler, Benito Mussolini, Francisco Franco); principal theaters of battle, major turning points, and geographic factors in military decisions and outcomes (e.g., Pearl Harbor, "island-hopping," D-Day invasion, Stalingrad, atomic bombs dropped on Japan).

(i) Analyze and evaluate international developments following World War II, the Cold War, and post-Cold War, to include: war crime trials; creation of the state of Israel and resulting conflicts in the Middle East; rebuilding of Western Europe (e.g., Marshall Plan, NATO); Soviet control of Eastern Europe (e.g., Warsaw Pact, Hungarian Revolt); creation and role of the United Nations; Mao Zedong and the Chinese Revolution (e.g., Long March, Taiwan, Cultural Revolution); national security in the changing world order; technology's role in ending the Cold War; fluidity of political alliances; new threats to peace; reasons for the collapse of the Soviet Union and the end of the Cold War; use of technology in the Information Age.

(j) Evaluate the ideologies and outcomes of independence movements in the emerging third world to include: French Indochina and the Vietnam War (e.g., the role of Ho Chi Minh); Mohandas Gandhi's non-violence movement for India's independence; apartheid in South Africa and evolution from white minority government (e.g., Nelson Mandela, Desmond Tutu); Middle East conflicts (Israel, Palestine, Egypt).

(k) Analyze historical and modern-day policies of the Western Hemisphere, with emphasis on Mexico and Canada, to include: expansion of democracy in Western Hemisphere; immigration and migration issues; changes in foreign policy brings spiraling impact on each nation and international relations, trade.

(l) Explain how world history presents a framework of knowledge and skills within which to understand the complexity of the human experience, to include: analyze perspectives that have shaped the structures of historical knowledge; describe ways historians study the past; explain connections made between the past and the present and their impact.

(10) K-4 Benchmark I-DSkills: Understand time passage and chronology.

(a) Grade K Performance Standards: Understand the concept of past and present.

(b) Grade 1 Performance Standards: Demonstrate the use of timelines in order to show events in relation to one another.

(c) Grade 2 Performance Standards: Correctly sequence historical events.

(d) Grade 3 Performance Standards: Interpret information from multiple resources and contexts to determine chronological relationships.

(e) Grade 4 Performance Standards: Describe and explain how historians and archaeologists provide information about people in different time periods.

(11) 5-8 Benchmark I-DSkills: Research historical events and people from a variety of perspectives.

(a) Grade 5 Performance Standards:

(i) Differentiate between, locate, and use primary and secondary sources (e.g., computer software, interviews, biographies, oral histories, print, visual material, artifacts) to acquire information.

(ii) Use resources for historical information (e.g., libraries, museums, historical societies, courthouse, worldwide web, family records, elders).

(iii) Gather, organize, and interpret information using a variety of media and technology.

(iv) Show the relationship between social contexts and events.

(v) Use effective communication skills and strategies to share research findings.

(b) Grade 6 Performance Standards:

(i) Organize information by sequencing, categorizing, identifying cause-and-effect relationships, comparing and contrasting, finding the main idea, summarizing, making generalizations and predictions, drawing inferences and conclusions.

(ii) Identify different points of view about an issue or topic.

(iii) Use a decision-making process to identify a situation that requires a solution; gather information, identify options, predict consequences, and take action to implement that solution.

(c) Grade 7 Performance Standards:

(i) Analyze and evaluate information by developing and applying criteria for selecting appropriate information and use it to answer critical questions.

(ii) Demonstrate the ability to examine history from the perspectives of the participants.

(iii) Use the problem-solving process to identify a problem; gather information, list and consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution using technology to present findings.

(d) Grade 8 Performance Standards: Understand and apply the problem-solving skills for historical research, to include: use of primary and secondary sources; sequencing, posing questions to be answered by historical inquiry; collecting, interpreting, and applying information; gathering and validating materials that present a variety of perspectives.

(12) 9-12 Benchmark I-DSkills: Use critical thinking skills to understand and communicate perspectives of individuals, groups, and societies from multiple contexts.

(a) Understand how to use the skills of historical analysis to apply to current social, political, geographic, and economic issues.

(b) Apply chronological and spatial thinking to understand the importance of events.

(c) Describe primary and secondary sources and their uses in research.

(d) Explain how to use a variety of historical research methods and documents to interpret and understand social issues (e.g., the friction among societies, the diffusion of ideas).

(e) Distinguish "facts" from authors' opinions and evaluate an author's implicit and explicit philosophical assumptions, beliefs, or biases about the subject.

(f) Interpret events and issues based upon the historical, economic, political, social, and geographic context of the participants.

(g) Analyze the evolution of particular historical and contemporary perspectives.

(h) Explain how to use technological tools to research data, verify facts and information, and communicate findings.

B. Strand: Geography - Content Standard II: Students understand how physical, natural, and cultural processes influence where people live, the ways in which people live, and how societies interact with one another and their environments.

(1) K-4 Benchmark II-A: Understand the concept of location by using and constructing maps, globes, and other geographic tools to identify and derive information about people, places, and environments.

(a) Grade K Performance Standards:

(i) Define relative location of items in the physical environment in terms of over, under, near, far, up, and down.

(ii) Define personal direction of front, back, left, and right.

(b) Grade 1 Performance Standards:

(i) Understand maps and globes as representations of places and phenomena.

(ii) Identify and use the four cardinal directions to locate places in community, state, and tribal districts.

(iii) Create, use, and describe simple maps to identify locations within familiar places (e.g., classroom, school, community, state).

____ (c) Grade 2 Performance Standards:

(i) Use a variety of maps to locate specific places and regions.

(ii) Identify major landforms, bodies of water, and other places of significance in selected countries, continents, and oceans.

____ (d) Grade 3 Performance Standards: Identify and use the mapping tools of scale, compass rose, grid, symbols, and mental mapping to locate and draw places on maps and globes.

____ (e) Grade 4 Performance Standards:

(i) Apply geographic tools of title, grid system, legends, symbols, scale, and compass rose to construct and interpret maps.

(ii) Translate geographic information into a variety of formats such as graphs, maps, diagrams, and charts.

(iii) Draw conclusions and make generalizations from geographic information and inquiry.

(2) 5-8 Benchmark II-A: Analyze and evaluate the characteristics and purposes of geographic tools, knowledge, skills, and perspectives and apply them to explain the past, present, and future in terms of patterns, events, and issues.

____ (a) Grade 5 Performance Standards:

(i) Make and use different kinds of maps, globes, charts, and databases.

(ii) Demonstrate how different areas of the United States are organized and interconnected.

(iii) Identify and locate each of the fifty states and capitols of the United States.

(iv) Identify tribal territories within states.

(v) Employ fundamental geographic vocabulary (e.g., latitude, longitude, interdependence, accessibility, connections).

(vi) Demonstrate a relational understanding of time zones.

(vii) Use spatial organization to communicate information.

(viii) Identify and locate natural and man-made features of local, regional, state, national, and interna-

tional locales.

____ (b) Grade 6 Performance Standards:

(i) Identify the location of places using latitude and longitude.

(ii) Draw complex and accurate maps from memory and interpret them to answer questions about the location of physical features.

____ (c) Grade 7 Performance Standards:

(i) Describe ways that mental maps reflect attitudes about places.

(ii) Describe factors affecting location of human activities, including land-use patterns in urban, suburban, and rural areas.

____ (d) Grade 8 Performance Standards:

(i) Describe patterns and processes of migration and diffusion.

(ii) Provide a historic overview of patterns of population expansion into the West by the many diverse groups of people (e.g., Native Americans, European Americans, and others) to include movement into the Southwest along established settlement, trade, and rail routes.

(3) 9-12 Benchmark II-A: Analyze and evaluate the characteristics and purposes of geographic tools, knowledge, skills, and perspectives, and apply them to explain the past, present, and future in terms of patterns, events, and issues.

(a) Evaluate and select appropriate geographic representations to analyze and explain natural and man-made issues and problems.

(b) Understand the vocabulary and concepts of spatial interaction, including an analysis of population distributions and settlement patterns.

(4) K-4 Benchmark II-B: Distinguish between natural and human characteristics of places and use this knowledge to define regions, their relationships with other regions, and patterns of change.

____ (a) Grade K Performance Standards: Identify natural characteristics of places (e.g., climate, topography).

____ (b) Grade 1 Performance Standards:

(i) Identify and classify characteristics of places as human or natural.

(ii) Identify how traditional tribal and local folklore attempt to explain weather, characteristics of places, and human origins and relationships.

____ (c) Grade 2 Performance Standards:

(i) Describe how climate, natural resources, and natural hazards affect activities and settlement patterns.

(ii) Explain how people

depend on the environment and its resources to satisfy their basic needs.

____ (d) Grade 3 Performance Standards:

(i) Describe how human and natural processes can sometimes work together to shape the appearance of places (e.g., post-fire reforestation).

(ii) Explore examples of environmental and social changes in various regions.

____ (e) Grade 4 Performance Standards:

(i) Identify a region as an area with unifying characteristics (e.g., human, weather, agriculture, industry, natural characteristics).

(ii) Describe the regions of New Mexico, the United States, and the Western Hemisphere.

(iii) Identify ways in which different individuals and groups of people view and relate to places and regions.

(5) 5-8 Benchmark II-B: Explain the physical and human characteristics of places and use this knowledge to define regions, their relationships with other regions, and their patterns of change.

____ (a) Grade 5 Performance Standards:

(i) Describe human and natural characteristics of places.

(ii) Describe similarities and differences among regions of the globe and their patterns of change.

____ (b) Grade 6 Performance Standards:

(i) Explain how places change due to human activity.

(ii) Explain how places and regions serve as cultural symbols and explore the influences and effects of regional symbols.

(iii) Identify a region by its formal, functional, or perceived characteristics.

____ (c) Grade 7 Performance Standards:

(i) Select and explore a region by its distinguishing characteristics.

(ii) Describe the role of technology in shaping the characteristics of places.

(iii) Explain how and why regions change using global examples.

(iv) Describe geographically based pathways of inter-regional interaction (e.g., Camino Real's role in establishing a major trade and communication route in the New World, the significance of waterways).

____ (d) Grade 8 Performance Standards:

(i) Describe how individual and cultural characteristics affect perceptions of locales and regions.

(ii) Describe political, population, and economic regions that result from patterns of human activity, using New Mexico as an example.

(6) 9-12 Benchmark II-B: Analyze natural and man-made characteristics of worldwide locales; describe regions, their interrelationships, and patterns of change.

(a) Analyze the interrelationships among natural and human processes that shape the geographic connections and characteristics of regions, including connections among economic development, urbanization, population growth, and environmental change.

(b) Analyze how the character and meaning of a place is related to its economic, social, and cultural characteristics, and why diverse groups in society view places and regions differently.

(c) Analyze and evaluate changes in regions and recognize the patterns and causes of those changes (e.g., mining, tourism).

(d) Analyze and evaluate why places and regions are important to human identity (e.g., sacred tribal grounds, culturally unified neighborhoods).

(7) K-4 Benchmark II-C: Be familiar with aspects of human behavior and man-made and natural environments in order to recognize their impact on the past and present.

____ (a) Grade K Performance Standards:

(i) Identify family customs and traditions and explain their importance.

(ii) Describe the natural characteristics of places (e.g., landforms, bodies of water, natural resources, and weather).

____ (b) Grade 1 Performance Standards:

(i) Identify examples of and uses for natural resources in the community, state, and nation.

(ii) Describe the human characteristics of places such as housing types and professions.

____ (c) Grade 2 Performance Standards: Identify ways in which people depend on natural and man-made environments including natural resources to meet basic needs.

____ (d) Grade 3 Performance Standards:

(i) Identify personal behaviors that can affect community planning.

(ii) Identify ways in which people have modified their environments (e.g., building roads, clearing land for development, mining, and constructing towns and cities).

(iii) Describe the consequences of human modification of the natural environment (e.g., use of irrigation to improve crop yields, highways).

____ (e) Grade 4 Performance Standards:

(i) Explain how geographic factors have influenced people, including settlement patterns and population distribution in New Mexico, past and present.

(ii) Describe how environments, both natural and man-made, have influenced people and events over time and describe how places change.

(iii) Understand how visual data (e.g., maps, graphs, diagrams, tables, charts) organize and present geographic information.

(8) 5-8 Benchmark II-C: Understand how human behavior impacts man-made and natural environments, recognizes past and present results, and predicts potential changes.

____ (a) Grade 5 Performance Standards:

(i) Describe how man-made and natural environments have influenced conditions in the past.

(ii) Identify and define geographic issues and problems from accounts of current events.

____ (b) Grade 6 Performance Standards: Compare and contrast the influences of man-made and natural environments upon ancient civilizations.

____ (c) Grade 7 Performance Standards:

(i) Explain how differing perceptions of places, people, and resources have affected events and conditions in the past.

(ii) Interpret and analyze geographic information obtained from a variety of sources (e.g., maps, directly witnessed and surveillanced photographic and digital data, symbolic representations [e.g., graphs, charts, diagrams, tables], personal documents, and interviews).

(iii) Recognize geographic questions and understand how to plan and execute an inquiry to answer them.

(iv) Explain a contemporary issue using geographic knowledge, tools, and perspectives.

____ (d) Grade 8 Performance Standards: Explain and evaluate how changing perceptions of place and the natural environment have affected human

behavior.

(9) 9-12 Benchmark II-C: Analyze the impact of people, places, and natural environments upon the past and present in terms of our ability to plan for the future.

(a) Analyze the fundamental role that geography has played in human history (e.g., the Russian winter on the defeat of Napoleon's army and the same effect in World War II).

(b) Compare and contrast how different viewpoints influence policy regarding the use and management of natural resources.

(c) Analyze the role that spatial relationships have played in effecting historic events.

(d) Analyze the use of and effectiveness of technology in the study of geography.

(10) K-4 Benchmark II-D: Understand how physical processes shape the Earth's surface patterns and biosystems.

____ (a) Grade K Performance Standards: Describe the Earth's physical characteristics.

____ (b) Grade 1 Performance Standards: Describe the Earth-Sun relationship and how it affects living conditions on Earth.

____ (c) Grade 2 Performance Standards:

(i) Describe the physical processes that affect the Earth's features (e.g., weather, erosion).

(ii) Identify characteristics of physical systems (e.g., water cycle).

____ (d) Grade 3 Performance Standards:

(i) Identify the components of the Earth's biosystems and their makeup (e.g., air, land, water, plants, and animals).

(ii) Describe how physical processes shape features on the Earth's surface.

____ (e) Grade 4 Performance Standards:

(i) Explain how the Earth-Sun relationships produce day and night, seasons, major climatic variations, and cause the need for time zones.

(ii) Describe the four provinces (plains, mountains, plateau, and basin and range) that make up New Mexico's land surface (geographic conditions).

(11) 5-8 Benchmark II-D: Explain how physical processes shape the Earth's surface patterns and biosystems.

____ (a) Grade 5 Performance Standards: Explain how the four provinces of New Mexico's land surface (plains, mountains, plateau, basin and range) sup-

port life.

____ (b) Grade 6 Performance Standards: Describe how physical processes shape the environmental patterns of air, land, water, plants, and animals.

____ (c) Grade 7 Performance Standards:

____ (i) Explain how physical processes influence the formation and location of resources.

____ (ii) Use data to interpret changing patterns of air, land, water, plants, and animals.

____ (iii) Explain how ecosystems influence settlements and societies.

____ (d) Grade 8 Performance Standards: Explain how human activities and physical processes influence change in ecosystems.

____ (12) 9-12 Benchmark II-D: Analyze how physical processes shape the Earth's surface patterns and biosystems.

____ (a) Analyze how the Earth's physical processes are dynamic and interactive.

____ (b) Analyze the importance of ecosystems in understanding environments.

____ (c) Explain and analyze how water is a scarce resource in New Mexico, both in quantity and quality.

____ (d) Explain the dynamics of the four basic components of the Earth's physical systems (atmosphere, biosphere, lithosphere, and hydrosphere).

____ (13) K-4 Benchmark II-E : Describe how economic, political, cultural, and social processes interact to shape patterns of human populations and their interdependence, cooperation, and conflict.

____ (a) Grade K Performance Standards: Identify classroom population.

____ (b) Grade 1 Performance Standards: Identify characteristics of culture (e.g., language, customs, religion, shelter).

____ (c) Grade 2 Performance Standards: Describe how characteristics of culture affect behaviors and lifestyles.

____ (d) Grade 3 Performance Standards:

____ (i) Describe how patterns of culture vary geographically.

____ (ii) Describe how transportation and communication networks are used in daily life.

____ (iii) Describe how cooperation and conflict affect neighborhoods and communities.

____ (e) Grade 4 Performance Standards:

____ (i) Describe how cultures change.

____ (ii) Describe how geographic factors influence the location and distribution of economic activities.

____ (iii) Describe types and

patterns of settlements.

____ (iv) Identify the causes of human migration.

____ (v) Describe how and why people create boundaries and describe types of boundaries.

____ (14) 5-8 Benchmark II-E: Understand how economic, political, cultural, and social processes interact to shape patterns of human populations and their interdependence, cooperation, and conflict.

____ (a) Grade 5 Performance Standards: Explain how physical features influenced the expansion of the United States.

____ (b) Grade 6 Performance Standards:

____ (i) Explain how human migration impacts places, societies, and civilizations.

____ (ii) Describe, locate, and compare different settlement patterns throughout the world.

____ (iii) Explain how cultures create a cultural landscape, locally and throughout the world, and how these landscapes change over time.

____ (c) Grade 7 Performance Standards:

____ (i) Analyze New Mexico settlement patterns and their impact on current issues.

____ (ii) Describe and analyze how the study of geography is used to improve our quality of life, including urban and environmental planning.

____ (iii) Explain the accessibility to the New Mexico territory via the Santa Fe Trail and the railroad, conflicts with indigenous peoples, and the resulting development of New Mexico.

____ (d) Explain and describe how movement of people impacted and shaped western settlement.

____ (15) 9-12 Benchmark II-E: Analyze and evaluate how economic, political, cultural, and social processes interact to shape patterns of human populations and their interdependence, cooperation, and conflict.

____ (a) Analyze the factors influencing economic activities (e.g., mining, ranching, agriculture, tribal gaming, tourism, high tech) that have resulted in New Mexico's population growth.

____ (b) Analyze the effects of geographic factors on major events in United States and world history.

____ (c) Analyze the interrelationships among settlement, migration, population-distribution patterns, landforms, and climates in developing and developed countries.

____ (d) Analyze how cooperation and conflict are involved in shaping the dis-

tribution of political, social and economic factors in New Mexico, United States, and throughout the world (e.g., land grants, border issues, United States territories, Israel and the Middle East, the former Soviet Union, and Sub-Saharan Africa).

____ (e) Analyze how cultures shape characteristics of a region.

____ (f) Analyze how differing points of view and self-interest play a role in conflict over territory and resources (e.g., impact of culture, politics, strategic locations, resources).

____ (g) Evaluate the effects of technology on the developments, changes to, and interactions of cultures.

____ (16) K-4 Benchmark II-F: Describe how natural and man-made changes affect the meaning, use, distribution, and value of resources.

____ (a) Grade K Performance Standards: Identify natural resources.

____ (b) Grade 1 Performance Standards:

____ (i) Describe the role of resources in daily life.

____ (ii) Describe ways that humans depend upon, adapt to, and affect the physical environment.

____ (c) Grade 2 Performance Standards: Describe ways that people and groups can conserve and replenish natural resources.

____ (d) Grade 3 Performance Standards: Identify the characteristics of renewable and nonrenewable resources.

____ (e) Grade 4 Performance Standards: Identify the distributions of natural and man-made resources in New Mexico, the Southwest, and the United States.

____ (17) 5-8 Benchmark II-F: Understand the effects of interactions between human and natural systems in terms of changes in meaning, use, distribution, and relative importance of resources.

____ (a) Grade 5 Performance Standards: Understand how resources impact daily life.

____ (b) Grade 6 Performance Standards: Describe how human modifications to physical environments and use of resources in one place often lead to changes in other places.

____ (c) Grade 7 Performance Standards:

____ (i) Describe and evaluate the use and distribution of resources and their impact on countries throughout the world.

____ (ii) Describe how environmental events (e.g., hurricanes, tornados, floods) affect human activities and resources.

____ (d) Grade 8 Performance

Standards: Describe the differing viewpoints that individuals and groups have with respect to the use of resources.

(18) 9-12 Benchmark II-F: Analyze and evaluate the effects of human and natural interactions in terms of changes in the meaning, use, distribution, and importance of resources in order to predict our global capacity to support human activity.

(a) Compare the ways man-made and natural processes modify the environment and how these modifications impact resource allocations.

(b) Analyze how environmental changes bring about and impact resources.

(c) Analyze the geographic factors that influence the major world patterns of economic activity, economic connections among different regions, changing alignments in world trade partners, and the potential redistribution of resources based on changing patterns and alignments.

C. Strand: Civics and Government - Content Standard III: Students understand the ideals, rights, and responsibilities of citizenship and understand the content and history of the founding documents of the United States with particular emphasis on the United States and New Mexico constitutions and how governments function at local, state, tribal, and national levels.

(1) K-4 Benchmark III-A: Know the fundamental purposes, concepts, structures, and functions of local, state, tribal, and national governments.

(a) Grade K Performance Standards: Identify authority figures and describe their roles (e.g., parents, teachers, principal, superintendent, police, public officials).

(b) Grade 1 Performance Standards:

(i) Understand the purpose of rules and identify examples of rules and the consequences of breaking them.

(ii) Describe different groups and rules that apply to them (e.g., families, classrooms, communities).

(c) Grade 2 Performance Standards:

(i) Understand the purposes of government.

(ii) Describe and compare class rules made by direct democracy (entire class votes on the rules) and by representative democracy (class elects a smaller group to make the rules).

(d) Grade 3 Performance Standards:

(i) Explain the basic structure and functions of local governments.

(ii) Describe and give

examples of "public good."

(ii) Explain how New Mexico helps to form a nation with other states.

(e) Grade 4 Performance Standards:

(i) Explain how the organization of New Mexico's government changed during its early history.

(ii) Compare how the State of New Mexico serves national interests and the interests of New Mexicans.

(ii) Explain the difference between making laws, carrying out the laws, and determining if the laws have been broken, and identify the government bodies that perform these functions at the local, state, tribal, and national levels.

(2) 5-8 Benchmark III-A: Understand the structure, functions, and powers of government (local, state, tribal and national).

(a) Grade 5 Performance Standards:

(i) Explain how the three branches of national government function and understand how they are defined in the United States Constitution.

(ii) Identify the fundamental ideals and principles of our republican form of government (e.g., inalienable rights ["life, liberty, and the pursuit of happiness"], the rule of law, justice, equality under the law).

(iii) Identify and describe the significance of American symbols, landmarks, and essential documents (e.g., Declaration of Independence; United States Constitution; Bill of Rights; *Federalist Papers*; Washington, DC; Liberty Bell; Gettysburg Address; Statute of Liberty; government to government accords; Treaty of Guadalupe Hildago; Gadsden Purchase).

(iv) Compare and contrast the basic government sovereignty of local, state, tribal, and national governments.

(b) Grade 6 Performance Standards:

(i) Describe the concept of democracy as developed by the Greeks and compare the evolution of democracies throughout the world.

(ii) Describe the concept of republic as developed by the Romans and compare to other republican governments.

(c) Grade 7 Performance Standards:

(i) Explain the structure and functions of New Mexico's state government as expressed in the New Mexico Constitution, to include: roles and methods of initiative, referendum, and recall process-

es; function of multiple executive offices; election process (e.g., primaries and general elections); criminal justice system (e.g., juvenile justice).

(ii) Explain the roles and relationships of different levels of the legislative process, to include: structure of New Mexico legislative districts (e.g., number of districts, students' legislative districts, representatives and senators of the students' districts); the structure of the New Mexico Legislature and leaders of the Legislature during the current session (e.g., bicameral, House of Representatives and Senate, Speaker of the House of Representatives, Senate Pro Tem).

(iii) Compare the structure and functions of the New Mexico Legislature with that of the state's tribal governments (e.g., Pueblo Indian Council, Navajo, Apache, and Hopi nations).

(d) Grade 8 Performance Standards:

(i) Explain the structure and functions of the national government as expressed in the United States Constitution, and explain the powers granted to the three branches of government and those reserved to the people, states, and tribes, to include: the federal system dividing sovereignty between the states and the federal government and their supporting bureaucracies; the sovereignty of Native American tribes in relation to state and federal governments (and government to government relationships); Bill of Rights, amendments to Constitution; the primacy of individual liberty; Constitution is designed to secure our liberty by both empowering and limiting central government; struggles over the creation of the Bill of Rights and its ratification; separation of powers through the development of differing branches; John Marshall's role in judicial review, including *Marbury v. Madison*.

(ii) Identify and describe a citizen's fundamental constitutional rights, to include: freedom of religion, expression, assembly, and press; right to a fair trial; equal protection and due process.

(iii) Describe the contributions of Native Americans in providing a model that was utilized in forming the United States government (Iroquois League).

(iv) Explain and describe how water rights and energy issues cross state and national boundaries.

(3) 9-12 Benchmark III-A: Compare and analyze the structure, power, and purpose of government at the local, state, tribal, and national levels as set forth in their respective constitutions or governance documents.

—(a) Analyze the structure, powers, and role of the legislative branch of the United States government, to include: specific powers delegated in Article I of the Constitution; checks and balances described in The Federalist Papers Number 51; law-making process; role of leadership within Congress; Federalist and anti-Federalist positions.

—(b) Analyze the structure, powers, and role of the executive branch of the United States government, to include: specific powers delegated in Article II of the Constitution; checks and balances; development of the Cabinet and federal bureaucracy; roles and duties of the presidency, including those acquired over time such as “head of state” and “head of a political party.”

—(c) Examine the election of the president through the nomination process, national conventions, and Electoral College.

—(d) Analyze the structure, powers, and role of the judicial branch of the United States government, including landmark United States Supreme Court decisions, to include: specific powers delegated by the Constitution in Article III and described in the Federalist Papers Numbers 78-83; checks and balances; judicial review as developed in *Marbury v. Madison*; issues raised in *McCulloch v. Maryland*; dual court system of state and federal governments, including their organization and jurisdiction.

—(e) Analyze the rights, protections, limits, and freedoms included within the United States Constitution and Bill of Rights, to include: constitutional mandates such as the right of *habeas corpus*, no bill of attainder, and the prohibition of the *ex post facto* laws; 1st Amendment guarantees freedom of religion, speech, press, assembly, and petition; 4th, 5th, and 6th Amendments address search and seizure, rights of the accused, right to a fair and speedy trial, and other legal protections; 14th Amendment protection of due process and equal protection under the law; conflicts which occur between rights, including tensions between the right to a fair trial and freedom of the press and between majority rule and individual rights; expansion of voting rights, limitation of presidential terms, etc.

—(f) Compare and contrast the structure and powers of New Mexico’s government as expressed in the New Mexico Constitution with that of the United States Constitution, to include: direct democracy in the initiative, referendum, and recall process; impeachment process; process of voter registration and voting; role of primary elections to nominate candidates; how

a bill becomes a law; executive officers and their respective powers; New Mexico courts, appointment of judges, and election and retention processes for judges; organization of county and municipal governments.

—(g) Describe and analyze the powers and responsibilities of (including the concept of legitimate power) local, state, tribal, and national governments.

(4) K-4 Benchmark III-B: Identify and describe the symbols, icons, songs, traditions, and leaders of local, state, tribal, and national levels that exemplify ideals and provide continuity and a sense of community across time.

—(a) Grade K Performance Standards:

(i) Recognize and name symbols and activities of the United States, New Mexico, and tribes, to include: United States symbols to include the flag, bald eagle, monuments; New Mexico symbols to include the flag, Smokey Bear, State Bird, chili; tribal symbols and activities to include Feast Days, pottery, arts, storytelling.

(ii) Recognize patriotic activities including “The Pledge of Allegiance”, “The Star Spangled Banner”, salute to the New Mexico flag, and New Mexico state songs.

—(b) Grade 1 Performance Standards:

(i) Identify the President of the United States and the Governor of New Mexico.

(ii) Describe how local, state, tribal and national leaders exemplify the ideals of the communities they represent.

—(c) Grade 2 Performance Standards: Identify local governing officials and explain how their roles reflect their community.

—(d) Grade 3 Performance Standards: Explain how symbols, songs, icons, and traditions combine to reflect various cultures over time.

—(e) Grade 4 Performance Standards: Describe various cultures and the communities they represent and explain how they have evolved over time.

(5) 5-8 Benchmark III-B: Explain the significance of symbols, icons, songs, traditions, and leaders of New Mexico and the United States that exemplify ideals and provide continuity and a sense of unity.

—(a) Grade 5 Performance Standards:

(i) Explain the significance and importance of American customs, symbols, landmarks, and celebrations.

(ii) Identify and summarize contributions of various racial, eth-

nic, and religious groups to national identity.

(iii) Describe selected ethnic and religious customs and celebrations that enhance local, state, tribal, and national identities.

—(b) Grade 6 Performance Standards: Describe the significance of leadership in democratic societies and provide examples of local, national, and international leadership, to include: qualities of leadership; names and contributions of New Mexico leaders; names and contributors of national leaders.

—(c) Grade 7 Performance Standards:

(i) Explain the concept of diversity and its significance within the political and social unity of New Mexico.

(ii) Describe ways in which different groups maintain their cultural heritage.

(iii) Explain how New Mexico’s state legislature and other state legislatures identify symbols representative of a state.

(iv) Identify official and unofficial public symbols of various cultures and describe how they are or are not exemplary of enduring elements of those cultures.

—(d) Grade 8 Performance Standards:

(i) Explain how the development of symbols, songs, traditions, and concepts of leadership reflect American beliefs and principles.

(ii) Explain the importance of point of view and its relationship to freedom of speech and press.

(6) 9-12 Benchmark III-B: Analyze how the symbols, icons, songs, traditions, and leaders of New Mexico and the United States exemplify ideals and provide continuity and a sense of unity.

(a) Analyze the qualities of effective leadership.

(b) Evaluate the impact of United States political, tribal, and social leaders on New Mexico and the nation.

(c) Analyze the contributions of symbols, songs, and traditions toward promoting a sense of unity at the state and national levels.

(d) Evaluate the role of New Mexico and United States symbols, icons, songs, and traditions in providing continuity over time.

(7) K-4 Benchmark III-C: Become familiar with the basic purposes of government in New Mexico and the United States.

—(a) Grade K Performance Standards: Describe and provide examples of fairness.

____ (b) Grade 1 Performance Standards: Describe different ways to determine a decision (e.g., majority rule, consensus, authoritarian [parent, teacher, principal]).

____ (c) Grade 2 Performance Standards: Describe the concept of “public good” and identify local examples of systems that support the “public good.”

____ (d) Grade 3 Performance Standards:

(i) Describe how the majority protects the rights of the minority.

(ii) Explain how rules/laws are made and compare different processes used by local, state, tribal, and national governments to determine rules/laws.

____ (e) Grade 4 Performance Standards: Compare and contrast how the various governments have applied rules/laws, majority rule, “public good,” and protections of the minority in different periods of New Mexico’s history.

(8) 5-8 Benchmark III-C: Compare political philosophies and concepts of government that became the foundation for the American Revolution and the United States government.

____ (a) Grade 5 Performance Standards:

(i) Describe the narrative of the people and events associated with the development of the United States Constitution and describe its significance to the foundation of the American republic, to include: colonists’ and Native Americans’ shared sense of individualism, independence, and religious freedom that developed before the Revolution; Articles of Confederation; purpose of the Constitutional Convention; natural rights expressed in the Declaration of Independence.

(ii) Describe the contributions and roles of major individuals, including George Washington, James Madison, and Benjamin Franklin.

____ (b) Grade 6 Performance Standards:

(i) Explain how Greek and Roman societies expanded and advanced the role of citizen.

(ii) Identify historical origins of democratic forms of government (e.g., early civilizations, Native American governments).

____ (c) Grade 7 Performance Standards:

(i) Compare and contrast New Mexico’s entry into the United States with that of the original thirteen colonies.

(ii) Understand the structure and function of New Mexico gov-

ernment as created by the New Mexico Constitution and how it supports local, tribal, and federal governments.

____ (d) Grade 8 Performance Standards:

(i) Describe political philosophies and concepts of government that became the foundation for the American Revolution and the United States government, to include: ideas of the nature of government and rights of the individuals expressed in the Declaration of Independence with its roots in English philosophers (e.g., John Locke); concept of limited government and the rule of law established in the Magna Carta and the English Bill of Rights; social covenant established in the Mayflower Compact; characteristics of representative governments; anti-Federalist and Federalist arguments towards the new Constitution, including those expressed in *The Federalist Papers*; concepts of federalism, democracy, bicameralism, separation of powers, and checks and balances.

(ii) Explain the concept and practice of separation of powers among the Congress, the president, and the Supreme Court.

(iii) Understand the fundamental principles of American constitutional democracy, including how the government derives its power from the people.

(9) 9-12 Benchmark III-C: Compare and contrast the philosophical foundations of the United States’ political system in terms of the purpose of government, including its historical sources and ideals, with those of other governments in the world.

(a) Analyze the structure, function, and powers of the federal government (e.g., legislative, executive, and judicial branches).

(b) Analyze and explain the philosophical foundations of the American political system in terms of the inalienable rights of people and the purpose of government, to include: Iroquois League and its organizational structure for effective governance; basic philosophical principles of John Locke expressed in the *Second Treatise of Government* (nature, equality, and dissolution of government); foundation principles of laws by William Blackstone (laws in general and absolute rights of individuals); importance of the founders of the Rights of Englishmen, the Magna Carta, and representative government in England.

(c) Analyze the fundamental principles in the Declaration of Independence.

(d) Analyze the historical sources and ideals of the structure of the United States government, to include: prin-

ciples of democracy; essential principles of a republican form of government; code of law put forth in the Code of Hammurabi; separation of powers as expressed by the Baron of Montesquieu; checks and balances as expressed by Thomas Hobbs; ideas of individual rights developed in the English Bill of Rights; role of philosophers in supporting changes in governments in the 18th and 19th centuries (e.g., Locke, Rousseau, Voltaire).

(e) Compare and contrast the concepts of courts and justice from Henry II of England to the court system of today.

(f) Compare and contrast the unitary, confederal, and federal systems.

(g) Analyze the ways powers are distributed and shared in a parliamentary system.

(h) Compare and contrast the different philosophies, structures, and institutions of democratic versus totalitarian systems of government.

(i) Analyze and evaluate the concept of limited government and the rule of law.

(j) Compare and contrast the characteristics of representative governments.

(k) Compare and contrast characteristics of Native American governments with early United States government.

(l) Compare and contrast the philosophical foundations of forms of government to understand the purpose of the corresponding political systems (e.g., socialism, capitalism, secular, theocratic, totalitarian)

(m) Analyze the role that the United States has played as a constitutional republican government for nations around the world.

(10) K-4 Benchmark III-D: Understand rights and responsibilities of “good citizenship” as members of a family, school and community.

____ (a) Grade K Performance Standards:

(i) Describe what is meant by citizenship.

(ii) Explain what is meant by “good citizenship,” to include: (e.g., taking turns and sharing, taking responsibility for own actions, assignments, and personal belongings within the classroom and respecting the property of others).

____ (b) Grade 1 Performance Standards:

(i) Identify examples of honesty, courage, fairness, loyalty, patriotism, and other character traits seen in American history.

(ii) Explain and apply “good citizenship” traits within the school and community using the elements of fair

play, good sportsmanship, the idea of treating others the way you want to be treated, and being trustworthy.

(c) Grade 2 Performance Standards:

(i) Understand characteristics of "good citizenship" as exemplified by historic and ordinary people.

(ii) Explain the responsibilities of being a member of various groups (e.g., family, school, community).

(d) Grade 3 Performance Standards:

(i) Explain the significance of participation and cooperation in a classroom and community.

(ii) Understand the impact of individual and group decisions on communities in a democratic society.

(iii) Explain the significance and process of voting.

(e) Grade 4 Performance Standards:

(i) Explain the difference between rights and responsibilities, why we have rules and laws, and the role of citizenship in promoting them.

(ii) Examine issues of human rights.

(11) 5-8 Benchmark III-D: Explain how individuals have rights and responsibilities as members of social groups, families, schools, communities, states, tribes, and countries.

(a) Grade 5 Performance Standards: Explain the meaning of the American creed that calls on citizens to safeguard the liberty of individual Americans within a unified nation, to respect the rule of law, and to preserve the constitutions of local, state, tribal and federal governments.

(b) Grade 6 Performance Standards: Understand that the nature of citizenship varies among societies.

(c) Grade 7 Performance Standards:

(i) Explain the obligations and responsibilities of citizenship (e.g., the obligations of upholding the Constitution, obeying the law, paying taxes, jury duty).

(ii) Explain the roles of citizens in political decision-making (e.g., voting, petitioning public officials, analyzing issues).

(d) Grade 8 Performance Standards:

(i) Explain basic law-making processes and how the design of the United States Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government (e.g., elections, political parties, interest groups).

(ii) Understand the multiplicity and complexity of human rights issues.

(12) 9-12 Benchmark III-D: Understand how to exercise rights and responsibilities as citizens by participating in civic life and using skills that include interacting, monitoring, and influencing.

(a) Describe and analyze the influence of the non-elected (e.g., staff, lobbyists, interest groups).

(b) Analyze the rights and obligations of citizens in the United States, to include: connections between self-interest, the common good, and the essential element of civic virtue as described in *The Federalist Papers Numbers 5 and 49*; obeying the law, serving on juries, paying taxes, voting, registering for selective service, and military service.

(c) Demonstrate the skills needed to participate in government at all levels, to include: analyze public issues and the political system; evaluate candidates and their positions; debate current issues.

(d) Analyze factors that influence the formation of public opinion (e.g., media, print, advertising, news broadcasts, magazines, radio).

(e) Evaluate standards, conflicts, and issues related to universal human rights and their impact on public policy.

D. Strand: Economics - Content Standard IV: Students understand basic economic principles and use economic reasoning skills to analyze the impact of economic systems (including the market economy) on individuals, families, businesses, communities, and governments.

(1) K-4 Benchmark IV-A: Understand that individuals, households, businesses, governments, and societies make decisions that affect the distribution of resources and that these decisions are influenced by incentives (both economic and intrinsic).

(a) Grade K Performance Standards: Understand that basic human needs are met in many ways.

(b) Grade 1 Performance Standards:

(i) Understand how resources are limited and varied in meeting human needs.

(ii) Define and differentiate between needs and wants.

(c) Grade 2 Performance Standards: Identify economic decisions made by individuals and households and explain how resources are distributed.

(d) Grade 3 Performance Standards:

(i) Explain that people want more goods and services than is possible to produce.

(ii) Define and categorize resources (e.g., human, financial, natural).

(iii) Identify a variety of products that use similar resources.

(e) Grade 4 Performance Standards:

(i) Understand when choices are made that those choices impose "opportunity costs."

(ii) Describe different economic, public, and/or community incentives (wages, business profits, amenities rights for property owners and renters).

(iii) Illustrate how resources can be used in alternative ways and sometimes allocated to different users.

(iv) Explain why there may be unequal distribution of resources (e.g., among people, communities, states, nations).

(v) Understand and explain how conflict may arise between private and public incentives (e.g., new parks, parking structures).

(2) 5-8 Benchmark IV-A: Explain and describe how individuals, households, businesses, governments, and societies make decisions, are influenced by incentives (economic as well as intrinsic) and the availability and use of scarce resources, and that their choices involve costs and varying ways of allocating.

(a) Grade 5 Performance Standards:

(i) Understand the impact of supply and demand on consumers and producers in a free-enterprise system.

(ii) Understand the patterns of work and economic activities in New Mexico and the United States (e.g., farming, ranching, oil and gas production, high tech, manufacturing, medicine).

(iii) Describe the aspects of trade.

(iv) Explain how voluntary trade is not coercive.

(b) Grade 6 Performance Standards: Explain and predict how people respond to economic and intrinsic incentives.

(c) Grade 7 Performance Standards:

(i) Explain how economic and intrinsic incentives influence how individuals, households, businesses, governments, and societies allocate and use their scarce resources.

(ii) Explain why cooperation can yield higher benefits.

(d) Grade 8 Performance Standards:

(i) Explain and provide examples of economic goals.

(ii) Analyze the full

costs and benefits of alternative uses of resources that will lead to productive use of resources today and in the future.

(iii) Explain that tension between individuals, groups, and/or countries is often based upon differential access to resources.

(3) 9-12 Benchmark IV-A: Analyze the ways individuals, households, businesses, governments, and societies make decisions, are influenced by incentives (economic and intrinsic) and the availability and use of scarce resources, and that their choices involve costs and varying ways of allocating.

(a) Analyze "opportunity costs" as a factor resulting from the process of decision making.

(b) Understand how socioeconomic stratification (SES) arises and how it affects human motivation, using data.

(c) Understand the relationship between socioeconomic stratification and cultural values.

(d) Analyze and evaluate the impact of economic choices on the allocation of scarce resources.

(e) Describe and analyze how economic incentives allow individuals, households, businesses, governments, and societies to use scarce human, financial, and natural resources more efficiently to meet economic goals.

(f) Evaluate present and future economic costs and economic risks in the use of productive resources associated with investments.

(g) Understand labor markets and how they work.

(h) Describe and analyze the three major divisions of economics: macro-, micro-, and consumer.

(i) Understand the relationship between essential learning skills and workforce requirements (e.g., School to Work initiatives, Service Learning) as they relate to supply and demand in the labor market.

(j) Use quantitative data to analyze economic information.

(k) Analyze various investment strategies available when meeting personal and business goals.

(l) Understand the basis of supply and demand and marginal productivity.

(m) Understand personal financing (e.g., banking, credit, debit, lending institutions).

(4) K-4 Benchmark IV-B: Understand that economic systems impact the way individuals, households, businesses, governments, and societies make decisions about goods and services.

(a) Grade K Performance Standards:

(i) Understand the con-

cept of product (something produced by human, mechanical, or natural process).

(ii) Understand the importance of jobs.

(b) Grade 1 Performance Standards:

(i) Understand the concept of goods and services.

(ii) Understand the condition of not being able to have all of the goods and services one wants.

(iii) Understand the value of work.

(c) Grade 2 Performance Standards:

(i) Understand the roles of producers and consumers in the production of goods and services.

(ii) Explain the role of the worker in the local economy.

(d) Grade 3 Performance Standards:

(i) Recognize that a market system exists whenever buyers and sellers exchange goods and services.

(ii) Understand how businesses operate in the United States' free-enterprise system.

(iii) Identify examples of economic systems.

(e) Grade 4 Performance Standards:

(i) Understand how the characteristics and benefits of the free enterprise system in New Mexico compares to other economic systems in New Mexico (e.g., acequia systems).

(ii) Explain that the government raises money by taxing and borrowing to pay for the goods and services it provides.

(5) 5-8 Benchmark IV-B: Explain how economic systems impact the way individuals, households, businesses, governments, and societies make decisions about resources and the production and distribution of goods and services.

(a) Grade 5 Performance Standards:

(i) Explain how all economic systems must consider the following: What will be produced? How will it be produced? For whom will it be produced?

(ii) Identify the influence of bordering countries (Canada and Mexico) on United States commerce.

(b) Grade 6 Performance Standards:

(i) Describe the characteristics of traditional, command, market, and mixed economic systems.

(ii) Explain how different economic systems affect the allocation of resources.

(iii) Understand the role

that "factors of production" play in a society's economy (e.g., natural resources, labor, capital, entrepreneurs).

(c) Grade 7 Performance Standards:

(i) Identify governmental activities that affect local, state, tribal, and national economies.

(ii) Analyze the impact of taxing and spending decisions upon individuals, organizations, businesses, and various government entities.

(iii) Explain the relationship of New Mexico with tribal governments regarding compact issues (e.g., taxes, gambling revenue, rights of way).

(d) Grade 8 Performance Standards:

(i) Describe the relationships among supply, demand, and price and their roles in the United States market system.

(ii) Identify how fundamental characteristics of the United States' economic system influence economic decision making (e.g., private property, profits, competition) at local, state, tribal, and national levels.

(iii) Explain changing economic activities in the United States and New Mexico and the role of technology in those changes.

(iv) Identify situations in which price and value diverge.

(v) Describe the use of money over time (e.g., college funds beginning in elementary years, saving accounts, 401Ks).

(6) 9-12 Benchmark IV-B: Analyze and evaluate how economic systems impact the way individuals, households, businesses, governments, and societies make decisions about resources and the production and distribution of goods and services.

(a) Analyze the historic origins of the economic systems of capitalism, socialism, and communism.

(b) Compare the relationships between and among contemporary countries with differing economic systems.

(c) Understand the distribution and characteristics of economic systems throughout the world, to include: (e.g., characteristics of command, market, and traditional economies; how command, market, and traditional economies operate in specific countries; comparison of the ways that people satisfy their basic needs through the production of goods and services.

(d) Analyze the importance of, and issues related to, the location and management of the factors of production.

(e) Describe how changes in technology, transportation, and communica-

tion affect the location and patterns of economic activities in New Mexico and the United States.

(f) Analyze the roles played by local, state, tribal, and national governments in both public and private sectors of the United States system.

(g) Understand the relationship between the United States' governmental policies and international trade.

(h) Evaluate economic systems by their ability to achieve broad societal goals (e.g., efficiency, equity, security, employment, stability, economic growth).

(i) Explain how businesses (e.g., sole proprietorships, partnerships, corporations, franchises) are organized and financed in the United States economy.

(j) Interpret measurements of inflation and unemployment and relate them to the general economic "health" of the national economy.

(k) Analyze the impact of fiscal policy on an economic system (e.g., deficit, surplus, inflation).

(l) Compare and contrast different types of taxes (e.g., progressive, regressive, proportional).

(m) Analyze the effects of specific government regulations on different economically designated groups (e.g., consumers, employees, businesses).

(n) Compare, analyze, and evaluate the positive and negative aspects of American capitalism in relationship to other economic systems.

(o) Describe and evaluate how the United States economy moved from manufacturing-based to information driven.

(p) Analyze the reasons for uneven economic growth-based changes (e.g., demographic, political, economic).

(q) Analyze the economic ramifications of entrepreneurship.

(7) K-4 Benchmark IV-C: Understand the patterns and results of trade and exchange among individuals, households, businesses, governments, and societies, and their interdependent qualities.

(a) Grade K Performance Standards: Describe trade (e.g., buying and selling, bartering, simple exchange).

(b) Grade 1 Performance Standards: Define the simplest form of exchange (e.g., the barter system being the direct trading of goods and services between people).

(c) Grade 2 Performance Standards: Understand that money is the generally accepted medium of exchange in most societies, and that different countries use different currencies.

(d) Grade 3 Performance Standards:

(i) Understand the purposes of spending and saving money.

(ii) Identify currency, credit, debit, and checks as the basic mediums of exchange in Western society.

(e) Grade 4 Performance Standards:

(i) Identify patterns of work and economic activity in New Mexico and their sustainability over time (e.g., farming, ranching, mining, retail, transportation, manufacturing, tourism, high tech).

(ii) Explain how New Mexico, the United States, and other parts of the world are economically interdependent.

(iii) Explain that banks handle currency and other forms of money and serve as intermediaries between savers and borrowers.

(iv) Explain that money can be used to express the "market value" of goods and services in the form of prices.

(v) Use data to explain an economic pattern.

(8) 5-8 Benchmark IV-C: Describe the patterns of trade and exchange in early societies and civilizations and explore the extent of their continuation in today's world.

(a) Grade 5 Performance Standards:

(i) Understand basic economic patterns of early societies (e.g., hunter-gathers, early farming, trade).

(ii) Understand the economic motivation of exploration and colonization by colonial powers.

(b) Grade 6 Performance Standards:

(i) Compare and contrast the trade patterns of early civilizations.

(ii) Analyze the impact of the Neolithic agricultural revolution on mankind and the impact of technological changes in the Bronze Age and the Iron Age.

(c) Grade 7 Performance Standards:

(i) Explain how specialization leads to interdependence and describe ways most Americans depend on people in other households, communities, and nations for some of the goods they consume.

(ii) Understand the interdependencies between the economies of New Mexico, the United States, and the world.

(iii) Understand the factors that currently limit New Mexico from becoming an urban state, including the availability and allocation of water, and the extent to which New Mexico relies upon traditional economic forms (e.g., the acequia systems, localized agricultural markets).

(iv) Describe the relationship between New Mexico, tribal, and United States economic systems.

(v) Compare and contrast New Mexico commerce with that of other states' commerce.

(d) Grade 8 Performance Standards:

(i) Understand why various sections of the early United States developed different patterns of economic activity and explore why and to what extent those differences remain today.

(ii) Understand how various economic forces resulted in the Industrial Revolution in the 19th century.

(iii) Explain how economic interdependence between countries around the world can improve the standard of living.

(iv) Explain the exchange rate as the price of a nation's currency.

(v) Describe the role of technology in economic development, historically and in the contemporary world.

(vi) Describe how "cost benefits" are determined by individuals, groups, societies, and nations in capitalist systems.

(9) 9-12 Benchmark IV-C: Analyze and evaluate the patterns and results of trade, exchange, and interdependence between the United States and the world since 1900.

(a) Analyze foreign and domestic issues related to United States economic growth since 1900.

(b) Analyze significant economic developments between World War I and World War II, to include: economic growth and prosperity of the 1920s; causes of the Great Depression and the effects on United States economy and government; New Deal measures enacted to counter the Great Depression; expansion of government under New Deal.

(c) Analyze the effects of World War II, the Cold War, and post-Cold War on contemporary society, to include: economic effects of WWII on the home front; United States prosperity of the 1950s; impact of the Cold War on business cycle and defense spending; recession of 1980s; technology boom and consequent economic slow down of 2000.

(d) Describe the relationship between the United States' international trade policies and its economic system.

(e) Identify and analyze the international differences in resources, productivity, and prices that are a basis for international trade.

(f) Explain the comparative advantage of a nation when it can produce a

product at a lower "opportunity cost" than its trading partner.

(g) Evaluate the effect on international trade of domestic policies that either encourage or discourage exchange of goods and services and investments abroad.

(h) Analyze and evaluate how domestic policies can affect the balance of trade between nations.

(i) Explain and describe how the Federal Reserve System and monetary policies (e.g., open market, discount rate, change in reserve requirements) are used to promote price stability, maximum employment, and economic growth.

(j) Identify how monetary policies can affect exchange rates and international trade.

(k) Analyze and evaluate the use of technology on economic development.

(l) Describe and analyze multinational entities (e.g., NAFTA, European Union) in economic and social terms. [03-31-97, 6.30.2.16 NMAC - Rn, 6 NMAC 3.2.13, 11-14-00; A, 12-28-01]

EDUCATIONAL RETIREMENT BOARD

This is an amendment to 2.82.1 NMAC, Section 10.

2.82.1.10 FUNCTION OF THE BOARD:

A. The Board shall function primarily as a policy making body and except for such ministerial acts as may be required by law, administrative matters shall be the responsibility of the Director. The Board shall adopt administrative rules and regulations through which the Director shall implement the policies of the Board.

B. In the consideration of cases involving individual members, it shall be the stated policy of the Board to consider all appeals or situations involving unusual circumstances, on their merits notwithstanding prior rules or regulations.

C. Pursuant to the board's fiduciary duty to the fund, the board has sole discretion in determining whether there is adequate funding for any proposed change in benefits or the funding formula. [6-30-99; 2.82.1.10 NMAC - Rn, 2 NMAC 82.1.10, 11-30-2001; A, 12-28-2001]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19: N A T U R A L RESOURCES AND WILDLIFE

CHAPTER 34: WILDLIFE HABI- TAT AND LANDS

PART 6: PUBLIC LAND USER STAMP (SIKES ACT)

19.34.6.1 ISSUING AGENCY: New Mexico Department of Game and Fish [19.34.6.1 NMAC - Rp 19 NMAC 34.1.1, 12-28-01]

19.34.6.2 SCOPE: The Department of Game and Fish and all persons who may hunt, fish and/or trap on land administered by the U.S. Forest Service or the U.S. Bureau of Land Management in the State. [19.34.6.2 NMAC - Rp, 19NMAC 3 4 . 1 . 2 , 1 2 - 2 8 - 0 1]

19.34.6.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide the New Mexico Game Commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected species. Public Law 93-452 (Sikes Act) permits the State and the Secretary of Agriculture and Secretary of Interior to enter into agreements for the issuance of public land management stamps.

[19.34.6.3 NMAC - Rp, 19 NMAC 34.1.3, 12-28-01]

19.34.6.4 DURATION: March 31, 2011.

[19.34.6.4 NMAC - Rp, 19 NMAC 34.1.4, 12-28-01]

19.34.6.5 EFFECTIVE DATE: December 28, 2001

[19.34.6.5 NMAC - Rp, 19 NMAC 34.1.5, 12-28-01]

19.34.6.6 OBJECTIVE: To provide for a public land management stamp for hunting, fishing and/or trapping on certain lands in New Mexico, requires possession of stamp, creates Citizen Review Committees, and provides for expenditure of funds from stamp revenues.

[19.34.6.6 NMAC - Rp, 19 NMAC 34.1.6, 12-28-01]

19.34.6.7 DEFINITIONS:

A. "Public Land", as used herein, means those lands, which surface areas are under the management authority of the United States Forest Service or the United States Bureau of Land Management.

B. "Sikes Act", as used herein, means Public Law 93-452, which authorizes the issuance of public land management stamps, and regulates the use of funds collected there from.

[19.34.6.7 NMAC - Rp, 19 NMAC 34.1.7, 12-28-01]

19.34.6.8 PURCHASE AND POSSESSION:

A. Each person hunting on any public land that is under the management authority of the United States Forest Service or the United States Bureau of Land Management, except those lands under the management authority of the United States Bureau of Land Management that are contained with Game Management Unit 28, in the State of New Mexico, must purchase and possess a Public Land Management Stamp.

B. Each resident trapper twelve years of age and over, trapping for protected furbearers, and each non-resident trapper, trapping on any public land that is under the management authority of the United States Forest Service or the United States Bureau of Land Management, except those lands under the management authority of the United States Bureau of Land Management that are contained with Game Management Unit 28, in the State of New Mexico, must purchase and possess a Public Land Management Stamp.

C. Each angler twelve years of age and over, fishing on any public land that is under the management authority of the United States Forest Service or the United States Bureau of Land Management, except those lands under the management authority of the United States Bureau of Land Management contained within Game Management Unit 28, in the State of New Mexico, must purchase and possess a Public Land Management Stamp.

D. Provided, however, that only one Public Land Management Stamp is required for any one individual to hunt, trap, and/or fish on public land within the State of New Mexico during any license year.

E. Purchase price for each Public Land Management Stamp shall be five (\$5.00) dollars.

[19.34.6.8 NMAC - Rp, 19 NMAC 34.1.8, 12-28-01]

19.34.6.9 VALIDATION AND EXHIBIT:

A. The purchaser of each Public Land Management Stamp must affix the stamp to a valid license and sign his or her name in ink across the face of the stamp. Stamps not so validated shall not be valid for hunting, fishing, or trapping on public land within the State of New Mexico.

B. Public Land

Management Stamps are not transferable.

C. No one may use a Public Land Management Stamp validated by another person.

D. Any individual hunting, fishing, or trapping on any public land that is under the management authority of the United States Forest Service or the United States Bureau of Land Management within the State of New Mexico, who is required by this regulation to purchase and possess a Public Land Management Stamp, shall produce said stamp for the inspection upon demand of any law enforcement officer, any employee of the United States Department of Agriculture, any employee of the United States Department of Interior or to any other person who is authorized to enforce Section 240(a) of the Sikes Act.

[19.34.6.9 NMAC - Rp, 19 NMAC 34.1.9, 12-28-01]

19.34.6.10 AVAILABILITY AND EXPIRATION:

A. Public Land Management Stamps will be sold in all offices of the New Mexico Department of Game and Fish and by hunting/fishing license vendors.

B. Public Land Management Stamp shall be valid when signed pursuant to section 9.A above and expire on the following March 31 after the date of issuance.

[19.34.6.10 NMAC - Rp, 19 NMAC 34.1.10, 12-28-01]

19.34.6.11 EXPENDITURE OF FUNDS COLLECTED:

A. The expenditure of funds collected under this regulation shall be consistent with the land management plans that have been developed by the United States Forest Service the United States Bureau of Land Management, and the plans of the New Mexico Department of Game and Fish.

B. The Department of Game and Fish shall, in cooperation with the United States Forest Service and the United States Bureau of Land Management, develop a series of regional five-year project plans for the use of the funds collected under the authority of Sikes Act and this regulation.

[19.34.6.11 NMAC - Rp, 19 NMAC 34.1.11, 12-28-01]

19.34.6.12 CITIZEN REVIEW COMMITTEES:

There is hereby created five Citizen Review Committees, whose members shall be appointed by the State Game Commission, to provide citizen advice to the agencies and to place priorities on projects submitted by the citizens of

New Mexico and agencies involved with the execution of this regulation. [19.34.6.12 NMAC - Rp, 19 NMAC 34.1.12, 12-28-01]

HISTORY OF 19.34.6 NMAC:

Pre-NMAC History:

Regulation No. 648, Regulation Establishing a User Stamp Requirement on Public Lands Contained Within the Game Management Units 29, 30, 34, 36 and 37, 1-5-87.

Order No. 8-86, 4-10-87.

Order No. 4-88, 6-28-88.

Order No. 3-90, 9-4-91.

Regulation No. 676, Regulation Establishing a User Stamp Requirement on Public Lands Within the State of New Mexico, 1-12-90.

NMAC History:

19 NMAC 34.1, Public Land User Stamp (Sikes Act), 1-18-96.

NEW MEXICO DEPARTMENT OF GAME AND FISH

**This is an amendment to 19.30.2 NMAC,
Sections 7 & 12.**

19.30.2.7 DEFINITIONS:

A. Game Animals: This regulation shall apply to only those wildlife species defined as protected under 17-2-3, 17-5-2, 17-2-13, 17-2-14 NMSA 1978 and any other wildlife species managed or regulated by the New Mexico State Game Commission and New Mexico Department of Game and Fish.

B. "Depredation" is hereby defined as property damage caused by game animals on privately owned or leasehold interest land.

C. "Threat to human life" shall mean that death or great bodily harm is likely to occur to a person due to the closeness, aggression or attack of a game animal or quadruped.

D. "Immediate threat to human life" shall mean that an attack is so imminent that nothing, short of destruction, can be done to avert the aggression.

E. "Immediate threat of damage to property or crops" shall mean that game animals exist in such numbers that there is no time for intervention by the Department to avert substantial damage before the damage exceeds the value of the animal, as listed in 17-2-26, or when intervention has failed.

F. "Crops" shall mean any cultivated field or forage, whether sown or natural, which is used chiefly for livestock in that the landowner harvests the product to feed livestock or commercially sell it; or any other feed or commercially sold product that may be stored on properties for future shipping and/or marketing or any other crop grown to provide human subsistence.

G. "Attractive nuisance" shall mean any crop or other material placed on a landowner's property to intentionally draw in protected wildlife.

H. "Landowner" is any person who personally owns private property legally recognized by the State of New Mexico.

I. "Lessee" is any person who leases private property from another in order to grow crops or produce livestock.

J. "Employee" is any person who is paid by a landowner or lessee for providing services to the landowner or lessee and that the service is related to the depredation.

K. "Take" shall mean to trap, ensnare, or intentionally prevent the natural movement of a game animal or quadruped.

L. "Leasehold interest" shall mean any person who leases or rents private agricultural property, whether or not that person is responsible for the crop or livestock.

M. "Quadruped" shall mean any furbearing animal, as defined in 17-5-2 NMSA 1978, for which the Department has jurisdiction (muskrat, mink, nutria, otter, weasel, beaver, masked or black-footed ferret, ringtail cat, raccoon, pine marten, coatimundi, badger, bobcat, and all foxes).

N. "Good cause," as described herein shall mean that the landowner can show that the method of intervention offered would cause damage to persons or property or that the intervention method will not work. The cause must be substantial, legally sufficient ground or reason that is not arbitrary.

O. "Big game depredation damage stamp" shall mean a stamp, check off or other official ~~document purchased each license year by a big game hunter prior to hunting~~ **mark purchased with each big game hunting license** as required by 17-3-13.3 and 17-3-13.4 NMSA 1978.

[9-1-89, 9-15-97; 19.30.2.7 NMAC - Rn & A, 19 NMAC 30.2.7, 7-16-01, A, 12-28-01] [This amendment is for any application or license purchased for the 2002 hunting license season and beyond]

19.30.2.12 BIG GAME DEPREDATION DAMAGE STAMP:

A. Purchase ~~[and Possession]~~: Each person hunting any big game species in New Mexico must purchase ~~[and possess]~~ a big game depredation damage stamp **at the time of application or purchase of a big game license.** Stamp fees shall be in accordance with 19.30.1.9. ~~[All hunters with a big game license purchased after July 1, 2001, must have a valid big game depredation damage stamp in their possession prior to hunting.]~~

B. Validation: ~~The purchaser of each big game depredation damage stamp must affix the stamp to a valid big game license and sign his or her name in ink across the face of the actual stamp. Stamps not so validated shall not be valid for big game hunting within New Mexico.~~

C. Big game depredation damage stamps are not transferable to any other person.

D. No one may use a big game depredation damage stamp validated by another person.

[E.]B. Availability: ~~[and expiration]~~ Big game depredation damage stamps will be sold ~~[in all offices of New Mexico Department of Game and Fish and by]~~ **with all big game licenses by all** hunting and fishing license vendors. **The big game depredation damage stamp fee shall be included with every big game license type purchased.**

[F.]C. Expiration: Each big game hunter shall ~~[only]~~ be required to purchase one stamp or validation per license. ~~[year and]~~ **Each stamp will expire [on the following March 31 after the date of issuance] at the same time as the license it is issued to.**

[19.30.2.12 NMAC - N, 7-16-01; A, 12-28-01]

[This amendment is for any application or license purchased for the 2002 hunting license season and beyond]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.30.9 NMAC, Section 9

19.30.9.9 ESTABLISHING CERTAIN LICENSES, PERMITS, CERTIFICATES AND FEES

Licenses, Permit, or Certificate	Fee
Airborne Hunting	\$10.00
Call Pen	\$15.00
Class A Lake	\$101.00
Additional Class A Lake	\$26.00
Class A Park	\$501.00
Field Trial/Importation	\$15.00
Falconry	\$25.00
Game Bird Propagation	\$10.00
Importation	\$6.00
Protected Mammal	\$10.00
Shooting Preserve	\$200.00
Zoo	\$15.00
Scientific Collecting/	
Bird Banding	\$15.00
Bait Dealers	\$21.00
Transportation	\$0.00
Retention	\$1.25
Triploid Grass Carp	\$25.00
Commercial Fishing	\$25.00
Certificate of Application	\$6.00
Wildlife Conservation Stamp	\$10.00
Duplicate License	\$6.00
Landowner Authorization	
Certificate	\$15.00
Additional Antelope	
Permit Tag	\$25.00
Migratory Bird Permit	\$0.00
Big Game Depredation	
Damage Stamp Resident	[\$5.00] \$3.00
Big Game Depredation	
Damage Stamp Non-resident	\$10.00
Public Land User Stamp	\$5.00
Commercial Collecting	
Permit	\$50.00
[12-20-94, 3-31-98; 19.30.9.9 NMAC - Rn, 19 NMAC 30.1.9 & A, 7-16-01; A, 10-31-01; A, 12-28-01]	
[This amendment is for any application or license purchased for the 2002 hunting license season and beyond]	

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.2, Section 10

19.31.2.10 NOTICE OF CONTEMPLATED ACTION: The Department shall promptly initiate and mail out proper notices as required by this section when it receives by evidence that a person has accumulated 20 or more violation points as described in Subsection A of 19.31.2.8 NMAC. The Commission grants approval to the Department through the Director to initiate this process without Commission

consideration. However, the Commission retains all authority for final decisions. When the Commission contemplates taking any action to revoke a person's license, permit, registration or certificate or to deny the issuance of a license, permit, registration or certificate based on the accumulation of twenty points, as specified in Subsection A of 19.31.2.8 NMAC, or to assess points under Subsection D of 19.31.2.9 NMAC, it shall serve upon the holder of a license, permit, registration or certificate or applicant thereof a written notice containing a statement that includes the following:

A. Sufficient Evidence: That the Department of Game and Fish has sufficient evidence which, if not rebutted or explained, will justify the Commission taking the contemplated action;

B. indication of the general nature of the evidence;

C. Hearing May Be Requested: That the holder of a license, permit, registration or certificate, or applicant thereof, may secure a hearing before a hearing officer designated by the Commission by depositing in the mail within twenty (20) days after service of the notice, a certified, return receipt requested letter addressed to the Commission and containing a request for a hearing; and

D. Rights of License, Permit, Registration or Certificate Holder or Applicant: Calling the attention of the holder of a license, permit, registration or certificate, or applicant thereof, to his/her rights under Section 17-3-34 NMSA 1978 and Section 12. [4-1-95, 1-29-99; 19.31.2.10 NMAC - Rn, 19 NMAC 31.2.10, A, 12-28-01]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.3 NMAC, Sections 8 & 11.

19.31.3.8 PUBLIC LICENSES AND PERMITS - APPLICATION FOR:

A. Application Form: Application for all public licenses and permits shall be made on the standard application form provided by the Department of Game & Fish.

B. Application Deadline

(s): Applications for all depredation hunts, turkey, antelope, elk, bighorn sheep, **bear entry**, deer entry, oryx, javelina, bison, and ibex hunts must be received, in the Santa Fe Office only, by 5:00 p.m. on dates set by the State Game Commission.

C. Mailed Application

Deadline: Mailed applications postmarked, but not delivered by the deadline date, will be accepted by the Santa Fe Office up to five (5) working days after that deadline.

D. One Applicant per Application

Application: No more than one (1) person may apply under each application number for bighorn, sheep, **bear entry**, oryx, ibex, ~~turkey,~~ bison, and depredation hunts.

E. Two Applicants per Application

Application: No more than two (2) persons may apply under the same application number for turkey.

F. Four Applicants per Application

Application: No more than four (4) persons may apply under the same application number for deer entry, elk, antelope, and javelina.

G. Applications Returned

Applications for licenses may be returned to applicants if the applicants are:

- (1) Not on the proper form;
- (2) Are filled out incorrectly; or
- (3) Are not accompanied by the correct license or application fee.

H. More Applications than Permits

If more applications for public licenses or permits are received than there are licenses or permits available, the available licenses or permits shall be allotted by means of a public drawing in the Santa Fe Office.

I. Increase In License or Permits

The number of licenses or permits available may be increased to accommodate corrections or errors by the Department which result in the addition of names to the successful list.

J. Additional Choices

Applicants for public licenses may designate additional choices for hunt periods. No additional choices may be made for Hunt Codes designated as unlimited as defined in 19.31.8 NMAC.

K. Application Categories

Applications for special drawing hunts will be divided into the following categories, and those applications not meeting these criteria will be rejected.

(1) Applications containing up to four (4) nonresidents only will be placed in a separate drawing pool and will be allotted 10% of the licenses for that hunt code.

(2) Applicants containing up to four (4) non resident applicants and that contain a valid outfitter registration number will be placed in a separate pool and will be

allotted 12% of the licenses.

(3) Applicants containing up to four (4) resident applications only will receive 78% of the available licenses for each hunt code.

(4) Applicants containing any other combination of applicants will be rejected by the Department.

(5) Any licenses left over from the drawing pool as indicated in Paragraphs 1, 2, and 3 of subsection J. of 19.31.3.8 NMAC will be allocated as prescribed in Paragraph C of Section 17-3-16 NMSA 1978 Compilation, 1997 supplement.

[4-1-95, A, 10-14-95, A, 9-14-96, 10-15-96, 5-31-97, 12-31-97, 2-28-98; 19.31.3.8 NMAC - Rn & A, 19 NMAC 31.3.8, 1-31-2001, A, 12-28-01]

19.31.3.11 RESTRICTIONS:

A. **One license per big game species per year:** It shall be unlawful for anyone to hold more than one permit or license for any one big game species during the current license year unless otherwise allowed by regulation.

B. **Valid dates of license or permit:** All permits or licenses shall be valid only during the dates specified and only in the area which is specified.

C. **Rocky Mountain Bighorn sheep - once-in-a-lifetime:** It shall be unlawful for anyone to apply for a Rocky Mountain Bighorn Sheep license if one has previously held a license to hunt Rocky Mountain Bighorn Sheep in New Mexico. Exception: Any resident, nonresident, or alien is eligible to submit a bid for the special bighorn permit S-1-488 (auction permit) and S-1-490 (lottery permit) regardless if he/she has previously held a permit to hunt Rocky Mountain or Desert Bighorn Sheep in New Mexico.

D. **Desert Bighorn sheep - once-in-a-lifetime:** It shall be unlawful for anyone to apply for a Desert Mountain Bighorn Sheep license if one has previously held a license to hunt Desert Mountain Bighorn Sheep in New Mexico. Exception: Any resident, nonresident, or alien is eligible to submit a bid for the special bighorn permit S-1-488 (auction permit) and S-1-490 (lottery permit) regardless if he/she has previously held a permit to hunt Rocky Mountain or Desert Bighorn Sheep in New Mexico.

E. It shall be **unlawful to apply for both Rocky Mountain and Desert Bighorn Sheep licenses** in the same license year.

F. **Trophy Ibex - once-in-a-lifetime:** It shall be unlawful for anyone to apply for a trophy Ibex license if he/she ever held a license or authorization to purchase a license to hunt trophy Ibex.

G. Oryx - once-in-a-lifetime

It shall be unlawful, beginning April 1, 1993, for anyone to apply for an oryx license if he/she ever held a "once-in-a-lifetime" license to hunt oryx. Exception: Depredation oryx hunts, youth oryx hunts and incentive hunts are not once-in-a-lifetime hunts.

H. Valle Vidal (as described in 19.30.4.11(A) NMAC):

(1) It shall be unlawful for anyone to apply for a license of a species in the Valle Vidal if he/she ever held a license for that species in Valle Vidal area since 1983. Exceptions: A person who had held a rifle license for a mature bull elk may apply for an antlerless elk license and vice versa, and a person who has held a Valle Vidal license issued through the incentive authorization program.

(2) It shall be unlawful to hunt bear in the Valle Vidal Area except for properly licensed bear hunters that possess a Valle Vidal elk hunting muzzle-loader or rifle license and only during the dates of the elk hunt specified. No dogs shall be allowed to hunt bear on the Valle Vidal.

I. **Transfer of Permits of Licenses:** It shall be unlawful to transfer permits or licenses to other persons, areas, or other hunt periods except as permitted by regulation adopted by the State Game Commission.

J. **Refunds** will not be made for any license or permit after it has been awarded or issued.

K. **More Than One Application:** It shall be unlawful to submit more than one application per species for any license issued through a special drawing, unless otherwise permitted by regulation. Exception: An individual may apply for both a population reduction hunt on public or private land and a special drawing hunt.

L. **Deer Entry Hunts:** Any hunter successfully drawing a permit in any Deer Entry hunt must have his/her deer license validated for that hunt. It shall be unlawful for any Deer Entry hunter to hunt during any other deer season. All deer entry hunters must have in their possession their deer entry permit and deer license while hunting.

M. **Handicapped Fishing or Handicapped General Hunting License Qualifications:** To hold a handicapped fishing or handicapped general hunting license, the individual must be a resident of New Mexico and must show proof of a severe disability by reason of one or more physical disabilities resulting from amputation, arthritis, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, mus-

cular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, and end-stage renal disease, or who has a combination of permanent disabilities which cause comparable substantial functional limitation. Reasonable accommodation will be made, relating to these licenses, upon request.

N. Handicapped Elk or Antelope License Qualifications: To hold a handicapped elk or antelope license, any individual must show proof of a permanent mobility restriction which limits their activity to a walker, wheelchair, or two crutches, or severely restricts the movement in both

arms or who has a combination of permanent disabilities which cause comparable substantial functional limitation.

O. Bison-once-in-a-life-time: It shall be unlawful for anyone to apply for a bison license if he/she ever held a license or authorization to purchase a license to hunt bison.

P. Youth Hunts: Only applicants who have not reached their 18th birthday by the opening day of the hunt are eligible to apply for or participate in a youth only hunt.

Q. Bear Entry Hunt: It shall be unlawful to hunt bear without

having a valid bear entry permit and a valid license in the hunters possession in designated wildlife areas. Bear entry hunters shall be allowed to hunt any other bear hunt provided they have a valid license and tag.

[4-1-95, 10-14-95, 10-31-97; Rn, 19 NMAC 31.3.7, 2-28-98, A, 12-29-99, A, 5-14-99 A, 7-15-99, A, 10-15-99; 19.31.3.11 NMAC – Rn & A, 19 NMAC 31.3.11, 1-31-2001, A, 12-14-2001; A, 12-28-2001]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.8 NMAC, sections 7, 20, 21, 22, 23, 24, 25, 29, and 31.

19.31.8.7 DEFINITIONS: Management Units, Department, and Areas

A. "Game Management Unit" shall mean those areas as described in the State Game Commission's Regulation **Title 19, Chapter 30, Part 4, Boundary Descriptions for Wildlife Management Areas.**

B. "Department" shall mean the New Mexico Department of Game and Fish.

C. "License Year" shall mean the period from April 1 through March 31.

D. "Deer License" shall mean a resident deer, nonresident deer, resident general hunting, resident general hunting and fishing, resident senior general hunting, resident junior general hunting, or resident handicapped general hunting license issued for hunting deer in New Mexico during the current license year.

E. "Entry Permit" shall entitle the holder of a valid deer license to hunt deer when special permission is required.

F. "Big Game Species" shall mean deer, turkey, bear, cougar, elk, antelope (American pronghorn), Barbary sheep, bighorn sheep, javelina, oryx, and Persian ibex.

G. "Antlerless Deer" shall mean a deer without or with antlers less than two inches in length.

H. "FAD or Forked Antlered Deer" shall mean a deer possessing antlers, one of which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.

I. "MB or Mature Bull" shall mean a male elk with at least one brow tine extending six or more inches from the main beam or at least one forked antler with both branches six or more inches long.

J. "A or Antlerless Elk" shall mean any one elk without antlers.

K. "ES or Either Sex" shall mean any one animal of the species.

L. "MB or Mature Buck Antelope" shall mean an antelope with at least one horn longer than its ears.

M. "F-IM or Female or Immature Antelope" shall mean an antelope without horns or with both horns shorter than its ears.

N. "Bearded Turkey" shall mean a turkey with a visible beard.

O. "Bighorn Ram" shall mean any male bighorn sheep.

P. "Male Persian Ibex" shall mean any male Persian ibex.

Q. "F-IM or Female or Immature Persian Ibex" shall mean a Persian ibex with horns less than 15 inches long.

R. Repealed.

S. "Antelope Management Units" shall mean those areas as outlined on the Antelope Management Unit map in **Boundary Descriptions for Wildlife Management Areas, Chapter 30, Part 4 of Title 19.**

T. "Unlimited" shall mean there will be no set limit on the number of permits or licenses established for the described hunt areas.

U. "MB-A or Mature Bull - Antlerless" shall mean a male elk with at least one brow tine extending six or more inches from the main beam or at least one forked antler with both branches six or more inches long, or any one elk without antlers.

V. Repealed.

W. "NT or Non-typical Oryx" shall mean ~~one broken horned or non-straight horned oryx of either sex.~~ an oryx of either sex with at least one horn broken off at the halfway point, or horns that deviate significantly from normal.

X. "FM or Female Oryx" shall mean a female oryx.

~~Y.~~ **Y. "Cougar Zones"** as used herein, shall define hunt areas consisting of 2 or more Management Units and are described as follows:

- (1) Zone ~~HH~~ **A**, San Juan Mountains, consisting of GMU's 2 and 7.
- (2) Zone ~~HH~~ **B**, Jemez Mountain and North, consisting of GMU's 4, 5, 6, 50, 51, 52.
- (3) Zone ~~HHH~~ **C**, Sangre de Cristo Mountains, consisting of GMU's 43, 44, 45, 46, 48, 49, 53, 54, 55
- (4) Zone ~~HHV~~ **D**, High Northeast Plains, consisting of GMU's 41, 42, 47, 56, 57, 58
- (5) Zone ~~HHV~~ **E**, West Central Mountains, consisting of GMU's 9, 10
- (6) Zone ~~HHH~~ **E**, Sandia and Manzano Mountains, consisting of GMU's 8, 14

- (7) Zone ~~VII~~ G, Gila Mountains and North, consisting of GMU's 12, 13, 15, 16, 22,
 (8) Zone ~~VIII~~ H, Military Reservations, consisting of GMU's 19 and 28.
 (9) Zone ~~IX~~ I, Southeast, consisting of GMU's 18, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39, 40
 (10) Zone ~~X~~ J, Southwest Deserts, consisting of GMU's 17, 20, 21, 23, 24, 25, 26, 27
 (11) Zone K, Southwest Mountains, GMU's 22-24 (22 cougars).
 (12) Zone L, Southwest Deserts, GMU's 26-27 (No Quota).
 (13) Zone M, Southeast GMU's 31-33, 39, 40 (5 cougars).
 (14) Zone N, Northern Jemez Mountains, GMU's 4 and 52 (3 cougars).
 (15) Zone O, West Central, GMU 12 (3 cougars).

[4-1-95, A, 8-15-95, A, 10-31-95, A, 3-14-98, A, 8-31-98; A & R, 3-15-99; 19.31.8.7 NMAC – Rn & A, 19 NMAC 31.8.7, 3-14-2001; A, 12-28-01]

19.31.8.20 DEER (2002-2003):

A. Over-the-counter Deer 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) | Oct. 26 - 27, | DER-1-001, | unlimited, | FAD, | 18. |
| (2) | Oct. 28 - 30, | DER-1-002, | unlimited, | FAD, | 8 (except Sandia Ranger District of the Cibola National Forest). |
| (3) | Oct. 30 - Nov. 3, | DER-1-003, | unlimited, | FAD, | 18. |
| (4) | Nov 1 - 3, | DER-1-004, | unlimited, | FAD, | 8 (except Sandia Ranger District of the Cibola National Forest), 29, 30, 34. |
| (5) | Nov. 2 - 3, | DER-1-005, | unlimited, | FAD, | 39, 41, 42, 43, 46, 47, 54, 55, 56 (except Sierra Grande Hunt Area), 57, 58. |
| (6) | Nov. 4- 6, | DER-1-006, | unlimited, | FAD, | 16, 20, 21, 22, 23 (except the Burro Mountain Hunt Area), 24, 25, 26. |
| (7) | Nov. 6 - 8, | DER-1-007, | unlimited, | FAD, | 39, 41, 42, 43, 47. |
| (8) | Nov. 6 - 10, | DER-1-008, | unlimited, | FAD, | 12, 13, 31 (including Brantley WMA, excluding the Seven Rivers Waterfowl MA portion), 32, 33 (excluding the W. S. Huey WMA), 36, 37, 38, 40, 46, 54, 55, 56 (Except Sierra Grande Hunt Area), 57, 58. |
| (9) | Nov. 8 - 10, | DER-1-009, | unlimited, | FAD, | 16, 20, 21, 22, 23 (except the Burro Mountain Hunt Area), 24, 25, 26. |
| (10) | Nov. 13 - 17, | DER-1-010, | unlimited, | FAD, | 16, 20, 21, 22, 23 (except the Burro Mountain Hunt Area), 24, 25, 26, 29, 30, 34. |
| (11) | Nov. 13 - 19, | DER-1-011, | unlimited, | FAD, | 54, 55, 56 (except the Sierra Grande Hunt Area), 57, 58. |
| (12) | Nov. 25 - Dec. 1, | DER-1-012, | unlimited, | FAD, | 31(including Brantley WMA, excluding the Seven Rivers Waterfowl MA portion), 32, 33 (excluding the W. S. Huey WMA), 36, 37, 38, 40. |

B. Over-the-counter Deer 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 and Jan. 1 - 15, 2003, | DER-2-001, | unlimited, | FAD, | 12, 13, 15, 16, 18, 20, 21, 22, 23 (except Burro Mountain Hunt Area), 24, 25, 26, 29, 30, 31 (including Brantley WMA, excluding Seven Rivers Waterfowl MA portion), 32, 33 (excluding the W. S. Huey WMA), 34, 36, 37, 38, 39, 40, 41, 42, 43, 46, 47, 54, 55, 56 (except Sierra Grande Hunt Area), 57 (except Sugarite Canyon State Park), 58. |
| (2) | Sept. 1 - 20, | DER-2-002, | unlimited, | FAD, | 48, 49, 50, 51, 52, 53. |

C. Over-the-counter Deer 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 21 - 30, | DER-3-001, | unlimited, | FAD, | 12, 18, 39, 41, 42, 43, 46, 47, 54, 55, 56 (except Sierra Grande Hunt Area), 57 (except Sugarite Canyon State Park), 58. |
| (2) | Sept. 25-Oct.3, | DER-3-002, | unlimited, | FAD, | 15, 16, 20, 21, 22, 23 (except the Burro Mountain Hunt Area), 24, 25, 26. |
| (3) | Oct. 23 - 27, | DER-3-003, | unlimited, | FAD, | 29, 30, 31(including Brantley WMA, excluding Seven Rivers Waterfowl MA portion), 32, 33 (excluding the W. S. Huey WMA), 34, 36, 37, 38, 40. |
| (4) | Sept. 25 - 30, | DER-3-004, | unlimited, | FAD, | 13. |

D. Deer entry 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. 21 - 23, | DER-1-101, | 100, | FAD, | 48. |
| (2) | Sept. 21 - 23, | DER-1-102, | 100, | FAD, | 49. |
| (3) | Sept. 21 - 23, | DER-1-103, | 100, | FAD, | 50. |
| (4) | Sept. 21 - 23, | DER-1-104, | 100, | FAD, | 51. |
| (5) | Sept. 21 - 23, | DER-1-105, | 100, | FAD, | 52. |
| (6) | Sept. 21 - 23, | DER-1-106, | 100, | FAD, | 53. |
| (7) | Sept. 27 - 29, | DER-1-107, | 100, | FAD, | 48. |
| (8) | Sept. 27 - 29, | DER-1-108, | 100, | FAD, | 49. |
| (9) | Sept. 27 - 29, | DER-1-109, | 100, | FAD, | 50. |
| (10) | Sept. 27 - 29, | DER-1-110, | 100, | FAD, | 51. |
| (11) | Sept. 27 - 29, | DER-1-111, | 100, | FAD, | 52. |

- (12) Sept. 27 - 29, DER-1-112, 100, FAD, 53.
- (13) Oct. 5 - 6, DER-1-113, 25, FAD, 17 (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (14) Oct. 19 - 20, DER-1-114, 50, FAD, 7.
- (15) Oct. 19 - 20, DER-1-115, 50, FAD, McGregor Range in 28.
- (16) Oct. 19 - 20, DER-1-116, 15, FAD, McGregor Range in 28 (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (17) Oct. 19 - 20, DER-1-117, 20, FAD, McGregor Range in 28 (Military only, must be full time active military and proof of military status must accompany application.)
- (18) Oct. 19 - 23, DER-1-118, 400, FAD, 17.
- (19) Oct. 26 - 27, DER-1-119, 620, FAD, 2B.
- (20) Oct. 26 - 27, DER-1-120, 50, FAD, 2B (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (21) Oct. 26 - 27, DER-1-121, ~~100,~~ 90, FAD, 10.
- (22) Oct. 26 - 30, DER-1-122, 125, FAD, 4 (Private land only, application must be accompanied by the Access Courtesy Form or written permission from a landowner.)
- (23) Oct. 26 - 30, DER-1-123, 20, FAD, Humphries-Rio Chama WMA's in 4.
- (24) Oct. 26 - 30, DER-1-124, 5, FAD, Humphries-Rio Chama WMA's in 4 (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (25) Oct. 30 - Nov. 3, DER-1-125, 665, FAD, 2B.
- (26) Oct. 30 - Nov. 3, DER-1-126, ~~100,~~ 90, FAD, 10.
- (27) Oct. 30 - Nov. 3, DER-1-127, 500, FAD, 14.
- (28) Nov. 2 - 3, DER-1-128, 450, FAD, 2A.
- (29) Nov. 2 - 3, DER-1-129, 50, FAD, 2A (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (30) Nov. 2 - 3, DER-1-130, 10, FAD, Urraca WMA in 55.
- (31) Nov. 2 - 3, DER-1-131, 5, FAD, E. S. Barker WMA in 55.
- (32) Nov. 2 - 3, DER-1-132, 30, FAD, Colin Neblett WMA in 54 and 55.
- (33) Nov. 2 - 3, DER-1-133, 10, FAD, Sierra Grande Hunt Area in 56.
- (34) Nov. 2 - 6, DER-1-134, 20, FAD, Humphries/Rio Chama WMA's in 4.
- (35) Nov. 2 - 6, DER-1-135, 125, FAD, 4 (Private land only, application must be accompanied by the Access Courtesy Form or written permission from a landowner.)
- (36) Nov. 2 - 6, DER-1-136, 5, FAD, Humphries/Rio Chama WMA's in 4 (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (37) Nov. 2 - 6, DER-1-137, 300, FAD, 6A and 6C.
- (38) Nov. 4 - 6, DER-1-138, 750, FAD, 44/45.
- (39) Nov. 6 - 10, DER-1-139, ~~100,~~ 90, FAD, 10.
- (40) Nov. 6 - 10, DER-1-140, 10, FAD, Urraca WMA in 55.
- (41) Nov. 6 - 10, DER-1-141, 30, FAD, Colin Neblett WMA in 54 and 55.
- (42) Nov. 6 - 10, DER-1-142, 5, FAD, E.S. Barker WMA in 55 (Youth only, ~~must be 17 years of age or younger to apply.~~) must provide hunter education certification number on application.)
- (43) Nov. 6 - 10, DER-1-143, 10, FAD, Sierra Grande Hunt Area in 56.
- (44) Nov. 6 - 12, DER-1-144, 665, FAD, 2B.
- (45) Nov. 8 - 10, DER-1-145, 750, FAD, 44/45.
- (46) Nov. 13 - 19, DER-1-146, 10, FAD, Urraca WMA in 55.
- (47) Nov. 13 - 19, DER-1-147, 30, FAD, Colin Neblett WMA in 54 and 55.
- (48) Nov. 13 - 19, DER-1-148, 5, FAD, E.S. Barker WMA in 55.
- (49) Nov. 13 - 19, DER-1-149, 10, FAD, Sierra Grande Hunt Area in 56.
- (50) Nov. 12 - 18, DER-1-150, 30, FAD, 5A (Public land only).
- (51) Nov. 12 - 18, DER-1-151, 220, FAD, 5A (Private land only, application must be accompanied by the Access Courtesy Form or written permission from a landowner.)
- (52) Dec. 7 - 9, DER-1-152, 75, FAD, 27.
- E.** Deer entry 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, DER-2-101, 200, FAD, 2.
- (2) Sept. 1 - 20, DER-2-102, 150, FAD, 4 (Private land only, application must be accompanied by the Access Courtesy Form or written permission from a landowner.)
- (3) Sept. 1 - 20, DER-2-103, 30, FAD, 5A (Public land only).
- (4) Sept. 1 - 20, DER-2-104, 220, FAD, 5A (Private land only, application must be accompanied by the Access Courtesy Form or written permission from a landowner.)
- (5) Sept. 1 - 20, DER-2-105, 500, FAD, 6A and 6C.
- (6) Sept. 1 - 20, DER-2-106, 25, FAD, 7.
- (7) Sept. 1 - 20, DER-2-107, 173, ~~ES,~~ FAD, 8 (including Sandia Ranger District).
- (8) Sept. 1 - 20, DER-2-108, ~~100,~~ 90, FAD, 10.
- (9) Sept. 1 - 20, DER-2-109, 100, FAD, 14.

(10)	Sept. 1 - 20,	DER-2-110,	400,	FAD,	17.
(11)	Sept. 1 - 20,	DER-2-111,	200,	FAD,	44/45.
(12)	Sept. 1 - 20,	DER-2-112,	20,	FAD,	Sierra Grande Hunt Area in 56.
(13)	Nov. 1 - 30,	DER-2-113,	40,	FAD,	Sugarite Canyon State Park in 57.
(14)	Nov. 9 - 30,	DER-2-114,	173,	ES, FAD,	8 (including Sandia Ranger District).
(15)	Dec. 1 - 31,	DER-2-115,	100,	ES, FAD,	8 (including Sandia Ranger District, youth only, must be 17 years of age or younger to apply. must provide hunter education certification number on application.).
(16)	Dec. 4 - 25,	DER-2-116,	173,	ES, FAD,	8 (including Sandia Ranger District).
(17)	Jan. 1 - 15, 2003,	DER-2-117,	50,	FAD,	2A.
(18)	Jan. 1 - 15, 2003,	DER-2-118,	150,	FAD,	2B.
(19)	Jan. 1 - 15, 2003,	DER-2-119,	173,	ES, FAD,	8 (including Sandia Ranger District).
(20)	Jan. 1 - 15, 2003,	DER-2-120,	10,	ES,	Huey WMA in 33, Seven Rivers and Brantley WMA's in 31 (Youth only, must be 17 years of age or younger to apply. must provide hunter education certification number on application.)

F. Deer entry 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. 21 - 30,	DER-3-101,	350,	FAD,	2.
(2)	Sept. 21 - 30,	DER-3-102,	100,	FAD,	4 (Private land only, application must be accompanied by the Access Courtesy Form or written permission from a landowner).
(3)	Sept. 21 - 30,	DER-3-103,	200,	FAD,	6A and 6C.
(4)	Sept. 21 - 30,	DER-3-104,	25,	FAD,	7.
(5)	Sept. 21 - 30,	DER-3-105,	75,	FAD,	8 (Except Sandia Ranger District).
(6)	Sept. 21 - 30,	DER-3-106,	100, 90,	FAD,	10.
(7)	Sept. 21 - 30,	DER-3-107,	50,	FAD,	14.
(8)	Sept. 25 - 30,	DER-3-108,	400,	FAD,	17.
(9)	Sept. 21 - 30,	DER-3-109,	150,	FAD,	44/45.
(10)	Sept. 21 - 30,	DER-3-110,	10,	FAD,	Sierra Grande Hunt Area in 56.
(11)	Nov. 22 - 24,	DER-3-111,	30,	ES,	Huey WMA in 33, Seven Rivers and Brantley WMA's in 31 (Youth only, must be 17 years of age or younger to apply. must provide hunter education certification number on application.).

G. Deer entry hunts for muzzle-loaders or 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)	Nov. 30 - Dec. 4,	DER-8-101,	25,	FAD,	27.
(2)	Jan. 1 - 5, 2003,	DER-8-102,	35,	FAD,	Organ Mountains in 19.

[4-1-95, A, 8-15-95; R 3-14-98; Re-pr, 3-15-99, A, 12-31-99; 19.31.8.20 NMAC – Rn & A, 19 NMAC 31.8.20, 3-14-2001; A, 12-28-01]

19.31.8.21 TURKEY (2002-2003):

A. Spring turkey hunts shall be as indicated below:

(1) Seasons shall be April 15 through May 10.

(2) The bag limit shall be one turkey with a visible beard in GMU's 4 (including the Sargent, Humphries, and Rio Chama WMA's), 5, 6, 7, 8 (bow only-Sandia Ranger District of the Cibola National Forest), 9 (including Marquez and Water Canyon WMA's), 10, 12, 13, 14, 15, 16 (except 16E), 17, 18, 20 (except Dona Ana county), 21 (except Dona Ana county), 22, 23, 24, 29, 30, 32, 34, 36, 37, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, and 53.

(3) The bag limit shall be two turkey with a visible beard in GMU's 54 (including Colin Neblett South), and 55 (including Colin Neblett North and E.S. Barker wildlife areas, excluding Urraca, Valle Vidal, Greenwood ~~and E.S. Barker~~ Wildlife Areas), 56, 57 (bow only in Sugarite Canyon State Park) and 58.

(4) The first tag shall be valid in any GMU open for Spring turkey season, the second tag shall be valid only in GMU's open for a two turkey bag limit.

B. Fall turkey hunts shall be as indicated below:

(1) Seasons shall be September 14 through September 22.

(2) The bag limit shall be any one turkey in GMU's ~~4, 6, 7, 8, 9, 10, 12,~~ 13, 15, 16 (except 16E), 17, 21 (except Dona Ana county), 22, 23, 24, 29, 34, 36, 37, 41, 42, 45, 46, 47, 48, 54 (including Colin Neblett South), 55 (including Colin Neblett North, excluding Urraca, Valle Vidal, Greenwood, and E.S. Barker Wildlife Areas), 56, 57 (excluding Sugarite Canyon State Park), 58.

C. Turkey entry hunt dates shall be April 15 through April 30, hunt code is TUR-1-100, maximum number of available licenses is 40, bag limit of one turkey with a visible beard, hunt area is GMU 2.

[4-1-95; R 3-14-98; Re-pr, 3-15-99, A, 12-31-99; 19.31.8.21 NMAC – Rn & A, 19 NMAC 31.8.21, 3-14-2001; A, 12-28-01]

19.31.8.22 BEAR (2002-2003):

A. The bear seasons shall be as stated below:

(1) ~~[October 1 through December 15]~~ August 1 through August 31 and September 25 through November 15 in GMU's 4, 5, 6, 7, 8 (Sandia Ranger District of the Cibola National Forest shall be open for hunting with bow only), 9 (including Marquez and Water Canyon WMA's), 10, 13, 14, 15, 16, 17, 21, 22, 23, 24, 26, 27, 34, 36, 37, 38, ~~41, 42,~~ 43, 44, 45, 46, ~~47,~~ 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58.

(2) ~~[September 1 through 20 in GMU's 54 and 55, for bow only, no dogs shall be allowed except at the discretion of the Director in addressing management and/or safety concerns which include, but not limited to, significant changes in population or harvest parameters, increased human bear conflicts, etc.]~~ Bear entry hunts, listing the hunt date, hunt code, maximum number of licenses available,

and open areas shall be as indicated below. Dogs may not be used to pursue bears during bear entry hunts.

- (a) August 1-31 BER-1-101 10 Sargent Wildlife Area.
 (b) August 1-31 BER-1-102 5 William A. Humphries Wildlife Area.
 (c) August 1-31 BER- 1-103 12 Elliot Barker/Colin Neblett Wildlife Areas.

(3) ~~September 21 through 30 in GMU's 54 and 55, for any primitive weapon (bow or muzzleloader), no dogs shall be allowed except at the discretion of the Director in addressing management and/or safety concerns which include, but not limited to, significant changes in population or harvest parameters, increased human bear conflicts, etc.] Any licensed bear hunter who is a recipient of a muzzleloader or rifle elk permit for the Valle Vidal may harvest one bear in the Valle Vidal during their allotted elk hunt period. Dogs may not be used to pursue bears in the Valle Vidal.~~

B. Bag limit shall be ~~one bear, except any female accompanied by a cub or cubs, and except any cubs less than a year old.]~~ as indicated below:

(1) One bear, except any female accompanied by a cub or cubs, and except any cubs less than a year old as prescribed in 19.31.8.22 (A).

(2) A second bear, except any female accompanied by a cub or cubs, and except any cubs less than a year old may be harvested in GMU's 4 (except Sargent and W.A. Humphries Wildlife Areas), 24, 36, 53, 54, and 55 (except E.S. Barker and Colin Neblett Wildlife Areas).

C. ~~Bear hunters shall purchase their bear license at least two days prior to hunting bear.]~~ Legal weapons for taking bear in any open units except in the Valle Vidal shall be any legal weapon. Legal weapons for taking bear in the Valle Vidal shall be the legal weapon for the corresponding elk hunt.

D. ~~All bear taken shall be tagged with both the tag from the hunting license and the pelt tag furnished free of charge from the Department. A hunter who takes a bear must present the skull for tooth removal and pelt for tagging to a Department representative within five days of taking the animal or before taking the pelt out of New Mexico, whichever comes first. The pelt tag shall remain attached to the pelt until the pelt is processed.]~~ Bear hunters shall purchase their bear license at least two days prior to hunting bear.

E. All bear taken shall be tagged with both the tag from the hunting license and the pelt tag furnished free of charge from the Department. A hunter who takes a bear must present the skull for tooth removal and pelt for tagging to a Department representative within five days of taking the animal or before taking the pelt out of New Mexico, whichever comes first. The pelt tag shall remain attached to the pelt until the pelt is processed.

[4-1-95, A, 8-15-95; R 3-14-98; Re-pr, 3-15-99; 19.31.8.22 NMAC – Rn & A, 19 NMAC 31.8.22, 3-14-2001; A, 12-28-01]

19.31.8.23 COUGAR (2002-2003):

A. Cougar ~~hunts~~ seasons within each Cougar Zone shall be October 1 through March 31, or until the cougar harvest objective has been met within the specific Cougar Zone, whichever occurs first. Exception: Cougar ~~hunt dates~~ season in the bighorn sheep ranges of Zones ~~[VI, VII, and X]~~ G, H, K, and L, (ie. Ladron, Manzano, Peloncillo, Little and Big Hatchets, Animas, Alamo Hueco, Saliz, Mogollon, Organ, and San Andres Mountains) shall be April 1 through March 31 and Cougars taken in those bighorn sheep ranges shall not count against the quota for that zone. These bighorn sheep ranges include Mesa Sarca and the entire Ladron Mountains to the south side of the Rio Salado in Game Management Unit (GMU) 13 except that portion on the Sevilleta National Wildlife Refuge; that portion of the Manzano Mountains in GMU 14 from Comanche Canyon south to US Highway 60 and from the western base of the mountains east to the ridge comprised of Capilla, Osha and Manzano peaks and all of Sand, Priest and Abo canyons; all of GMU's 22A and 22B; that portion of GMU 23 that is south of the Apache and Gila National Forest boundary and north of State Highway 78; that portion of GMU 24 that is west of State Highway 15; that portion of GMU 19 beginning at the intersection of US Highway 70 and Interstate 25 (I-25) running south along I-25 to its intersection with Interstate 10 (I-10), thence south along I-10 to its intersection with the Texas/New Mexico State line, thence east along the State line to its intersection with NM Road 213, thence north along NM Road 213, which in turn becomes White Sands Missile Range (WSMR) range road 1 to its intersections with US Highway 70, thence east along US Highway 70 to its intersection with WSMR range road 7, thence north along WSMR range road 7 to its intersection with WSMR range road 306 (Hembrillo canyon Rd.), thence west along WSMR range road 306 to its intersection with the western boundary of WSMR, thence south along the WSMR boundary to its intersection with US Highway 70; thence west along US Highway 70 to its intersection with I-25. ~~for until the special range quotas have been met.]~~

(1) The Sandia Ranger District of the Cibola National Forest portion of Zone ~~[VI]~~ E shall be open for hunting with bow only. ~~[The Big Hatchet, Marquez, and Water Canyon WMA's are open.]~~

(2) Cougar seasons on private property – Statewide: Cougar season on private land shall be April 1 through March 31 (season bag limits still apply). Private landowners (if legally licensed) and their employees (if legally licensed) may hunt on the owner's private property only and cougar taken shall not count against the quota for that zone.

B. The harvest objective for each Cougar Zone is indicated below:

- (1) Zone ~~[H]~~ A San Juan Mountains, GMU's 2 and 7, ~~[11 cougars]~~ (14 cougars).
 (2) Zone ~~[H]~~ B Northern Jemez Mountains ~~[and North,]~~ GMU's ~~[4,]~~ 5, ~~[6,]~~ 50, 51, 52, ~~[34 cougars]~~ (20 cougars).
 (3) Zone ~~[H]~~ C Sangre de Cristo Mountains, GMU's 43 - 46, 48, 49, 53 - 55, ~~[18 cougars]~~ (38 cougars).
 (4) Zone ~~[H]~~ D High Northeast Plains, GMU's 41, 42, 47, 56, 57, 58, ~~[12 cougars]~~ (14 cougars).
 (5) Zone ~~[V]~~ E West Central Mountains, GMU's 9, 10, ~~[3 cougars]~~ (16 cougars).
 (6) Zone ~~[VI]~~ F Sandia and ~~[Manzano]~~ southern Jemez Mountains, GMU's 6 and 8, ~~[14, 6]~~ (16 cougars).
 (7) Zone ~~[VII]~~ G ~~[Gila Mountains]~~ Manzano, San Mateo Mountains and North, GMU's ~~[12,]~~ 13, ~~[15, 16, 22,]~~ 14, 17, ~~[18 cougars]~~ (17 cougars).
 (8) Zone ~~[VIII]~~ H Military Reservations in GMU's 19, 20, 28, and 29 (3 cougars).
 (9) Zone ~~[IX]~~ I ~~[Southeast,]~~ Guadalupe, Sacramento Mountains and North GMU's 18 ~~[29-34]~~ 30 - 34, 36 - 40, ~~[18 cougars]~~ (20 cougars).

- (10) Zone ~~[X] J~~ ~~[Southwest Deserts,]~~ Gila Mountains GMU's ~~[17, 20,]~~ 15, 16, 21, and 25 ~~[23, 24, 25, 26, 27,]~~ ~~[53 cougars]~~ (38 cougars).
- (11) Zone K Southwest Mountains, GMU's 22-24 (22 cougars).
- (12) Zone L Southwest Deserts, GMU's 26-27 (No Quota).
- (13) Zone M Southeast GMU's 31-33, 39, 40 (5 cougars).
- (14) Zone N Northern Jemez Mountains, GMU's 4 and 52 (3 cougars).
- (15) Zone O West Central, GMU 12 (3 cougars).

C. ~~[The bag limit shall be any one cougar except any female accompanied by a spotted kitten(s), and except any spotted kitten]~~ Bag limits shall be as indicted below:

- (1) One Cougar, except any female accompanied by a spotted kitten(s), and except any spotted kitten.
- (2) A second cougar, except any female accompanied by a spotted kitten(s), and except any spotted kitten, may be taken in any of the bighorn sheep ranges outlined in section A.

D. Hunters shall purchase a cougar license at least two days prior to hunting cougar.

E. All cougar taken shall be tagged with both the tag from the hunting license and the pelt tag furnished free of charge from the Department. A hunter who takes a cougar must present the skull for tooth removal and pelt for tagging to a Department representative within five days of taking the animal or before taking the pelt out of New Mexico, whichever comes first. The pelt tag shall remain attached to the pelt until the pelt is processed. Immediately following the pelt tagging the Department employee shall call the Division of Wildlife with the information regarding the take of cougar.

F. When the number of cougars equaling the cougar harvest objective for a given cougar zone has been met, that zone will close ~~[at sunset on the Thursday immediately following. The time of sunset will be as printed in the Department's Big Game Proclamation.]~~ 72 hours thereafter. Hunters shall call the toll-free telephone number, provided by the Department, before hunting to determine which Cougar Zones are open.

G. The Director, at his discretion, may adjust or cancel portions of any cougar hunt to address significant changes in population or harvest objectives.

[4-1-95, A, 8-15-95; R 3-14-98; Re-pr, 3-15-99; 19.31.8.23 NMAC – Rn & A, 19 NMAC 31.8.23, 3-14-2001; A, 12-28-01]

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,]~~ 150, 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,]~~ 80, ES, 21B.
- (11) Oct. 5 - 9, ELK-1-011, ~~[Unlimited,]~~ 20, ES, 22A.
- (12) Oct. 5 - 9, ELK-1-012, ~~[Unlimited,]~~ 350, ES, 23.
- (13) Oct. 5 - 9, ELK-1-013, ~~[Unlimited,]~~ 200, 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, 150, 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, 65, 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, 40, ES, 21B.
(41)	Oct. 12 - 16,	ELK-1-041, [Unlimited, 10, ES, 22A.
(42)	Oct. 12 - 16,	ELK-1-042, [Unlimited, 300, ES, 23.
(43)	Oct. 12 - 16,	ELK-1-043, [Unlimited, 100, 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, 300, MB, 34.
(46)	Oct. 12 - 16,	ELK-1-046, [100, 300, A, 34.
(47)	Oct. 12 - 16,	ELK-1-047, 115, MB, 36.
(48)	Oct. 12 - 16,	ELK-1-048, [75, 100, 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, MB, 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, MB, Colin Neblett WMA-North in [54, 55.
(57)	Oct. 12 - 16,	ELK-1-057, 20, [MB-A, MB, Colin Neblett WMA-South in [55, 54.
(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, 60, 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, 300, A, 34.
(78)	Oct. 19 - 23,	ELK-1-078, 115, MB, 36.
(79)	Oct. 19 - 23,	ELK-1-079, [75, 95, A, 36.
(80)	Oct. 19 - 23,	ELK-1-080, 55, [MB-A, MB, 48.
(81)	Oct. 19 - 23,	ELK-1-081, [20, 40, A, 48.
(82)	Oct. 19 - 23,	ELK-1-082, 95, MB, 49.
(83)	Oct. 19 - 23,	ELK-1-083, 200, [MB-A, MB, 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, MB, Colin Neblett WMA-South in 54.
(87)	Oct. 19 - 23,	ELK-1-087, 20, [MB-A, MB, 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, 90, A, 16A.
(94)	Oct. 26 - 30,	ELK-1-094, 75, A, 16B.
(95)	Oct. 26 - 30,	ELK-1-095, [80, 115, A, 16D.

(96)	Oct. 26 - 30,	ELK-1-096,	[75,] 110, A,	16E.
(97)	Oct. 26 - 30,	ELK-1-097,	25,	A, 21A.
(98)	Oct. 26 - 30,	ELK-1-098,	55, [MB-A,] MB,	48.
(99)	Oct. 26 - 30,	ELK-1-099,	[20,] 40,	A, 48.
(100)	Oct. 26 - 30,	ELK-1-100,	250,	A, 51.
(101)	Oct. 26 - 30,	ELK-1-101,	200, [MB-A,] MB,	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,] 100,	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.] [RESERVED]
(107)	Nov. 2 - 6,	ELK-1-107,	[40,] 90,	A, 16A.
(108)	Nov. 2 - 6,	ELK-1-108,	50,	A, 16C.
(109)	Nov. 2 - 6,	ELK-1-109,	[80,] 115,	A, 16D.
(110)	Nov. 2 - 6,	ELK-1-110,	[100,] 120,	A, 16E.
(111)	Nov. 2 - 6,	ELK-1-111,	[Unlimited,] 40,	ES, 21B.
(112)	Nov. 2 - 6,	ELK-1-112,	[Unlimited,] 10,	ES, 22A.
(113)	Nov. 2 - 6,	ELK-1-113,	[Unlimited,] 100,	ES, 23.
(114)	Nov. 2 - 6,	ELK-1-114,	[Unlimited,] 50,	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,] 190,	A, 6A.
(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,] 115,	A, 16D.
(125)	Nov. 9 - 13,	ELK-1-125,	[100,] 120,	A, 16E.
(126)	Nov. 9 - 13,	ELK-1-126,	[Unlimited,] 20,	ES, 21B.
(127)	Nov. 9 - 13,	ELK-1-127,	[Unlimited,] 10,	ES, 22A.
(128)	Nov. 9 - 13,	ELK-1-128,	[Unlimited,] 100,	ES, 23.
(129)	Nov. 9 - 13,	ELK-1-129,	[Unlimited,] 50,	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,] 210,	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,] 9,	A, 5A (Public land only).
(139)	Nov. 23 - 27,	ELK-1-139,	[150,] 210,	A, 5B.
(140)	Nov. 23 - 27,	ELK-1-140,	300,	A, 6C.
(141)	Nov. 23 - 27,	ELK-1-141,	[95,] 195,	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,] 9,	A, 5A (Public land only).
(147)	[Nov. 30 - Dec. 4,	ELK-1-147,	Unlimited,	A, 12.] [RESERVED]
(148)	Nov. 30 - Dec. 4	ELK-1-148,	45,	A, 16C
(149)	[Nov. 30 - Dec. 4,	ELK-1-149,	Unlimited,	A, 21B.] [RESERVED]
(150)	[Nov. 30 - Dec. 4,	ELK-1-150,	Unlimited,	A, 22A.] [RESERVED]
(151)	[Nov. 30 - Dec. 4,	ELK-1-151,	Unlimited,	A, 23.] [RESERVED]
(152)	[Nov. 30 - Dec. 4,	ELK-1-152,	Unlimited,	A, 24 (excluding Ft. Bayard).] [RESERVED]
(153)	Nov. 30 - Dec. 4	ELK-1-153,	55, [MB-A,] MB,	48.
(154)	Nov. 30 - Dec. 4	ELK-1-154,	[20,] 40,	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,] 9,	A, 5A (Public land only).
(158)	Dec. 7 - 11,	ELK-1-158,	[75,] 120,	A, 7.
(159)	[Dec. 7 - 11,	ELK-1-159,	Unlimited,	A, 12.] [RESERVED]
(160)	[Dec. 7 - 11,	ELK-1-160,	Unlimited,	A, 21B.] [RESERVED]
(161)	[Dec. 7 - 11,	ELK-1-161,	Unlimited,	A, 22A.] [RESERVED]

(162)	[Dec. 7 - 11, ELK-1-162, Unlimited, A, 23.] [RESERVED]
(163)	[Dec. 7 - 11, ELK-1-163, Unlimited, A, 24 (excluding Ft. Bayard).] [RESERVED]
(164)	Dec. 7 - 11, ELK-1-164, [250,] 300, 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,] 9, A, 5A (Public land only).
(169)	Dec. 14 - 18, ELK-1-169, [Unlimited,] 100, A, 12.
(170)	Dec. 14 - 18, ELK-1-170, [Unlimited,] 30, A, 21B.
(171)	Dec. 14 - 18, ELK-1-171, [Unlimited,] 10, A, 22A.
(172)	Dec. 14 - 18, ELK-1-172, [Unlimited,] 50, A, 23.
(173)	Dec. 14 - 18, ELK-1-173, [Unlimited] 50, 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.] [RESERVED]
(177)	[Jan. 18 - 22, 2003, ELK-1-177, Unlimited, A, 21B.] [RESERVED]
(178)	[Jan. 18 - 22, 2003, ELK-1-178, Unlimited, A, 22A.] [RESERVED]
(179)	[Jan. 18 - 22, 2003, ELK-1-179, Unlimited, A, 23.] [RESERVED]
(180)	[Jan. 18 - 22, 2003, ELK-1-180, Unlimited, A, 24 (excluding Ft. Bayard).] [RESERVED]
(181)	Feb. 15 - 19, 2003, ELK-1-181, [Unlimited,] 100, A, 12.
(182)	Feb. 15 - 19, 2003, ELK-1-182, [Unlimited,] 30, A, 21B.
(183)	Feb. 15 - 19, 2003, ELK-1-183, [Unlimited,] 10, A, 22A.
(184)	Feb. 15 - 19, 2003, ELK-1-184, [Unlimited,] 50, A, 23.
(185)	Feb. 15 - 19, 2003, ELK-1-185, [Unlimited,] 50, A, 24 (excluding Ft. Bayard).
(186)	[Feb. 22 - 26, 2003, ELK-1-186, Unlimited, A, 12.] [RESERVED]
(187)	[Feb. 22 - 26, 2003, ELK-1-187, Unlimited, A, 21B.] [RESERVED]
(188)	[Feb. 22 - 26, 2003, ELK-1-188, Unlimited, A, 22A.] [RESERVED]
(189)	[Feb. 22 - 26, 2003, ELK-1-189, Unlimited, A, 23.] [RESERVED]
(190)	[Feb. 22 - 26, 2003, ELK-1-190, Unlimited, A, 24 (excluding Ft. Bayard).] [RESERVED]
(191)	[Mar. 15 - 19, 2003, ELK-1-191, Unlimited, ES, 12.] [RESERVED]
(192)	Mar. 15 - 19, 2003, ELK-1-192, [Unlimited,] 30, ES, 21B.
(193)	Mar. 15 - 19, 2003, ELK-1-193, [Unlimited,] 10, ES, 22A.
(194)	Mar. 15 - 19, 2003, ELK-1-194, [Unlimited,] 50, ES, 23.
(195)	Mar. 15 - 19, 2003, ELK-1-195, [Unlimited,] 50, ES, 24 (excluding Ft. Bayard).
(196)	[Mar. 22 - 26, 2003, ELK-1-196, Unlimited, ES, 12.] [RESERVED]
(197)	[Mar. 22 - 26, 2003, ELK-1-197, Unlimited, ES, 21B.] [RESERVED]
(198)	[Mar. 22 - 26, 2003, ELK-1-198, Unlimited, ES, 22A.] [RESERVED]
(199)	[Mar. 22 - 26, 2003, ELK-1-199, Unlimited, ES, 23.] [RESERVED]
(200)	[Mar. 22 - 26, 2003, ELK-1-200, Unlimited, ES, 24 (excluding Ft. Bayard).] [RESERVED]
(201)	Oct. 05 - 09, 2002, ELK-1-201, 25 MB, 6B.
(202)	Oct. 05 - 09, 2002, ELK-1-202, 5 A, 6 B.
(203)	Oct. 12 - 16, 2002, ELK-1-203, 20 MB, 6 B.
(204)	Oct. 12 - 16, 2002, ELK-1-204, 5 A, 6 B.
(205)	Oct. 19 - 23, 2002, ELK-1-205, 20 MB, 6 B.
(206)	Oct. 19 - 23, 2002, ELK-1-206, 5 A, 6 B.
(207)	Nov. 02 - 04, 2002, ELK-1-207, 25 A, 6 B. (Youth Only. must provide hunter education certification number on application.)
(208)	[RESERVED]
(209)	Nov. 16 - 18, 2002, ELK-1-209, 25 A, 6 B.
(210)	Nov. 23 - 25, 2002, ELK-1-210, 25 A, 6 B.
(211)	Nov.30 - Dec.02, 2002, ELK-1-211, 25 A, 6 B.
(212)	Nov.30 - Dec.04,2002, ELK-1-212, 260 A, 6 C.
(213)	Dec. 14 -18, 2002, ELK-1-213, 120 A, 7.
(214)	Jan. 25 - 29, 2003, ELK-1-214, 100 A, 10.
(215)	Feb. 01- 05, 2003, ELK-1-215, 110 A, 10.
(216)	Feb. 08 -12, 2003, ELK-1-216, 110 A, 10.
(217)	Oct. 19-23, 2002, ELK-1-217, 300 MB, 34.
(218)	Dec. 14 -18,2002, ELK-1-218, 300 A, 34.
(219)	Oct. 19-23, 2002, ELK-1-219, 150 A, 44/45.
(220)	Nov. 16-20, 2002, ELK-1-220, 100 A, 52.
(221)	Nov. 23-27, 2002, ELK-1-221, 100 A, 52.
(222)	Oct. 19-23, 2002, ELK-1-222, 40 ES, 21B.
(223)	Oct. 19-23, 2002, ELK-1-223, 10 ES, 22 A.
(224)	Oct. 19-23, 2002, ELK-1-224, 100 ES, 23.
(225)	Oct. 19-23, 2002, ELK-1-225, 100 ES, 24.

(226)	Oct. 26-30, 2002,	ELK-1-226,	40	ES,	21B.
(227)	Oct. 26-30, 2002,	ELK-1-227,	10	ES,	22 A.
(228)	Oct. 26-30, 2002,	ELK-1-228,	100	ES,	23.
(229)	Oct. 26-30, 2002,	ELK-1-229,	100	ES,	24 (EXCLUDING Ft. Bayard)
(230)	Oct. 26-30, 2002,	ELK-1-230,	10	A,	Valle Vidal/Greenwood areas in 55-YOUTH ONLY.
(231)	Nov. 19-13, 2002,	ELK-1-231,	10	A,	Sargent WMA IN 4 YOUTH ONLY.
(232)	Nov. 9-13, 2002,	ELK-1-232,	10	A,	Humphries-Rio Chama WMA's in 4 YOUTH ONLY.
(233)	Nov. 16-20, 2002,	ELK-1-233,	150	ES,	12.
(234)	Nov. 23-27, 2002,	ELK-1-234,	150	ES,	12.

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, 100,	ES,	12.
(11)	Sept. 1 - 20,	ELK-2-011,	520,	ES,	34. [RESERVED]
(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, 200,	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, 85,	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, 25,	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, 50,	ES,	21B.
(42)	Sept. 1-15,	ELK-2-042,	Unlimited, 10,	ES,	22A.
(43)	Sept. 1-15,	ELK-2-043,	Unlimited, 10,	ES,	22B.
(44)	Sept. 1-15,	ELK-2-044,	Unlimited, 200,	ES,	23.
(45)	Sept. 1-15,	ELK-2-045,	Unlimited, 50,	ES,	24 (except Ft. Bayard).
(46)	Sept. 16 - 24,	ELK-2-046,	Unlimited, 85,	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, 25,	ES,	18.
(56)	Sept. 16 - 24,	ELK-2-056,	30,	ES,	21A.
(57)	Sept. 16 - 24,	ELK-2-057,	Unlimited, 40,	ES,	21B.
(58)	Sept. 16 - 24,	ELK-2-058,	Unlimited, 10,	ES,	22A.
(59)	Sept. 16 - 24,	ELK-2-059,	Unlimited, 20,	ES,	22B.
(60)	Sept. 16 - 24,	ELK-2-060,	Unlimited, 200,	ES,	23.
(61)	Sept. 16 - 24,	ELK-2-061,	Unlimited, 50,	ES,	24 (except Ft. Bayard).
(62)	Sept. 10 - 20,	ELK-2-062,	25,	MB,	6B.
(63)	Sept. 10 - 20,	ELK-2-063,	5,	A,	6 B.
(64)	Sept. 01 - 15,	ELK-2-064,	300	ES,	34.
(65)	Sept. 16 - 24,	ELK-2-065,	300	ES,	34.

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, 100,	ES,	13.
(15)	Oct. 5 - 9,	ELK-3-015,	200, 300,	MB,	34.
(16)	Oct. 5 - 9,	ELK-3-016,	150,	MB,	36.
(17)	Oct. 5 - 9,	ELK-3-017,	75,	MB A, MB,	48.
(18)	Oct. 5 - 9,	ELK-3-018,	100,	MB A, MB,	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, MB,	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, 100,	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, MB,	48.
(29)	Oct. 12 -16,	ELK-3-029,	40, 80,	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, 100,	ES,	13.
(36)	Nov. 2 - 6,	ELK-3-036,	330, 380,	A,	15A.
(37)	Nov. 2 - 6,	ELK-3-037,	180,	A,	15B.
(38)	Nov. 2 - 6,	ELK-3-038,	45, 110,	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, 45,	[ES] A,	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, 110,	A,	17.
(45)	Nov. 16 - 20,	ELK-3-045,	50,	A,	45.
(46)	Nov. 30 - Dec. 4,	ELK-3-046,	Unlimited,	A,	13. [RESERVED]
(47)	Nov. 30 - Dec. 4,	ELK-3-047,	330, 380,	A,	15A.
(48)	Nov. 30 - Dec. 4,	ELK-3-048,	180,	A,	15B.
(49)	Dec. 7 - 11,	ELK-3-049,	Unlimited,	A,	13. [RESERVED]
(50)	Dec. 14 - 18,	ELK-3-050,	Unlimited, 45,	A,	13.
(51)	Jan. 18 - 22, 2003,	ELK-3-051,	Unlimited,	A,	13. [RESERVED]
(52)	Jan. 18-22, 2003,	ELK-3-052,	325, 380,	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,] 45, A, 13.
- (57) [Feb. 22 - 26, 2003, ELK 3-057, Unlimited, A, 13.] [RESERVED]
- (58) [Mar. 15 - 19, 2003, ELK 3-058, Unlimited, ES, 13.] [RESERVED]
- (59) [Mar. 22 - 26, 2003, ELK 3-059, Unlimited, ES, 13.] [RESERVED]
- (60) Oct. 26 - 30, 2002, ELK-3-060, 10, MB, 6 B.
- (61) Oct. 26 - 30, 2002, ELK-3-061, 5, A, 6 B.
- (62) Oct. 05 - 09, 2002, ELK-3-062, 25, A, 15A. (Youth Only. must provide hunter education certification number on application).
- (63) Oct. 05 - 09, 2002, ELK-3-063, 15, A, 15B. (Youth Only. must provide hunter education certification number on application).
- (64) Nov. 30-Dec.04, 2002, ELK-3-064, 115 A, 17.
- (65) Jan. 18- 22, 2003, ELK-3-065 115 A, 17.
- (66) Oct. 19- 23, 2002, ELK-3-066 45 A, 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,] 200, [MB-A,] MB, 34.
- (6) Nov. 16 - 20, ELK-4-006, 40, A, 2.
- (7) Sept. 28 - Oct. 2, ELK-4-007, 30, MB, 50.
- (8) Sept. 28 - Oct. 2, ELK-4-008, 30, A, 50.
- (9) Nov. 09-11,2002, ELK-4-009, 25, 6B, (Handicap).

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.]~~

Private land elk hunts for ranches designated as "RANCH ONLY" shall be limited to the following season dates and weapon types: September 1-24, **BOW ONLY**, in units: 2, 4, 5A, 5B, 6A, 6C, 7, 9, 10, 12, 13, 14, 15A, 15B, 16A, 16B, 16C, 16D, 16E, 17, 18, 21A, 21B, 22A, 23, 24, 34, 36, 42, 44/45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55A, 55B, 56, 56A, 57, 58. **BOW or MUZZLELOADER:** September 28 through March 31 in units: 9 and 44/45 shall be limited to any consecutive 5 days. October 5 through March 31 in units 2, 6A, 6C, 7, 10, 13, 34, 36, 48, 52, and 53 shall be limited to any consecutive 5 days. October 12 through March 31 in units 17, 15A, and 15B shall be limited to any consecutive 5 days. **BOW, MUZZLELOADER or RIFLE:** September 28 through March 31 in units: 4, 41, 42, 46, 47, 54, 55A, 56, 57, and 58 shall be limited to any consecutive 5 days. October 5 through March 31 in units: 5A, 5B, 12, 21B, 22A, 23, 24, 43, 44/45, 49, 50, and 51 shall be limited to any consecutive 5 days. October 12 through March 31 in units: 2, 6A, 6C, 10, 16A, 16B, 16C, 16D, 16E, 21A, 34, 36, 52, and 53 shall be limited to any consecutive 5 days. October 19 through March 31 in unit 48 shall be limited to any consecutive 5 days. November 23 through March 31 in unit 9 shall be limited to any consecutive 5 days.

H. Unlimited private land, either-sex licenses valid for GMU's ~~[12, 13, 14, 18, 21B, 22A, 23, 24,] 41, 42, 43, and 55B~~ shall be available over-the-counter or by mail, without deadline at all Department of Game and Fish offices; Season dates and weapon types shall be same as specified in section G in GMU's 41,42,43 and section H-2 in GMU 55B.

(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).] [RESERVED]~~

(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 for taking elk 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. 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,	80, 0.
(2)	4,	[800,] 1080,	0,	[1500,] 1800, 0.
(3)	5A,	0,	250,	[250,] 360, 0.
(4)	5B,	0,	190,	[190,] 270, 0.
(5)	6A,	0,	60,	[20,] 35, 0.
(6)	6C,	0,	125,	[125,] 165, 0.
(7)	7,	0,	60,	[60,] 195, 0.

(8)	9,	0,	300,	350,	420,	0.
(9)	10,	0,	125,	75,	155,	0.
(10)	15A,	0,	62,	74,	152,	211, 0.
(11)	15B,	0,	106,	176,	194,	332, 0.
(12)	16A,	0,	10,	15,	13,	0.
(13)	16B,	0,	4,	1,		0.
(14)	16C,	0,	20,	22,		0.
(15)	16D,	0,	25,	59,	77,	0.
(16)	16E,	0,	46,	109,	139,	0.
(17)	17,	0,	17,	9,	45,	0.
(18)	21A,	0,	3,	1,		0.
(19)	34,	0,	80,	300,	130,	300, 0.
(20)	36,	0,	100,	120,		0.
(21)	44/45,	0,	65,	10,	25,	0.
(22)	46,	600,	0,	600,	625,	0.
(23)	47,	50,	0,	50,		0.
(24)	48,	0,	215,	145,	205,	0.
(25)	49,	0,	20,	10,		0.
(26)	50,	0,	65,	25,		0.
(27)	51,	0,	80,	60,		0.
(28)	52,	0,	70,	20,	40,	0.
(29)	53,	0,	165,	50,		0.
(30)	54,	300,	0,	300,	500,	0.
(31)	55A,	2500,	0,	2000,	2200,	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.
(36)	12,	0,	0,	50,	200,	
(37)	21B,	0,	0,	15,	60,	
(38)	22A,	0,	0,	5,	25,	
(39)	23,	0,	0,	15,	100,	
(40)	24,	0,	0,	35,	75,	
(41)	13,	0,	0,	45,	125,	

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,	600,	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,	63,	ES,	15A.
(11)	9,	11,	A,	15A.
(12)	110,	183,	ES,	15B.
(13)	14,	24,	A,	15B.
(14)	12,	14,	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,	200,	ES,	34.

(29)	55,	ES,	36.
(30)	25,	ES,	44/45.
(31)	100,	ES,	46.
(32)	10,	ES,	47.
(33)	200, 230,	ES,	48.
(34)	5,	ES,	49.
(35)	35,	ES,	50.
(36)	25,	ES,	51.
(37)	40,	ES,	52.
(38)	75,	ES,	53.
(39)	100, 300,	ES,	54.
(40)	500, 700,	ES,	55A.
(41)	10,	ES,	56A.
(42)	0,	ES,	56.
(43)	100,	ES,	57.
(44)	10,	ES,	58.
(45)	25,	ES,	12.
(46)	45,	ES,	13.
(47)	30,	ES,	18.
(48)	35,	ES,	21B.
(49)	5,	ES,	22A.
(50)	40,	ES,	23.
(51)	25,	ES,	24.

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; A, 12-28-01]

19.31.8.25 ANTELOPE (2002-2003):

A. Antelope hunts for any legal weapon, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open areas or AMU's, shall be as indicated below; The Director may change or cancel all hunts on military lands to accommodate closures on those lands; provided the season length and bag limit shall remain the same as assigned on original hunt code.

- (1) Aug. 24 - 26, ANT-1-001, 450, MB, 41, 42, 44 - 49, 53 - 58.
- (2) Sept. 14 - 15, ANT-1-002, 35, MB, Stallion Range of WSMR.
- (3) Sept. 21 - 22, ANT-1-003, 450, MB, 23 - 27, 31 - 34, 36 - 40, 43.
- (4) Sept. 28 - 29, ANT-1-004, 75, F-IM, Selected ranches in SE Area (youth only must provide hunter education certification number on application).
- (5) Oct. 5 - 6, ANT-1-005, 200, MB, 3, 4, 5, 10 - 18, 20.

B. Antelope hunts for bows, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open AMU's, shall be as indicated below:

- (1) Aug. 10 - 14, ANT-2-001, 100, MB, 42, 44 - 49, 53 - 58.
- (2) Aug. 24 - 28, ANT-2-002, 300, MB, 23 - 27, 30 - 34, 36 - 40, 43.
- (3) Aug. 24 - 28, ANT-2-003, 200, MB, 3, 4, 5, 10, 11, 12, 13, 14, 16, 17, 20.

C. Antelope hunts for muzzleloaders, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and open areas or AMU's, shall be as indicated below:

- (1) Aug. 17 - 20, ANT-3-001, 175, MB, Portion west of the Rio Grande in 52.
- (2) Sept. 14 - 15, ANT-3-002, 75, MB, 29.
- (3) Sept. 14 - 15, ANT-3-003, 10, MB, 29:McGregor Range (military only, must be full time active military and proof of military status must accompany application).
- (4) Sept. 14 - 15, ANT-3-004, 10, MB, 29: McGregor Range (youth only, must provide hunter education certification number on application).

D. Antelope hunts for handicapped hunters shall be Aug. 3-5, the hunt code shall be ANT-4-001, with 150 the maximum number of licenses available, the bag limit is MB, and open areas are AMU's statewide (except AMU's 1, 2, 9, 15, 16, 18, 19, 21, 29, 30, 41, 52).

E. The Director may cancel portions of any antelope hunt or set a bag limit of any one antelope if summer surveys indicate the need for such action. The Director may allot up to 6,000 private land antelope licenses for use on those ranches whose owners,

manager, or lessees sign a hunting agreement with the Department.

F. Private land female or immature antelope hunt dates shall be as indicated below, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and AMU's open:

(1) Sept. 21 - 22, ANT-1-701, unlimited, F-IM, selected ranches in 23 through 40, 43.

(2) Sept. 28 - 29, ANT-1-702, unlimited, F-IM, selected ranches in 23 through 40, 43.

[4-1-95; R 3-14-98; Re-pr, 3-15-99, A, 12-31-99, A, 9-14-00; 19.31.8.25 NMAC – Rn & A, 19 NMAC 31.8.25, 3-14-2001; A, 12-28-01]

19.31.8.29 ORYX (2002-2003):

A. Oryx hunts for firearms ~~and muzzleloaders~~ shall be as indicated below, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and areas open~~[-]~~. The Director may change or cancel all hunts on military lands to accommodate closures on those lands; provided the season length and bag limit shall remain the same as assigned on original hunt code.

(1)	Sept. 14 15,	ORX 1 400,	65,	ES,	Stallion Range.]
(2)	Sept. 14 15,	ORX 1 600,	20,	NT,	Stallion Range.]
(3)	Sept. 28 29,	ORX 1 410,	40,	ES,	Red Canyon.]
(4)	Sept. 28 29,	ORX 1 610,	10,	NT,	Red Canyon.]
(5)	Nov. 16 17,	ORX 1 420,	75,	ES,	Rhodes Canyon.]
(6)	Nov. 16 17,	ORX 1 620,	25,	NT,	Rhodes Canyon.]
(7)	Nov. 30 Dec. 1,	ORX 1 430,	35,	ES,	Small Missile Range.]
(8)	Nov. 30 Dec. 1,	ORX 1 630,	15,	NT,	Small Missile Range.]
(9)	Dec. 14 15,	ORX 1 401,	75,	ES,	Stallion Range.]
(10)	Dec. 14 15,	ORX 1 601,	25,	NT,	Stallion Range.]
(11)	Jan. 4 5, 2003,	ORX 1 402,	75,	ES,	Stallion Range.]
(12)	Jan. 4 5, 2003,	ORX 1 602,	25,	NT,	Stallion Range.]
(13)	Jan. 11 12, 2003,	ORX 1 431,	35,	ES,	Small Missile Range.]
(14)	Jan. 11 12, 2003,	ORX 1 631,	15,	NT,	Small Missile Range.]
(15)	Jan. 18 19, 2003,	ORX 1 440,	55,	ES,	Tularosa Gate.]
(16)	Jan. 18 19, 2003,	ORX 1 640,	15,	NT,	Tularosa Gate.]
(17)	Feb. 1 2, 2003,	ORX 1 422,	75,	ES,	Rhodes Canyon.]
(18)	Feb. 1 2, 2003,	ORX 1 622,	25,	NT,	Rhodes Canyon.]
(19)	Feb. 15 16, 2003,	ORX 1 432,	35,	ES,	Small Missile Range.]
(20)	Feb. 15 16, 2003,	ORX 1 632,	15,	NT,	Small Missile Range.]
(1)	Sept. 7,	ORX-1-800,	30	FM	Stallion Range Gate
(2)	Sept. 8,	ORX-1-805,	30	FM	Stallion Range gate
(3)	Sept. 21,	ORX-1-810,	30	FM	Tularosa Gate
(4)	Sept. 22,	ORX-1-815,	30	FM	Tularosa Gate
(5)	Oct. 5	ORX-1-820,	30	FM	Small Missile Range Gate
(6)	Oct. 6	ORX-1-825,	30	FM	Small Missile Range Gate
(7)	Nov. 23	ORX-1-830,	30	FM	Oscura Gate
(8)	Nov. 24,	ORX-1-835,	30	FM	Oscura Gate
(9)	Dec. 14,	ORX-1-840,	30	FM	Stallion Gate
(10)	Dec. 15,	ORX-1-845,	30	FM	Stallion Gate
(11)	Dec. 27	ORX-1-721,	15	FM	Tularosa Gate, Youth Hunt, must provide hunter education certification number on application.
(12)	Dec. 28,	ORX-1-850,	30	FM	Tularosa Gate
(13)	Dec. 29,	ORX-1-400,	24	ES	Tularosa Gate
(14)	Dec. 29,	ORX-1-600,	6	NT	Tularosa Gate
(15)	Jan. 11, 2003	ORX-1-405,	24	ES	Small Missile Range Gate
(16)	Jan. 11, 2003	ORX-1-605,	6	NT	Small Missile Range Gate
(17)	Jan. 12, 2003	ORX-1-410,	24	ES	Small Missile Range Gate
(18)	Jan. 12, 2003	ORX-1-610,	6	NT	Small Missile Range Gate
(19)	Jan. 25, 2003	ORX-1-415,	24	ES	Oscura Gate
(20)	Jan. 25, 2003	ORX-1-615,	6	NT	Oscura Gate
(21)	Jan. 26, 2003	ORX-1-420,	24	ES	Oscura Gate
(22)	Jan. 26, 2003	ORX-1-620,	6	NT	Oscura Gate
(23)	Jan. 31, 2003	ORX-1-425,	24	ES	Stallion Range Gate
(24)	Jan. 31, 2003	ORX-1-625,	6	NT	Stallion Range Gate
(25)	Feb. 1, 2003	ORX-1-430,	24	ES	Stallion Range Gate
(26)	Feb. 1, 2003	ORX-1-630,	6	NT	Stallion Range Gate
(27)	Feb. 2, 2003	ORX-1-435,	24	ES	Stallion Range Gate
(28)	Feb. 2, 2003	ORX-1-635,	6	NT	Stallion Range Gate
(29)	Feb. 15, 2003	ORX-1-440,	24	ES	Tularosa Gate
(30)	Feb. 15, 2003	ORX-1-640,	6	NT	Tularosa Gate
(31)	Feb. 16, 2003	ORX-1-445,	24	ES	Tularosa Gate
(32)	Feb. 16, 2003	ORX-1-645,	6	NT	Tularosa Gate
(33)	Feb. 28, 2003	ORX-1-450,	24	ES	Stallion Range Gate

(34)	Feb. 28,2003	ORX-1-650,	6	NT	Stallion Range Gate
(35)	Mar. 1,2003	ORX-1-455,	24	ES	Stallion Range Gate
(36)	Mar. 1,2003	ORX-1-655,	6	NT	Stallion Range Gate
(37)	Mar. 2,2003	ORX-1-460,	24	ES	Stallion Range Gate
(38)	Mar. 2,2003	ORX-1-660,	6	NT	Stallion Range Gate
(39)	Mar. 15,2003	ORX-1-465,	24	ES	Tularosa Gate
(40)	Mar. 15,2003	ORX-1-665,	6	NT	Tularosa Gate
(41)	Mar. 16,2003	ORX-1-470,	24	ES	Tularosa Gate
(42)	Mar. 16,2003	ORX-1-670,	6	NT	Tularosa Gate

B. [Oryx hunts for firearms, muzzleloaders, and bows shall be as indicated below, listing the hunt date, hunt code, maximum number of licenses available, bag limit, and areas open. Firearms or muzzleloaders shall be legal Dec. 28 – 30, bows shall be legal only for December 28 and 29, only firearms or muzzleloaders shall be used on December 30.] **[RESERVED]**

[(1) Dec. 28-30, ORX 1 421, 100, ES, Rhodes Canyon]

[(2) Dec. 28-30, ORX 1 621, 20, NT, Rhodes Canyon]

[(3) Dec. 28-30, ORX 1 721, 15, ES, Rhodes Canyon, Youth Hunt, must be 17 years of age or younger to apply. Must provide hunter education certification number on application.]

C. Oryx Incentive Authorizations.

(1) Distribution. Five (5) oryx 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) Oryx incentive hunts shall be any one (1) regular established oryx season (non-depredation) of the hunters choice. Bag limit shall be Either Sex with the legal weapon and hunt area that of the selected hunt.

D. The Director, at his discretion, may adjust the number of oryx licenses and hunt dates on White Sands Missile Range pending negotiations with White Sands Missile Range officials. Hunt dates may extend into future hunting seasons.

[4-1-95; R 3-14-98; Re-pr, 3-15-99; N, 12-31-99, A, 12-31-99; 19.31.8.29 NMAC – Rn & A, 19 NMAC 31.8.29, 3-14-2001; A, 12-28-01]

19.31.8.31 ~~[SPECIAL CLOSED AREAS: Game Management Unit 6B (Valles Caldera National Preserve). That portion of Game Management Unit 6B, formerly known as the Baca Location #1, as described and/or posted by the U. S. Forest Service, is closed to hunting all big game species.]~~ **[RESERVED]**

[4-1-95, A, 8-15-95; R 3-14-98; N, 10-13-2000; 19.31.8.31 NMAC – Rn & A, 19 NMAC 31.8.31, 3-14-2001; - Repealed 12-28-01]

NEW MEXICO GAMING CONTROL BOARD

This is an amendment to 15.1.8.5 NMAC, 15.1.8.6 NMAC, 15.1.8.7 NMAC, 15.1.8.8 NMAC, 15.1.8.10 NMAC, and 15.1.8.15 NMAC.

15.1.8.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section ~~[or paragraph]~~.

15.1.8.6 OBJECTIVE: This rule ~~is intended to~~ establishes standards for accounting, financial reporting, and internal control requirements for gaming operator licensees under the Gaming Control Act.

15.1.8.7 DEFINITIONS: Unless otherwise defined below, terms used in this rule have the same meanings as set forth in the Gaming Control Act:

A. "Act" means the New Mexico Gaming Control Act.

B. "audit" means an examination of an applicant's or licensee's accounting records, financial situation, and business practices to determine compliance with generally accepted accounting princi-

ples, state law, or rules adopted by the Gaming Control Board.

C. "business year" means the annual period used by a licensee for internal accounting purposes.

D. "cash equivalent" means an instrument of equal liquidity and security as that of legal tender.

E. "credit play" means operation of a licensed gaming machine that accumulates awards on a display rather than dispensing the winnings from a hopper; one credit equals the denomination of the game being played.

F. "credit slip" means a cash-out ticket for winnings earned on a gaming machine that provides for credit play.

G. "drop" means the total amount of money and tokens removed from the drop box, or for cashless gaming machines, the amount of credits deducted during play.

H. "drop box" or "drop bucket" means a container in a locked part of the gaming machine or its cabinet that is used to collect the money and tokens retained by the gaming machine that are not used to make automatic payouts from the machine.

I. "gaming tax transfer account" means a bank account maintained by a gaming operator licensee for the exclusive purpose of ~~[electronic funds transfer of]~~ gaming tax payments to the State Treasurer on a monthly basis.

J. "gross revenue" means all receipts from the operation of gaming machines before any deductions and equals the total of cash wagered by patrons and cash received for credit play.

K. "hold percentage" means the percent of coins or credits played that are retained by the gaming machine; it is determined by subtracting the payback percentage from 100%.

L. "hopper" means an assembly inside the gaming machine that receives, holds, and dispenses coins.

M. "licensed premises" means the area of a structure, within the gaming establishment, that is under the direct control of a gaming operator licensee and from which the licensee is authorized to operate and permit the play of gaming machines ~~[; the licensed premises may consist of no more than two non-contiguous areas of the same structure]~~.

N. "payback percentage" means the theoretical percentage that will

be won by a player during a cycle of play on the machine.

O. "soft meter" means an internal electronic accounting system that can be displayed on the screen of a gaming machine or in the coin window on a reel gaming machine.

P. "standard financial statements" means statements that represent fairly an entity's financial position and results of operation in conformity with generally accepted accounting principles.

Q. "State" means the State of New Mexico.

R. "statements on auditing standards" means the auditing standards and procedures published by the American Institute of Certified Public Accountants.

S. "Taxation and Revenue" means the New Mexico Department of Taxation and Revenue.

T. "wager" means a sum of money or thing of value risked on an uncertain occurrence.

15.1.8.8 BOARD AUDIT PROCEDURES:

A. The board will establish and maintain an audit and compliance services division that will have the responsibility to:

(1) conduct periodic and special audits or reviews of the books and records of licensees;

(2) review the accounting methods and procedures used by licensees;

(3) review and observe methods and procedures used by licensees to count and handle cash, tokens, and credit slips;

(4) examine the licensees' records, procedures, and internal controls for the exchange of cash with a gaming patron;

(5) examine and review licensees' internal control procedures;

(6) examine accounting and bookkeeping records and ledger accounts of the licensee or an affiliate of the licensee;

(7) examine the books and records of any licensee when conditions indicate the need for such action or upon the request of the board; and

(8) determine each licensee's compliance with the [~~Gaming Control~~] Act and board rules.

B. The audit and compliance services division will conduct each audit in conformity with the statements on auditing standards or compliance standards established by the board. The audit and compliance services division will prepare a report at the conclusion of each audit and will submit a copy of the report to the board.

C. At the conclusion of each audit, the audit and compliance serv-

ices division will review the results of the audit with the licensee. The licensee may, within 10 days of receipt of the review report, submit to the board, in writing, reasons why the board should reject the results of the audit. The board will consider the licensee's submission in determining whether any corrective or disciplinary action is necessary.

D. When the audit and compliance services division finds the licensee is required to pay additional taxes or fees or is entitled to a refund, the audit and compliance services division will report its findings, and the legal basis upon which the findings are made, to the board and to the licensee.

15.1.8.10 REPORTING AND PAYMENT PROCEDURES:

A. Fees required under the Act and all reports relating to taxes and fees must be received by the board not later than the due date specified by law. In addition, reports relating to taxes must be received by Taxation and Revenue not later than the due date specified by law. Fees and reports will be deemed to be timely filed if the licensee shows, to the board's satisfaction, that the licensee deposited the fees and reports in a United States post office or mailbox, with first-class postage prepaid, properly addressed to the board, and in the case of tax reports, to Taxation and Revenue, within the time allowed for payment of the fees and filing of the reports.

B. All gaming operator licensees must remit to the State the gaming tax as provided for by the Act. Tax payments will be calculated based on net take from the gaming operator licensee's gaming machines, as verified by the machines' soft meters.

C. A gaming operator licensee must establish and maintain a single gaming tax transfer account exclusively for [~~the electronic funds transfer of~~] gaming tax payments to the State Treasurer. In maintaining such bank account:

(1) the gaming operator licensee must maintain a minimum balance at all times in the gaming tax transfer account. Alternatively, the account must be secured at all times by a line of credit or bond issued by a bank or security company acceptable to the [~~State Treasurer~~] board. For purposes of this subsection, "bond" includes cash, cash equivalent instruments or such other instruments as the board determines provide immediate liquidity;

(2) the minimum balance or the security must be equivalent to at least 6% of the previous month's net take from all gaming machines of the non-profit gaming operator licensee and at least 15% of the previous month's net take from all gaming

machines of the racetrack gaming operator licensee;

(3) no withdrawals from the gaming tax transfer account [~~will~~] may cause the account balance to be less than the minimum balance requirement described above;

(4) the gaming tax is due on or before the date designated by Taxation and Revenue. Funds in the gaming tax transfer account will be transmitted no later than the designated day. Any account found with insufficient funds will constitute a violation of this subsection and an unsuitable method of operation;

(5) tax liability will be calculated based on gaming machine polling for the previous month; and

(6) any delinquent monies not available in the bank and account designated by the State Treasurer at the time of any required tax payment will be subject to an interest penalty as determined by Taxation and Revenue. The interest penalty is in addition to any other penalties imposed by the board or Taxation and Revenue.

D. All gaming operator licensees will be liable for all portions of gaming revenue from such times as the funds are received into the gaming machine until the funds are deposited into the designated bank and account of the State Treasurer.

15.1.8.15 SYSTEM OF INTERNAL CONTROL PROCEDURES FOR LICENSEES:

A. Each licensee must establish written administrative and accounting procedures for the purpose of verifying the licensee's liability for taxes under the Act and for the purpose of exercising effective control over the licensee's internal financial affairs. The procedures must be designed to satisfy the requirements, and include the provisions, set forth in Section 60-2E-35 of the Act. In addition, the gaming operator licensee's or applicant's procedures must meet the minimum standards established pursuant to board regulations.

B. The licensee may not implement internal control procedures that do not satisfy the minimum standards unless the board, in its sole discretion, determines that the licensee's proposed internal control procedures satisfy the requirements set forth in Section 60-2E-35 of the Act and approves the proposed system in writing. Within 30 days after a licensee receives notice of such approval, the licensee will comply with the approved procedures, amend its written procedures as necessary, and submit to the board a copy of the written procedures as amended and a written description of the variations from the minimum control standards. The licensee's

chief financial officer and either the licensee's chief executive officer or a licensed owner must sign the report.

C. Each licensee will require its independent certified public accountant to submit to the licensee, on an annual basis, two copies of a written report analyzing the licensee's compliance with approved procedures and minimum control standards. Using the criteria established by the board, the accountant will report each event and procedure that the accountant believes does not satisfy the minimum standards or variations that have been approved by the board in writing pursuant to subsection 15.1.8.15(B) NMAC. Not later than 120 days after the end of the licensee's business year, the licensee will submit to the board a copy of the accountant's report and any other documentation relating to the licensee's items of noncompliance noted by the accountant and describing the corrective measures taken.

D. Before adding any computerized system for monitoring gaming machines or any computerized associated equipment, the licensee must do the following:

(1) amend its accounting and administrative procedures and internal controls to comply with the minimum standards;

(2) submit to the board a copy of the procedures as amended and a written description of the amended procedures signed by the licensee's chief financial officer and either the licensee's chief executive officer or a licensed owner;

(3) comply with any requirements imposed by the board regarding administrative approval of computerized gaming machine monitoring systems or associated equipment; and

(4) after complying with 15.1.8.15.D(1) NMAC through 15.1.8.15.D(3) NMAC above, implement the procedures as amended.

E. ~~[No later than 90 days after the last day of the licensee's business year, or such other period as the board may require, the licensee will report any amendments to the licensee's procedures that the licensee has made since the previous report. The report must include either a copy of the internal control procedures as amended or a copy of each amended page and a written description of the amendments signed by the licensee's chief financial officer and either the licensee's chief executive officer or a licensed owner. If no such amendments have been made, the licensee must submit a statement to that effect signed by the licensee's chief executive officer or a licensed owner.]~~

~~F.~~ If the board determines at any

~~time~~ that the licensee's administrative or accounting procedures do not comply with the requirements of this ~~[sub]section, or the licensee is out of compliance with the approved minimum internal controls,~~ the board will notify the licensee in writing. Within 30 days after ~~[receiving]the date of~~ such notice, the licensee will amend its procedures accordingly, submit a copy of the amended procedures, and provide, in writing, a description of any remedial measures taken.

~~[G].~~ Failure to comply with the minimum standards or any approved variations minimum standards constitutes an unsuitable method of operation.

NEW MEXICO GAMING CONTROL BOARD

This is an amendment to 15.1.10.5 NMAC, 15.1.10.6 NMAC, 15.1.10.9 NMAC, 15.1.10.17 NMAC, 15.1.10.20 NMAC, 15.1.10.22 NMAC, 15.1.10.23 NMAC, 15.1.10.24 NMAC, 15.1.10.25 NMAC, 15.1.10.26 NMAC, 15.1.10.30 NMAC, 15.1.10.35 NMAC, 15.1.10.36 NMAC, and 15.1.10.43 NMAC

15.1.10.5 EFFECTIVE DATE: December 31, 1998, unless a later date is cited at the end of a section ~~[or paragraph]~~.

15.1.10.6 OBJECTIVE: This rule ~~[is intended to]~~establishes standards for the conduct of gaming activities authorized by the Gaming Control Act.

15.1.10.9 UNSUITABLE METHODS OF OPERATION: ~~[A]~~Any activity by any licensee or its agents or employees that is contrary to the health, safety, morals, or welfare of the public, is deemed an unsuitable method of operation. Without limitation, and in addition to any other specific methods of operation or conduct identified in this title as unsuitable, the following may be determined to be unsuitable methods of operation:

~~[1]A.~~ failing to exercise discretion and sound judgment in the operation of the activity authorized under the license;

~~[2]B.~~ permitting persons who are obviously intoxicated to participate in gaming;

~~[3]C.~~ serving or allowing possession of alcoholic beverages by any person on the licensed premises;

~~[4]D.~~ directly or indirectly assisting, employing, or associating with persons or businesses of disreputable character that may adversely affect the general credibility, security, integrity, honesty, fairness or reputation of the proposed activity;

~~[5]E.~~ employing as a key executive any person who has been denied a gaming license, work permit, or finding of suitability in any jurisdiction, or who has failed or refused to apply for such permit or finding;

~~[6]F.~~ failing to comply with all federal, state and local laws and regulations governing the operations of a gaming establishment, including without limitation the payment of all fees and taxes;

~~[7]G.~~ possessing or permitting the operation of any unlicensed gaming machine, gaming device, or other unauthorized device on the gaming establishment;

~~[8]H.~~ conducting, operating, or dealing with any cheating game or device on the gaming establishment, knowingly or unknowingly, that alters or tends to alter the normal random selection of criteria that determine the results of the game;

~~[9]I.~~ except as otherwise provided in this rule, selling, transferring or otherwise assigning interest in the license or revenues from the license;

~~[10]J.~~ denying the board or its agents or other authorized persons access to ~~[, or inspection or disclosure of,]~~ a gaming establishment ~~or records, wherever located,~~ as authorized by the Act and rules adopted by the board;

~~[11]K.~~ a nonprofit operator licensee knowingly or unknowingly permitting persons other than members or auxiliary members to participate in gaming on the licensed premises;

~~[12]L.~~ employment of, association with, or participation in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;

~~[13]M.~~ misrepresentation of any material fact or information to the board;

~~[14]N.~~ engaging in, furthering, or profiting from any illegal activity or practice or any violation of the Act or this title;

~~[15]O.~~ obstructing or impeding the activities of the board or its employees or agents;

~~[16]P.~~ facilitating, participating in, or allowing the issuance of any loans or extending credit to a patron for gaming purposes;

~~[17]Q.~~ conducting or permitting the conduct, knowingly or unknowingly, of any gaming activity other than that allowed pursuant to the license;

~~[18]R.~~ cashing or permitting the cashing of governmental assistance checks, including welfare checks and child support payments;

~~S.~~ failing to follow, or to ensure that employees follow, minimum

internal controls:

T. failing to require employees to wear work permits or key executive identification as required in this title;

U. employment of, contracting with, associating with, or participating in any enterprise or business that has failed to obtain a license as required by the Act; and

~~[(49)]~~V. otherwise failing to conduct gaming operations in accordance with the Act or this title.

15.1.10.17 GAMING BY OWNERS, DIRECTORS, OFFICERS, KEY EXECUTIVES, OR TECHNICIANS:

A. None of the following members of a nonprofit operator licensee, or of any affiliate of the licensee, may play any gaming device made available to members and auxiliary members by that licensee or on a gaming establishment that is owned or operated in whole or in part by that licensee:

(1) the officer holding the highest rank;

(2) officers, members or auxiliary members who have (a) check-writing authority or other access to any account in which gaming receipts may be deposited; or (b) other financial or decision-making responsibility over any gaming activity;

(3) key executives, such as the gaming manager; and

(4) any person who has access to software or an area within the internal structure [or software] of any gaming machine or associated equipment in which the functioning of the gaming machine may be altered or manipulated.

B. No officer, director, owner, or key executive of a racetrack gaming operator licensee, or of any affiliate of the licensee, may play any gaming device made available to the public by that licensee or on a gaming establishment that is owned or operated in whole or in part by that licensee.

C. Except for the purpose of servicing the gaming device, no technician may play any gaming device located at a gaming establishment that is operated by the technician's employer or by any licensee for which the technician or the technician's employer provides services.

15.1.10.20 ADDITIONAL PAYOUTS; PROMOTIONS:

A. ~~[Additional]~~The value of additional payouts and substantial cash or non-cash prizes awarded as part of a promotion and based on gaming machine wagers may [not] be deducted from gaming machine revenue [unless] provided the gam-

ing operator licensee complies with all applicable requirements of this section. The cost of advertising, promotional materials, reimbursements to patrons, and promotions involving gifts of nominal value may not be deducted from gaming machine revenue. A gaming operator licensee is not required to notify the board of any additional payout that is not to be deducted from gaming machine revenue.

B. Additional payouts and promotions must be conducted in a manner that promotes responsible gaming. All printed promotional advertising, including direct mail promotions, must include an appropriate responsible gaming message and toll free telephone number for compulsive gambling assistance.

C. Player tracking systems must be approved by the board in accordance with rules governing approval of associated equipment. A gaming operator licensee must delete a player's name from the system immediately upon the player's request. Names deleted from the player tracking system at the player's request may not be reprogrammed into the system except upon express authorization by the player.

D. The gaming operator licensee must notify the board in writing at least ten business days before the beginning date for the proposed additional payouts. The written notice must include a description of the proposed additional payouts (e.g., double jackpots for all dollar gaming machines), the proposed effective dates for the additional payouts, which may not exceed 90 days without written approval from the board, the times and conditions necessary for additional payouts to occur, the license numbers of the gaming machines offering the additional payouts, and the dollar value of the additional payouts. The same information must be clearly posted on the gaming premises in a clearly visible location during the effective dates of the additional payout program.

E. The gaming operator licensee must notify the board in writing at least ten business days before the beginning date of a promotion. The written notice must include a description of the promotion, a representative copy of all advertising related to the promotion, the proposed beginning and ending dates of the promotion, and a description and dollar value of cash and non-cash prizes or promotional items to be awarded. The gaming operator licensee also must notify the board immediately in writing if there is any change in the beginning or ending date of a promotion.

F. The board's receipt of notice of a proposed additional payout or promotion does not constitute endorsement of the proposed additional payout or promo-

tion or a guarantee by the board that any additional payouts will be made or that promotional items will be awarded.

G. The board is not required to approve or disapprove the proposed additional payouts or promotion, except for extensions of effective dates. The board, however, may direct the gaming operator licensee to cancel, modify or discontinue the additional payouts or promotion if the board determines the additional payouts or promotion is contrary to law or otherwise contrary to the public health, safety, morals, or general welfare.

H. Failure to give the board notice of a proposed additional payout or promotion as required in this rule, or failure to cancel, discontinue or modify those activities as directed by the board, may subject the gaming operator licensee to fines or other disciplinary action.

I. Nothing in this rule [~~is intended to~~] permits the award of an additional payout, cash, or non-cash prize the value of which exceeds jackpot limits established by the Act or these rules.

15.1.10.22 SECURITY:

A. Gaming operator licensees must implement and maintain security measures that will ensure safe and honest operation of the gaming establishment. ~~[If the board determines at any time that the measures implemented by such licensees are insufficient or that an unsafe situation exists, the board may mandate that the licensee provide additional security measures to the board's satisfaction.]~~

B. Off duty police officers or security guards licensed under the Private Investigators and Polygraphers Act by the State Regulation and Licensing Department are required in all gaming establishments with more than 15 gaming machines offered for play. Security personnel must possess and maintain valid identification cards at all times while on duty.

C. A sufficient number of security personnel must be ~~[provided]~~ on duty and in appropriate areas to ensure [the safe operation of the gaming establishment] that gaming activities are conducted safely, honestly, and in compliance with the law. If the board determines at any time that security measures are inadequate, the board may require that the licensee provide additional security measures to the board's satisfaction. Failure to maintain adequate security measures is an unsuitable method of operation.

15.1.10.23 SURVEILLANCE SYSTEMS:

A. Each gaming operator licensee must install, maintain and contin-

ously operate a surveillance system at its licensed gaming establishment. The purpose[s] of the surveillance system ~~[are]~~ is to assist the gaming operator licensee and the State in safeguarding the licensee's assets, in deterring, detecting and prosecuting criminal acts, and in maintaining public confidence and trust that licensed gaming activity is conducted honestly and free of criminal elements and activity.

B. The board, in its sole discretion, may exempt a gaming operator licensee from the requirements of this section. Unless exempted, failure of the licensee to install, maintain and continuously operate an adequate surveillance system, as determined by the board, constitutes an unsuitable method of operation.

C. Within 60 days after filing its application, each applicant for a gaming operator's license must submit a written surveillance system plan to the board. The plan must be in a form approved or required by the board and must include descriptions of all equipment utilized by the surveillance system, a blueprint or diagram that shows all of the areas to be monitored and the placement of surveillance equipment in relation to the activities being observed, a description of the procedures used in the operation of the surveillance system, and any other information required by the board. The plan must be approved before a gaming operator license will be issued.

D. Before implementing any changes to a surveillance system plan, ~~[T]he [applicant or] licensee must submit [amendments to the plan with its license renewal application to show any modifications made to the licensee's surveillance plan during the preceding year. If the gaming operator licensee made no modifications to the surveillance system during the preceding year, the licensee must submit a statement to the board to that effect]~~ the proposed changes to the board for approval.

~~[E.]~~ If, after reviewing the gaming operator ~~[applicant's or] licensee's [written surveillance system plan or modified plan,]~~ proposed changes, the board determines that the proposed plan is not adequate, the board will notify the gaming operator ~~[applicant or] licensee~~ in writing. The gaming operator ~~[applicant or] licensee~~ must revise the proposed plan and ~~[must] submit [the revised plan] it~~ to the board for approval or request a hearing within 30 days after receipt of the board's written notice. Failure to submit ~~[or implement]~~ a revised plan ~~[upon] for~~ board approval constitutes ~~[grounds for denial of the application and]~~ an unsuitable method of operation, unless a hearing has been requested in accordance with this subsec-

tion.

E. A licensee must notify the board immediately of any failure of the surveillance system to continuously monitor the gaming premises or to otherwise operate properly. The board may require temporary suspension of gaming activities until the surveillance system is restored.

15.1.10.24 AUTHORIZED GAMES; GAME REQUIREMENTS:

A. Limited gaming permitted pursuant to Section 60-2E-2(A) of the Act will include only the play of approved games on licensed gaming machines. Table games, side bets, unapproved games, and all other forms of unauthorized gaming are expressly prohibited.

B. No game may be played on a licensed premises until the board has authorized the game in conformity with the gaming operator applicant's or licensee's approved business plan and the gaming machine has been connected and transmitting satisfactorily to the board's central monitoring system.

~~[C. Games must be based on bills, coins, tokens or gaming credits worth between \$.01 and \$20.00 each.]~~

C. [D]. The following games, one or more of which may be simulated on a single gaming machine, are approved for play on a licensed premises:

- (1) draw poker;
- (2) keno;
- (3) blackjack;
- (4) line-up symbols and numbers
- (5) any other game authorized by the board.

15.1.10.25 PAYMENT OF WINNINGS:

A. No gaming machine offered for play by a nonprofit operator licensee may award a prize that exceeds \$4,000. Nonprofit operator licensees may not offer periodic payments of cash or non-cash winnings and must remit the total winnings and non-cash prizes awarded to a patron as the result of any licensed game upon validation of the win.

B. Except as otherwise provided in this rule, a racetrack gaming operator licensee must remit the total winnings and non-cash prizes awarded to a patron as the result of any licensed game upon validation of the win.

C. Nonpayment of winnings and non-cash prizes awarded may subject the gaming operator licensee to disciplinary action, including suspension or revocation of the license, imposition of a fine, or both, if nonpayment is due to:

(1) the gaming operator licensee's failure or refusal to maintain minimum

bankroll requirements established in this title;

(2) the gaming operator licensee's failure or refusal to fund or maintain annuities as required by this title;

(3) the gaming operator licensee's failure or refusal to pay winnings after the board has issued a final order in a patron dispute, unless an appeal of the board's order is pending and enforcement of the order has been stayed by the board or a court of competent jurisdiction;

(4) ~~[the gaming operator licensee's]~~ use of unfair, deceitful, or illegal practice by the gaming operator licensee, its agent, or employee; or

(5) any other reason deemed appropriate by the board.

15.1.10.26 PERIODIC PAYMENTS:

A. Periodic payments of winnings and non-cash prizes awarded to a patron as the result of any licensed game offered by a racetrack gaming operator licensee may be made if one of the following is established as the method of funding the periodic payments:

(1) an irrevocable surety bond or an irrevocable letter of credit with an independent administrator that provides periodic payments to a winner if the licensee defaults for any reason. The written agreement establishing an irrevocable surety bond or irrevocable letter of credit must be submitted to the board for approval;

(2) an irrevocable trust with an independent administrator in accordance with a written trust agreement approved by the board that provides periodic payments from an unallocated pool of assets to a group of winners. The trust must expressly prohibit the winner from encumbering, assigning, or otherwise transferring in any way the winner's right to receive the deferred portion of the winnings except to his or her estate. The assets of the trust must consist of federal government securities including but not limited to treasury bills, treasury bonds, savings bonds or other federally guaranteed securities in an amount sufficient to meet the periodic payments required; or

(3) another irrevocable method of providing the periodic payments to a winning patron that is approved by the board and consistent with the purpose of this rule.

B. The funding of periodic payments must be completed within 30 days of the date the patron wins or is awarded a prize.

C. Periodic payments may not be used for winnings of, or non-cash prizes worth, \$50,000 or less. Periodic payments for total amounts won greater than

\$50,000 must be paid as follows:

(1) for winnings greater than \$50,000 but less than \$100,000, payments must be at least \$10,000 annually;

(2) for winnings of \$100,000 or more, payments must be no less than 1/10 of the total amount annually;

(3) for winnings of \$500,000 or more, payments must be made in the manner set forth in paragraph 15.1.10.26(C)(2) above or in such other manner approved by the board upon application by the licensee; and

(4) the first payment must be made upon validation of the win.

D. Periodic payments of non-cash prizes awarded may be offered if the patron has the right to decide whether to receive the non-cash prize or cash equivalent of the non-cash prize each time a periodic payment is due. The cash equivalent will be the actual cost to the licensee of the non-cash prize on the day such prize was won. The amount of the periodic payments to be funded must be determined by the present value of the cash equivalent of the non-cash prize based on the prime rate.

E. For any licensed game for which periodic payments are or may be used, the racetrack gaming operator licensee must display signs on each gaming device setting forth either the amount or the terms of the payment to be made.

F. If the licensee fails to fund the periodic payments as required by this rule, the licensee must immediately notify the board in writing and must immediately cease offering any licensed game for which periodic payments are used.

G. The present value of all winnings and non-cash prizes offered payable by a periodic payment must be used in calculating the minimum bankroll of the location.

H. The board may waive one or more of the requirements of this section if the racetrack gaming operator licensee submits a written request for waiver to the board and the board makes a written finding that such waiver is not contrary to the public interest and the purposes of the Act.

15.1.10.30 INFORMATION TO BE PROVIDED BY LICENSEES:

A. Every licensee will report to the board, on a quarterly basis, the full name and address of every person, including lending agencies, who has any right, direct or indirect, to share in the profits of such licensed gaming activities, or to whom any interest or share in the profits of a licensed gaming activity has been pledged as security for a debt or deposited as a security for the performance of any act or to

secure the performance of a contract or sale. Such report must be submitted concurrently with an application for renewal of the license.

B. Every gaming operator licensee must report to the board, within 10 days of the date of the event, the name, date of birth, and social security number of any person who acquires the right or ability to control the licensee. "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the licensee or to exercise significant influence over management and policies due to financial investment, assumption of debts or expenses, or other monetary or non-monetary considerations extended to the licensee.

C. Every licensee must report to the board in writing any change in key executive personnel. The report must be made no later than 30 days after the change.

D~~[E]~~. A company licensee, other than a publicly traded corporation, must obtain the board's prior approval before issuing or transferring 5% or more of its securities to any person. Any company licensee seeking approval must file a report of the proposed action and request the board's approval. The licensee must supplement the report with any additional information the board determines is reasonably necessary to its decision to approve or disapprove the proposed action. The request will be deemed filed upon receipt of such information for purposes of the 90-day period set forth in Section 60-2E-25(A) of the Act.

E~~[D]~~. Any person licensed by the board, including employees with work permits, and any affiliate, must notify the board in writing of any criminal conviction and criminal charge pending against such person within 10 days of such person's arrest, summons, or conviction. Notice is not required for any non-felony traffic violation unless the violation results in suspension or revocation of a driver's license or is based on allegations of driving under the influence of intoxicating liquor or drugs. Failure to give proper notice to the board may be grounds for disciplinary action.

F~~[E]~~. Each licensee must report any discovered or suspected plan, scheme, device or other methods of cheating that may compromise the integrity of any gaming device sold or offered for sale, offered for play, or used for any other gaming purpose within the State by such licensee. The report must be in writing and must be submitted not later than seven days after discovery of the plan, scheme, device or other method of cheating. The subject matter and reports of the investigation conduct-

ed under this subsection will be considered confidential except that the board may, in its sole discretion, take whatever steps it deems necessary or appropriate to address or mitigate the cheating problem, including distributing a warning about the cheating problem to other State licensees or other licensing jurisdictions.

G. The holder of a work permit or key executive identification must notify the board in writing of any change in address or employment within 15 days of the change. Refusal or failure to notify the board of any change in address or to obtain a new work permit or key person identification upon change in employment will be grounds for disciplinary action.

15.1.10.35 LICENSE TRANSFER PROHIBITED:

A. Any license granted or renewed by the board may not be transferred. For purposes of this section, "transfer" includes assigning the license.

B. A transfer of license ownership that occurs after the board has issued the license will automatically terminate the license as of the date of the transfer. For purposes of this section, a change in ownership or structure of the licensee constitutes a transfer of the license unless the board determines otherwise following the former licensee's written request for a determination.

C. A change in ownership or structure of the licensee, or change in ownership of the license, in which one or more owners previously certified as suitable by the board retain ownership of the licensee, and no new persons obtain an ownership interest in the licensee or license, does not constitute a transfer of license ownership. The board, however, may require that any or all of the remaining owners submit applications to obtain findings of suitability. Failure of the licensee to request a determination, or to submit applications for findings of suitability as required will automatically terminate the license.

15.1.10.36 POSSESSION AND VERIFICATION OF WORK PERMITS AND KEY EXECUTIVE IDENTIFICATION:

A. Every gaming employee and key executive must wear his or her valid work permit or key executive identification where easily visible at all times when engaged in the conduct of gaming activities. A work permit or key executive identification is not valid if it does not include the board-issued license number under which the work permit or identification was issued.

B. ~~Before employing any~~

~~individual as a gaming employee, the licensee must verify that the individual holds a valid work permit issued in accordance with this title and will reflect such fact in the gaming employee's employment record. A work permit is not valid if it does not include the board issued license number under which the work permit was issued.]~~

~~[C]B.~~ Refusal or failure to [obtain a work permit, to notify the board of any change in employment or address, or to possess]wear the work permit [while engaged in the conduct of gaming operations]or key executive identification as required in this rule will be grounds for disciplinary action.

15.1.10.43 CESSATION OF GAMING ACTIVITIES; SURRENDER AND CANCELLATION OF LICENSE

A. Any licensee that ceases gaming activities for more than seven consecutive days and has not requested and received authorization from the board under section 15.1.10.43 (B) NMAC, must surrender its license to the board within 10 days of ceasing those activities. The board will cancel the license as of the date gaming activities ceased, and no further gaming activities by the licensee will be permitted. Cancellation of a gaming license does not constitute revocation, permanent suspension, or other limiting action of the license by the board. The licensee must submit a new application and obtain a new license before resuming gaming activities.

B. Upon written request, the board may authorize a licensee to temporarily cease gaming activities for a period not to exceed 90 days. The board may grant an extension when a licensee's gaming activities cease due to extraordinary circumstances beyond the licensee's control and the licensee submits a written request for an extension. A licensee who is authorized by the board to temporarily cease gaming activities must notify the board of intent to resume gaming activities but may not resume such activities until approved by the board.

C. The ceasing of gaming activities does not relieve the licensee or former licensee of its obligations to pay any tax, fee or cost due or to submit any report or information required as a result of engaging in gaming activities.

D. The board may take disciplinary action against any licensee that ceases gaming activities without notice to the board, including revoking the license, imposing a fine, or both.

NEW MEXICO DEPARTMENT OF HEALTH PUBLIC HEALTH DIVISION

This Part 7 NMAC 29.4, Primary Care Capital Fund Program, filed November 26, 1996 is hereby repealed and replaced by 7 29.4 NMAC, effective December 28, 2001.

NEW MEXICO DEPARTMENT OF HEALTH PUBLIC HEALTH DIVISION

TITLE 7 HEALTH CHAPTER 29 PRIMARY AND RURAL HEALTH CARE SERVICES PART 4 PRIMARY CARE CAPITAL FUND PROGRAM

7.29.4.1 ISSUING AGENCY: New Mexico Department of Health - Public Health Division [7.29.4.1 NMAC – Rp 7 NMAC 29.4.1, 12/28/01]

7.29.4.2 SCOPE: The Primary Care Capital Fund Program Regulations shall apply to the use of funds by eligible entities available pursuant to the Primary Care Capital Funding Act, Sections 24-1C-6., et seq., NMSA 1978. [7.29.4.2 NMAC – Rp 7 NMAC 29.4.2, 12/28/01]

7.29.4.3 STATUTORY AUTHORITY: These regulations are promulgated pursuant to: 1) the Department of Health Act, Section 9-7-6.E., NMSA 1978; 2) the Primary Care Capital Funding Act, Sections 24-1C-1., et seq., NMSA 1978. [7.29.4.3 NMAC – Rp 7 NMAC 29.4.3, 12/28/01]

7.29.4.4 DURATION: Permanent [7.29.4.4 NMAC – Rp 7 NMAC 29.4.4, 12/28/01]

7.29.4.5 EFFECTIVE DATE: December 15, 2001, unless a later date is cited in a section. [7.29.4.5 NMAC – Rp 7 NMAC 29.4.5, 12/28/01]

7.29.4.6 OBJECTIVE: The objective is to establish standards and procedures for regulating Programs under the Primary Care Capital Funding Act. Section 24-1C-6. NMSA 1978 of the Primary Care Capital Funding Act directs the Department of Health and the New

Mexico Finance Authority to jointly develop and administer loan and Contract for Services Programs established pursuant to the provisions of the Act. [7.29.4.6 NMAC – Rp 7 NMAC 29.4.6, 12/28/01]

7.29.4.7 DEFINITIONS:
A. "Act" means the Primary Care Capital Funding Act (Sections 24-1C-1 to 24-1C-10 NMSA 1978).

B. "Agreement" means the document or documents signed by the Board and the Eligible Entity which specify the terms and conditions of obtaining Financial Assistance under the Program;

C. "Applicant" means an Eligible Entity which has filed a request for Financial Assistance with the Department and the Authority;

D. "Application" means a written document filed with the Department and the Authority by an Applicant for the purpose of obtaining Financial Assistance; an application may include a form prescribed by the Department and the Authority, written responses to requests for information by the Department and the Authority, or other format as determined by the Department and the Authority;

E. "Authority" means the New Mexico Finance Authority;

F. "Authorized Representative" means one or more individuals authorized by the governing body of an Eligible Entity to act on behalf of the Eligible Entity in connection with its application. An Authorized Representative may act on behalf of the Eligible Entity to the extent provided by law;

G. "Board" means the New Mexico Finance Authority Board;

H. "Capital Project" means repair, renovation or construction of a facility, purchase of land, or purchase of capital equipment;

I. "Contract for Services" means an agreement with an Eligible Entity to provide free or reduced fee Primary Care services for Sick and Medically Indigent persons as reasonably adequate legal consideration for money from the Fund to the Eligible Entity so it may acquire or construct a Capital Project to provide the services;

J. "Department" means the New Mexico Department of Health;

K. "Eligible Entity" means a community-based nonprofit Primary Care clinic or Hospice that operates in a rural or other Health Care Underserved Area of the State and that has assets totaling less than ten million dollars (\$10,000,000.00) and is a 501 (c)(3) nonprofit corporation for federal income tax

purposes;

L. "Finance Committee" means a six-member body, three members appointed by the chairman of the Board from the members of the Board and/or the Authority staff and three members appointed by the Department;

M. "Financial Assistance" means loans, contracts for services, and any other type of assistance authorized by the Act, or a combination thereof, provided by the Authority to an Eligible Entity under the Program for the funding of a Capital Project;

N. "Fund" means the Primary Care Capital Fund;

O. "Health Care Underserved Area" (HCUA) means geographic areas, special populations or institutions designated by the Department as having identifiable need for health services. These designations may recognize need for either general or special health care services. State HCUA designations may give consideration to federally designated Health Professional Shortage Areas (HPSA) and Medically Underserved Areas (MUA).

P. "Hospice" means an organization, company, or any other entity which provides a Program of palliative and supportive services which provides physical, psychological, social and spiritual care for terminally ill patients and their family members in a Licensed Facility equipped and staffed to provide services on a twenty-four (24) hour basis.

Q. "Licensing Authority" means the Department.

R. "Licensed Facility" means facility licensed by the Department and complies with all applicable state and federal licensing requirements.

S. "Mid-level Provider" means licensed or certified non-physician Primary Care provider including physician assistant, nurse practitioner or nurse midwife.

T. "Primary Care" means the first level of basic or general health care for an individual's health needs, including diagnostic and treatment services; "Primary Care" includes the provision of mental health services if those services are integrated into the Eligible Entity's service array;

U. "Program" means the Primary Care Capital Project Finance Program authorized by the Act;

V. "Sick and Medically Indigent" means both those individuals below the federal poverty

level not covered by private third party health care insurance and those individuals between 100% and 200% of federal poverty levels who are not covered by any private third party health insurance. Medically

indigent individuals are usually expected to pay for some portion of the cost of their health care based upon the level of their income.

[7.29.4.7 NMAC – Rp 7 NMAC 29.4.7, 12/28/01]

7.29.4.8 APPLICATION PROCEDURES FOR FINANCIAL ASSISTANCE

A. Contingent upon a sufficient balance in the Fund, the Department and the Authority may establish one or more application cycles in any state fiscal year. At the beginning of any application cycle, the Department and the Authority will notify eligible entities that applications are being accepted for financing of Capital Projects.

B. The Department and the Authority will provide forms and/or guidelines for application to apply for Program funds. The application shall be signed by the Authorized Representative and submitted to the Department. The application shall include the following:

(1) type of Financial Assistance being sought and itemization of the proposed use or uses of the Financial Assistance;

(2) detailed description of the circumstances which justify the need for the Capital Project, including:

- (a) eligibility of application entity
- (b) programmatic appropriateness
- (c) facility need as covered in

Section 9.2.a.

(d) needs of community as covered in Section 9.2 b.

(3) detailed description of the Capital Project to be financed. Information on each Capital Project must include:

- (a) description of the scope of work of the Capital Project;
- (b) the estimated cost of the Capital Project;
- (c) the target date for the initiation of the Capital Project and the estimated time to completion;

(d) the estimated useful life of the Capital Project and selected components (furnishings, equipment, etc.), as detailed on the application form;

(e) proof of applicable licenses and certifications; and

(f) other data as requested by the Department or the Authority.

(4) a copy of the Applicant's articles of incorporation and by-laws;

(5) a copy of the Applicant's Internal Revenue Service tax exempt determination letter;

(6) a letter certifying that the

Capital Project was duly authorized and approved by the Applicant's governing body;

(7) identification of the source of funds for repayment of the Financial Assistance and the source of funds to operate and maintain the Capital Project over its useful life;

(8) the Applicant's audited financial reports for the most recent three years;

(9) the requested loan payback period;

(10) any existing title insurance policies, title abstracts or searches of the real property owned by the Applicant;

(11) information on the current and proposed services of the Applicant to the sick and medically indigent;

(12) additional information as requested by the Department, Board or Finance Committee.

C. The Department shall conduct a review of the application for eligibility, completeness and programmatic priority.

D. The Department will refer the applications to the Finance Committee. The Finance Committee will consider the Capital Project and may confer with outside parties as necessary to obtain more information on the financial feasibility, Capital Project feasibility, and readiness to proceed. The Finance Committee will make a written recommendation to the Board. Such recommendation will include approval or disapproval of specific Capital Projects and the estimated costs thereof. The Finance Committee may also, at its discretion, recommend interest rates, loan periods, loan amounts and amounts of contracts for services.

E. Once a recommendation has been made on the application by the Finance Committee, the Board will act on the application no later than the next regular Board meeting at which such item may be properly considered, or 45 days after Finance Committee action, whichever comes first. The Board may approve all or part of the application as recommended by the Finance Committee. Board approval may specify, at the Board's discretion, terms and conditions of the Financial Assistance as necessary to ensure repayment, including but not limited to, maximum loan term and maximum annual payments.

F. The Board will notify the Applicant of the approval or disapproval of its application by telephone and will mail written notification by certified mail within seven working days of Board action. Written notification of the approval will be accompanied by an Agreement to be signed by an Authorized Representative of the

Applicant and returned to the Board by certified mail.

G. All communications regarding an Eligible Entity's original application shall be directed to the Department.
[7.29.4.8 NMAC – Rp 7 NMAC 29.4.8, 12/28/01]

7.29.4.9 EVALUATION OF APPLICANT AND CAPITAL PROJECT

The Department and Authority will complete an evaluation of the Applicant and proposed Capital Project. Such evaluation will include, to the extent applicable, an evaluation of Capital Project feasibility, administrative capacity, and financial position.

A. An Eligible Entity:

(1) Must be a community-based nonprofit Primary Care clinic or Hospice that operates in a rural or other Health Care Underserved Area of the State and that has assets totaling less than ten million dollars (\$10,000,000.00) and is a 501 (c)(3) nonprofit corporation for federal income tax purposes.

(2) Have a governing board whose membership is generally representative of the health care underserved area served. An eligible organization which is multipurpose or provides services in more than one Health Care Underserved Area must have a local or regional Primary Care or Hospice advisory board whose membership is generally representative of the Health Care Underserved Area being served.

(3) If a Primary Care clinic, must sustain or provide a minimum level of primary health care services through the services of a physician or midlevel provider. Services may additionally include, but not be limited to, medical support, diagnostic and treatment services, pharmacy, laboratory, radiology, preventive health services, emergency medical services, mental health, patient follow-up, and/or dental and dental support services. Such services shall be provided in coordination with primary medical care services.

(4) If a Hospice, comply with all New Mexico Requirements for Inhome and Inpatient Hospice Care as specified in 7 NMAC 12.2 or such other regulations as may be adopted by the Department.

(5) Have policies and procedures which assure that no person will be denied services because of inability to pay. These policies and procedures must address the medically indigent persons below poverty not covered by third party payors and those between 100% and 200% of poverty without third party coverage. The Eligible

Entity must be able to demonstrate either the successful impact of these policies and procedures, or have a practical plan for their implementation.

(6) Have billing policies and procedures which maximize patient collections except where Federal regulations or contractual obligations prohibit the use of such measures. The Eligible Entity must be able to demonstrate either the successful impact of these policies and procedures, or have a practical plan for their implementation.

(7) Provide a written assurance, signed by an attorney, that it has proper title, easements, leases, and right of ways to the property upon which any facility proposed for funding is constructed or improved.

(8) Comply with all applicable federal, state, and local laws and regulations.

(9) Meet other requirements as determined by the Department.

B. Need. The Department will determine priorities for community need and facility/equipment need.

C. Capital Project Feasibility. The Finance Committee will analyze each Capital Project to determine whether the Capital Project is feasible. Extension of Financial Assistance by the Authority does not constitute a warranty or other guarantee as to the feasibility of the Capital Project.

D. Administrative Capacity. The Finance Committee will evaluate the extent to which the Applicant has sufficient administrative capacity.

E. Financial Position. Financial performance is a key factor in the evaluation of an Applicant.

The Applicant must demonstrate that the excess of public support and revenues over expenses for the most recent fiscal year or the projected amount for the fiscal year after the Capital Project's completion (after adding back annual depreciation and interest) provides sufficient coverage of the previous year's annual debt service and sufficient coverage of projected maximum annual debt service after accounting for the Authority's loan.

F. Service Capacity. The Department will establish priorities for Financial Assistance, determine the appropriateness of the Capital Project, evaluate the capability of an Applicant to maintain Primary Care or Hospice services, and determine that Capital Projects comply with all state and federal licensing requirements. The Department will determine, for applications for contracts for service, the adequacy of proposed plans to provide Primary Care services in lieu of loan repayment.

G. Geographic Location. The Department will determine whether

there is fair geographic distribution of Financial Assistance.

[7.29.4.9 NMAC – Rp 7 NMAC 29.4.9, 12/28/01]

7.29.4.10 ELIGIBLE PUBLIC CAPITAL PROJECTS AND COSTS: The Authority provides Financial Assistance to eligible entities only for Capital Projects, as defined above. Costs which may be financed under the Program include all or any portion of the cost of eligible Capital Projects. An Applicant which has had Financial Assistance approved by the Board may apply to the Board to redirect the Financial Assistance to modify a Capital Project made necessary by unanticipated events.

[7.29.4.10 NMAC – Rp 7 NMAC 29.4.10, 12/28/01]

7.29.4.11 CAPITAL PROJECT FINANCING

A. The Authority reserves the right to structure Financial Assistance packages that include loans, contracts for services, and any other type of assistance authorized by the Act. The structure, terms and conditions of the Financial Assistance will be determined by Board resolution. Financial Assistance for Capital Projects may be pooled, at the discretion of the Authority.

B. Priority will be given to applications for Capital Projects which show substantial community support, including, but not limited to, the identification of other financing.

C. Eligible Items/Ineligible Items. The following items shall be eligible or ineligible for purposes of funding through a loan or Contract for Services.

(1) Eligible Item/Uses of Funds

- a. Building, construction, renovation
- b. Land (can only be funded by a loan)
- c. Capital Project planning and design
- d. Purchase of capital equipment

(2) Ineligible Item/Uses of Funds

- a. Repair and/or maintenance of necessary medical and dental equipment
- b. Mobile clinics
- c. Purchase of office, medical, and/or dental supplies
- d. General operating expenses.

D. Loans. Capital Projects or Applicants may be eligible for loans made directly from available resources.

E. Contracts for Services. The Authority may enter into a Contract for Services to offset a portion or all of an Applicant's loan repayments. No more than 20% of the Funds awarded in any application cycle shall be made available as con-

tracts for services in that cycle. The amount of any Contract for Services offered as part of any Financial Assistance package will be recommended by the Finance Committee based upon consideration of the need for the Capital Project, the inability of the Applicant to afford debt financing in the near term and the proposed plan to provide services for Sick and Medically Indigent free or at a reduced fee.

[7.29.4.11 NMAC – Rp 7 NMAC 29.4.11, 12/28/01]

7.29.4.12 FINANCING APPROVAL REQUIREMENTS: Based on the evaluation factors set forth in 7.29.4.9, the Board may award Financial Assistance to the Applicant provided the following requirements are satisfied:

A. In determining the qualification for Financial Assistance, the Board may consider the ability of the Eligible Entity to secure financing from other sources and the costs of the Financial Assistance.

B. In approving a Contract for Services, the Board will consider the recommendations of the Finance Committee.

C. In approving a loan application, the Board will review the Applicant's ability to repay the loan extended. The Board will establish a base interest rate for loans. A portion or all of the loan repayment may be offset by a contract for service.

D. In approving an application for debt financing, the Board will find that the useful life of the Capital Project will meet or exceed the final maturity of loans made or bonds purchased or issued by the Board and must meet standards for reasonable costs set by the Board.

E. To be eligible for a loan, the Applicant shall agree to properly maintain separate Capital Project accounts in accordance with generally accepted accounting principles and to conduct an annual audit of the Capital Project's financial records during the term of the loan.

F. In order to receive Financial Assistance, the Applicant shall provide a written opinion, signed by an attorney, that the Eligible Entity has or will acquire proper title, easements and rights-of-way to the property upon or through which the Capital Project is to be constructed or extended.

G. Any contract or sub-contract executed for the completion of any Capital Project shall contain a provision that there shall be no discrimination against any employee or Applicant for employment because of race, color, creed, sex, religion, sexual preference, ancestry or national origin.

H. In order to receive Financial Assistance, the Applicant shall require any contractor of a Capital Project to post a performance and payment bond in accordance with the requirements of Section 13-4-18 NMSA 1978 and its subsequent amendments and successor provisions.

I. In addition to the foregoing, the Eligible Entity shall satisfy any other requirements as may be determined by the Authority.

J. Reserved
[7.29.4.12 NMAC – Rp 7 NMAC 29.4.12, 12/28/01]

7.29.4.13 RECONSIDERATION

A. An Applicant may request reconsideration of a contrary decision by the Department as to whether it is an Eligible Entity as defined by the Act. Notice must be given to the Department in writing within ten (10) working days of receipt of the Department's decision as to eligibility.

B. An Applicant may request reconsideration of a decision by the Board denying funding to an Eligible Entity by notifying the Authority in writing within forty-five days of the date on which notice of an adverse decision is given by the Authority to an Applicant. Notice is deemed to be given on the fifth business day following the date on which written notice is mailed to the Applicant by the Authority by certified U.S. mail. A request for reconsideration not timely or properly made will be barred. The Authority's Executive Director will promptly review each timely request for reconsideration and will recommend, at the next regular meeting of the Board, action to be taken by the Board. The Board will review and take action on the request for reconsideration and will notify the Applicant of the Board's decision, in writing, within five working days of the Board's decision. The decision of the Board is final.

[7.29.4.13 NMAC – Rp 7 NMAC 29.4.13, 12/28/01]

7.29.4.14 FINANCIAL ASSISTANCE AGREEMENT

A. The Authority and the Eligible Entity will enter into an Agreement to establish the terms and conditions of Financial Assistance from the Authority including, as appropriate, a Contract for Services. The Agreement will include the terms of repayment and sanctions available to the Authority in the event of a default. The Authority will diligently monitor terms of the Agreement and enforce all terms and conditions thereof, including prompt notice and collection. The Department will monitor the performance of an Eligible Entity

under any Contract for Services and report to the Authority quarterly on the contractor's efforts to provide free or reduced fee Primary Care services for Sick and Medically Indigent persons. The Authority will take actions as necessary to ensure loan repayment and the integrity of the Fund.

B. The interest on any Financial Assistance extended shall be determined by the Board based on the cost of funds and ability of the Eligible Entity to pay. The interest rate shall not change during the term of the Financial Assistance unless refinanced.

C. The Agreement will contain provisions which require Financial Assistance recipients to comply with all applicable federal, state and local laws and regulations.

D. In the event of default by the qualified entity, the Authority may enforce its rights by suit or mandamus and may utilize all other available remedies under state and applicable federal law.

E. If land is to be purchased with a loan from the Fund, the Authority shall ensure that the title is merchantable and free and clear from liens or encumbrances. The state shall also require that a title insurance policy insuring the state's interest as a first lien be obtained as a condition of making the loan. The Eligible Entity shall not encumber the land purchased by granting or creating any additional security interest in the land while any amount of the loan is unpaid. The Eligible Entity shall pay immediately any encumbrance or lien against the land that attaches while any amount of the loan is unpaid. No contracts for services shall be made to purchase land.

F. If an Eligible Entity that has received a loan or Contract for Services for a Capital Project ceases to maintain its nonprofit status or ceases to deliver Primary Care services at the site of the Capital Project for twelve consecutive months, the state shall have the following remedies at its option, subject to liens having preference:

(1) order liquidation of the premises and recover any loan balance or amount due on the contract and any interest previously forgiven on the loan, imputed at the prevailing interest rate at the time of the loan; or

(2) foreclose on the property and convert it to state use or transfer title to another Eligible Entity.

G. If an Eligible Entity has received a loan or contract for service for a Capital Project, the loan or contract for service may be renegotiated if the entity is still eligible but has had a change in financial status.

[7.29.4.14 NMAC – Rp 7 NMAC 29.4.14,

12/28/01]

7.29.4.15 ADMINISTRATION OF THE PRIMARY CARE CAPITAL FUND

A. The Fund shall be administered by the Authority as a separate account in the State Treasury, but may consist of such sub accounts as the Authority deems necessary to carry out the purposes of the Fund.

B. Money from repayments of loans or payments on securities held by the Authority for Capital Projects authorized specifically by law shall be deposited in the Fund. The Fund shall also consist of any other money appropriated, distributed or otherwise allocated to the Fund for the purpose of financing Capital Projects authorized specifically by law.

C. The Authority shall adopt a uniform accounting system for the Fund and related accounts and sub-accounts established by the Authority, based on generally accepted accounting principles. [7.29.4.15 NMAC – Rp 7 NMAC 29.4.15, 12/28/01]

HISTORY of 7.29.4 NMAC:**Pre-NMAC History:**

Material in this part was derived from that previously filed with the Commission of Public Records – State Records Center and Archives as: DOH 94-08 [CHSD] Regulations governing the Primary Care Capital Fund Program, filed 9-13-94.

HISTORY of Repealed Material: 7 NMAC 29.4, Primary Care Capital Fund Program, filed 4-14-98.

Other History: 7 NMAC 29.4, Primary Care Capital Fund Program, filed 4-14-98 renumbered, reformatted and replaced by 7.29.4 NMAC, Primary Care Capital Fund Program, effective 12/28/01.

HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.430 NMAC, Section 16 which will be effective on January 1, 2002. The Medical Assistance Division made the following amendments: language was added in subparagraph (f) of Paragraph (4) of Subsection A of 8.200.430.16 NMAC to remove the copayment requirement for broken appointments; language was added in Paragraph (5) of Subsection A of 8.200.430.16 to include WDI and language was added to reflect an annual copayment maximum for WDI.

8.200.430.16 RECIPIENT FINAN-

CIAL RESPONSIBILITIES: Providers who participate in Medicaid agree to accept the amount paid as payment in full, see 42 CRF 447.15, with the exception of copayment amounts required for categories 032 children in families with income between 185-235% FPL (State Children's Health Insurance Program) and 043 the Working Disabled Individuals program. Other than the copayments required for the categories 032 SCHIP and 043 WDI recipients, a provider cannot bill a recipient for any unpaid portion of the bill or for a claim that is not paid because of provider administrative error or failure of multiple providers to communicate eligibility information. Effective July 1, 2000, Native Americans under SCHIP and WDI programs are exempt from copayment requirements.

A. Direct Recipient Responsibility for Payment

(1) Failure to Follow Managed Care Policies: A recipient must be aware of the physicians, pharmacies, hospitals, and another provider who participate in their Health Maintenance Organization (HMO) or other managed care plan. A recipient is responsible for payment for services if he/she uses a provider who is not a participant in his/her plan or if he/she receives any services without complying with the rules, policies, and procedures of the plan.

(2) Denied Emergency Room Claims: A recipient is responsible for payment of a hospital outpatient emergency room claims if a determination is made by MAD or its designee that an emergency did not exist at the time the service was furnished.

(a) A provider can bill the recipient directly for the denied emergency room charge.

(b) The recipient cannot be billed for denied ancillary services, such as laboratory and radiology services.

(3) Other Recipient Payment Responsibilities: If all the following conditions are met before a service is furnished, a recipient can be billed directly by a provider for services and is liable for payment:

(a) The recipient is advised by a provider that the particular services is not covered by Medicaid or are advised by a provider that he/she is not a Medicaid provider;

(b) The recipient is informed by a provider of the necessity, options, and charges for the services and the option of going to other provider who is a Medicaid provider; and

(c) The recipient agrees in writing to have the service provided with full knowledge that he/she is financially respon-

sible for the payment.

(4) Copayment Responsibility for SCHIP and WDI Recipients: Children eligible for category 032 with family income between 185-235% of poverty (SCHIP) and Working Disabled Individuals (WDI), category 043, will have copayment requirements as follows:

(a) \$5 per outpatient physician visit, other practitioner visit, clinic visit, urgent care visit, outpatient therapy session, or behavioral health session.

(b) \$5 per dental visit

(c) \$15 per emergency room visit

(d) \$25 per inpatient hospital admission

(e) \$2 per prescription, applies to prescription and non-prescription drug items.

(f) \$5 for a missed appointment.

Based on standard provider practice, a recipient may be billed for cancellation of an appointment without adequate notice. This provision, (f), does not apply to the Working Disabled Individuals (WDI), category 043.

(g) Preventive and prenatal care services and contraceptive management are exempt from the copayment. Services provided at Indian Health Service facilities, by urban Indian providers, and by tribal 638s are also exempt.

(h) There is no copayment required during presumptive eligibility or retroactive eligibility periods.

(i) There is no copayment required for services provided to Native Americans.

(j) It is the responsibility of the provider to collect the copayments.

(5) Copayment Maximum For SCHIP and WDI: It is the responsibility of the family to track and total the copayments paid. Once the family yearly maximum amount for SCHIP and WDI recipients has been paid by the family via copayments on Medicaid covered services, the recipient must notify the Medical Assistance Division. Verification must be provided to the Medical Assistance Division that the copayment maximum for SCHIP and WDI recipients has been paid. The first month that copayments will no longer be required by the SCHIP and WDI recipient is the month following the month in which it has been verified by the Medical Assistance Division that the maximum amount has been met. If the determination is made after the twenty-fifth (25th) of the month, the change is made effective the second month after the request. No retroactive eligibility for the "met copayment maximum" criteria is allowed. Subsequent to establishing that the copayment maximum amount has been met, the WDI recipient and the family of SCHIP recipients is not

[1-1-95, 7-1-95, 3-30-96, 8-31-96, 4-1-97, 6-30-97, 4-30-98, 6-30-98, 1-1-99, 7-1-99, 7-1-00; 8.200.510.12 NMAC - Rn, 8 NMAC 4.MAD.510.2 & A, 1-1-01, 7-1-01; A, 1-1-02]

8.200.510.13 AVERAGE MONTHLY COST OF NURSING FACILITIES FOR PRIVATE PATIENTS USED IN TRANSFER OF ASSET PROVISIONS: Costs of care are based on the date of application registration.

<u>DATE</u>	<u>AVERAGE COST PER MONTH</u>
A. July 1, 1988 - Dec. 31, 1989	\$ 1,726 per month
B. Jan. 1, 1990 - Dec. 31, 1991	\$ 2,004 per month
C. Jan. 1, 1992 - Dec. 31, 1992	\$ 2,217 per month
D. Effective July 1, 1993, for application register on or after Jan. 1, 1993	\$ 2,377 per month
E. Jan. 1, 1994 - Dec. 31, 1994	\$ 2,513 per month
F. Jan. 1, 1995 - Dec. 31, 1995	\$ 2,592 per month
G. Jan. 1, 1996 - Dec. 31, 1996	\$ 2,738 per month
H. Jan. 1, 1997 - Dec. 31, 1997	\$ 2,889 per month
I. Jan. 1, 1998 - Dec 31, 1998	\$ 3,119 per month
J. Jan. 1, 1999 - Dec. 31, 1999	\$ 3,429 per month
K. Jan. 1, 2000 - Dec. 31, 2000	\$ 3,494 per month
L. Jan. 1, 2001 - Dec. 31, 2001	\$ 3,550 per month
M. Jan. 1, 2002 -	\$ 3,643 per month

Any fraction of a month remaining when this calculation is completed is dropped.

[1-1-95, 3-30-96, 4-1-97, 4-30-98, 1-1-99, 7-1-00; 8.200.510.13 NMAC - Rn, 8 NMAC 4.MAD.510.3 & A, 1-1-01: A, 1-1-02]

8.200.510.14 [COVERED QUARTER INCOME STANDARD:

<u>DATE</u>	<u>CALENDAR QUARTER AMOUNT</u>
Jan. 2001 - Dec. 2001	— \$830 per calendar quarter

[Reserved][8.200.510.14 NMAC - N, 1-1-01; A, 1-1-02]

NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.520 NMAC, Sections 12, 13, 15, 16 and 20, which will be effective on January 1, 2002. The Medical Assistance Division amended subsections in each section by changing the deduction amounts.

8.200.520.12 COLA DISREGARD COMPUTATION

<u>Current Amt/Cost of Living</u>	<u>Benefit Period</u>
<u>Current Title II Amount</u> =	Benefit Before 1/01 <u>1/02</u>
1.026 <u>1.026</u>	
<u>Benefit Before 1/02</u> =	Benefit Before 1/01
<u>1.035</u>	
<u>Benefit Before 1/01</u> =	Benefit Before 1/00
1.024 <u>1.025</u>	
<u>Benefit Before 1/00</u> =	Benefit Before 1/99
<u>1.013</u>	
<u>Benefit Before 1/99</u> =	Benefit Before 1/98
<u>1.021</u>	
<u>Benefit before 1/98</u> =	Benefit Before 1/97
<u>1.029</u>	
<u>Benefit before 1/97</u> =	Benefit Before 1/96
<u>1.026</u>	
<u>Benefit before 1/96</u> =	Benefit Before 1/95
<u>1.028</u>	
<u>Benefit before 1/95</u> =	Benefit Before 1/94
<u>1.026</u>	
<u>Benefit before 1/94</u> =	Benefit Before 1/93
<u>1.030</u>	
<u>Benefit before 1/93</u> =	Benefit Before 1/92
<u>1.037</u>	
<u>Benefit before 1/92</u> =	Benefit Before 1/91
<u>1.054</u>	
<u>Benefit before 1/91</u> =	Benefit Before 1/90
<u>1.047</u>	
<u>Benefit before 1/90</u> =	Benefit Before 1/89
<u>1.040</u>	
<u>Benefit before 1/89</u> =	Benefit Before 1/88
<u>1.042</u>	
<u>Benefit before 1/88</u> =	Benefit Before 1/87

1.013 <u>Benefit before 1/87 =</u>	Benefit Before 1/86
1.031 <u>Benefit before 1/86 =</u>	Benefit Before 1/85
1.035 <u>Benefit before 1/85 =</u>	Benefit Before 1/84
1.035 <u>Benefit before 1/84 =</u>	Benefit Before 7/82
1.074 <u>Benefit before 7/82 =</u>	Benefit Before 7/81
1.112 <u>Benefit before 7/81 =</u>	Benefit Before 7/80
1.143 <u>Benefit before 7/80 =</u>	Benefit Before 7/79
1.099 <u>Benefit before 7/79 =</u>	Benefit Before 7/78
1.065 <u>Benefit Before 7/78 =</u>	Benefit Before 7/77
1.059	

[1-1-95, 4-1-95, 3-30-96, 4-1-97, 4-30-98, 1-1-99; 8.200.520.12 NMAC – Rn, 8 NMAC 4.MAD.520.6 & A, 1-1-01; A, 1-1-02]

8.200.520.13 FEDERAL BENEFIT RATES

YEAR	Individual	Inst.	Indiv.	Couple	Inst.	Couple
	FBR	FBR	VTR	FBR	FBR	VTR
1/89 to	\$368	\$30	\$122.66	\$553	\$60	\$184.33
1/90						
1/90 to	\$386	\$30	\$128.66	\$579	\$60	\$193.00
1/91						
1/91 to	\$407	\$30	\$135.66	\$610	\$60	\$203.33
1/92						
1/92 to	\$422	\$30	\$140.66	\$633	\$60	\$211.00
1/93						
1/93 to	\$434	\$30	\$144.66	\$652	\$60	\$217.33
1/94						
1/94 to	\$446	\$30	\$148.66	\$669	\$60	\$223.00
1/95						
1/95 to	\$458	\$30	\$152.66	\$687	\$60	\$229.00
1/96						
1/96 to	\$470	\$30	\$156.66	\$705	\$60	\$235.00
1/97						
1/97 to	\$484	\$30	\$161.33	\$726	\$60	\$242.00
1/98						
1/98 to	\$494	\$30	\$164.66	\$741	\$60	\$247.00
1/99						
1/99 to	\$500	\$30	\$166.66	\$751	\$60	\$250.33
1/00						
1/00 to	\$512	\$30	\$170.66	\$769	\$60	\$256.33
1/01						
1/01 to	\$530	\$30	\$176.66	\$796	\$60	\$265.33
1/02						
1/02 to	\$545	\$30	\$181.66	\$817	\$60	\$272.33
1/03						

Ineligible Child Deeming Allocation: [~~\$266.00~~] \$273.00

Part B Premium is [~~\$50.00~~] \$54.00 per month.

VTR (Value of One Third Reduction) is used when an individual or couple lives in the household of another and receives food and shelter from the household or when the individual or couple is living in their own household but receiving support and maintenance from others.

Effective January 1, 1989, the SSI resource standard was increased to \$2,000 for an individual and \$3,000 for a couple. These amounts did not change in 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, or 2001.

[1-1-95, 4-1-95, 3-30-96, 4-1-97, 4-30-98, 1-1-99; 8.200.520.13 NMAC – Rn, 8 NMAC 4.MAD.520.7 & A, 1-1-01; A, 1-01-02]

8.200.520.15 SSI LIVING ARRANGEMENTS

A. Individual Living in His/Her Own Household who Own or Rent

Payment Amount: [~~\$530~~] \$545 Individual
 [~~\$796~~] \$817 Couple

B. Individual Receiving Support and Maintenance Payments: For an individual or couple living his/her own household, but receiving support and maintenance from others (such as food, shelter or clothing), subtract the value of one third reduction (VTR).

Payment amount: [~~\$530 - \$176.66 = \$353.34~~] \$545 - \$181.66 = \$363.44 Individual
 [~~\$796 - \$265.33 = \$530.67~~] \$817 - \$272.33 = \$544.67 Couple

C. Individual or Couple Living Household of Another: For an individual or couple living in another person's house-

hold and not contributing his/her pro-rata share of household expenses, subtract the VTR.

Payment amount: [~~\$530~~ - ~~\$176.66~~ = ~~\$353.34~~] \$545 - \$181.66 = \$363.44 Individual
 [~~\$796~~ - ~~\$265.33~~ = ~~\$530.67~~] \$817 - \$272.33 = \$544.67 Couple

D. **Child Living in Home with His/Her Parent(s)**

Payment amount: [~~\$530~~] \$545

E. **Individual in Institution**

Payment amount: \$30.00

[1-1-95, 4-1-95, 3-30-96, 4-1-97, 4-30-98, 1-1-99; 8.200.520.15 NMAC - Rn, 8 NMAC 4.MAD.520.9 & A, 1-1-01; A, 1-1-02]

8.200.520.16 MAXIMUM COUNTABLE INCOME FOR INSTITUTIONAL CARE MEDICAID AND HOME AND COMMUNITY BASED WAIVER CATEGORIES: Effective January 1, [~~2000~~]2002, the maximum countable monthly income standard for Institutional Care Medicaid and the Home and Community Based Waiver Categories is [~~\$1,570~~] **\$1,615.**

[4-1-95, 3-30-96, 4-1-97, 4-30-98, 1-1-99, 4-1-99; 8.200.520.16 NMAC - Rn, 8 NMAC 4.MAD.520.10 & A, 1-1-01; A, 1-1-02]

8.200.520.20 COVERED QUARTER INCOME STANDARD:

DATE	CALENDAR QUARTER AMOUNT
Jan. 2001 - Dec. 2001	[\$830] \$870 per calendar quarter

[8.200.520.20 NMAC - Rn, 8.200.510.14 NMAC & A, 1-1-02]

HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.243.400 NMAC, Section 18 which will be effective on January 1, 2002. The Medical Assistance Division made the following amendments: language was added in Section 18 of 8.243.400 NMAC a citation was added regarding copayment responsibility.

8.243.400.18 RECIPIENT RIGHTS AND RESPONSIBILITIES:

The individual is responsible for establishing his/her eligibility for Medicaid. As part of this responsibility, the individual must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. The individual must also grant the Human Services Department (HSD) permission to contact other persons, agencies or sources of information which are necessary to establish eligibility. The Copayment responsibility for WDI recipients is outlined in 8.243.600.9 NMAC.

[8.243.400.18 NMAC - N, 1-1-01; A, 1-1-02]

HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.243.500 NMAC, Section 17 which will be effective on January 1, 2002. The Medical Assistance Division made the following amendment: a reference to 8.243.500.17 was changed to reflect the renumbering of the section.

8.243.500.17 INCOME: See 8.215.500.18 NMAC.

A. Earned Income consists of the total gross income received by an individual for services performed as an employee or as a result of self-employment.

(1) **Royalties** earned in connection with the publication of the applicant's/recipient's work and any honoraria/fees received for services rendered are considered earned income.

(2) In any given calendar quarter, a self-employed individual must have earnings equal to Social Security Administration's definition of a covered quarter. See [~~8-200.510.14 NMAC~~] 8.200.520.20 NMAC.

B. Unearned Income consists of all other income (minus exclusions and disregards) that is not earned in the course of employment or self employment.

C. DEEMED INCOME is income which must be considered available to the applicant/recipient from one spouse to the other when both live in the same household. Deemed income is counted in determining eligibility.

[8.243.500.17 NMAC - N, 1-1-01; A, 1-1-02]

HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.243.600 NMAC, Section 9 which will be effective on January 1, 2002. The Medical Assistance Division made the following amendments: Subsection A of Section 9 in 8.243.600 NMAC was added adding an annual copayment maximum.

8.243.600.9 GENERAL BENEFIT DESCRIPTION: An individual who is eligible for Medicaid coverage under the Working Disabled Individuals program is

eligible to receive the full range of Medicaid covered services.

A. Copayment Responsibility for WDI Recipients: Eligible recipients have copayment requirements as follows:

(1) \$2 per prescription, applies to covered prescription and non-prescription drug items.

(2) \$5 per dental visit

(3) \$5 per outpatient physician visit, other practitioner visit, clinic visit, urgent care visit, outpatient therapy session, or behavioral health session

(4) \$15 per emergency room visit

(5) \$25 per inpatient hospital admission

B. Copayment maximum:

(1) The copayment maximum varies depending on the recipient's earned income. Once the recipient has reached his/her copayment maximum on covered Medicaid services, copayments cease for the rest of that calendar year, only after the recipient has fulfilled the required steps listed below.

(2) Copayment maximum amounts for WDI recipients are calculated at initial determination, based on the income received in the first month of eligibility, and every twelve months thereafter. The copayment maximum amount calculated at the initial determination is prorated for the rest of the calendar year and is also determined for the following calendar year. At each annual periodic review, the copayment maximum will be calculated for the following calendar year.

(a) Recipients with earned income below 100% FPL - maximum is \$600.

(b) Recipients with earned income between 100-250% FPL - maximum is \$1500.

(3) It is the responsibility of the recipient to track and total the copayments paid.

(4) Once the yearly maximum amount has been paid on copayment for Medicaid covered services, the recipient must notify the Medical Assistance Division that the maximum amount has been met

(5) Verification must be provided to the Medical Assistance Division that the copayment maximum has been paid.

(6) The first month that copayments will no longer be required by the WDI recipient is the month following the month in which it has been verified by the Medical Assistance Division that the maximum amount has been met.

(7) If the determination is made after the twenty-fifth (25th) of the month, the change is made effective the second month after the request.

(8) No retroactive eligibility for the "met copayment maximum" criteria is allowed.
[8.243.600.9 NMAC - N, 1-1-01; A, 1-1-02]

HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.302.1 NMAC, Section 15 which will be effective on January 1, 2002. The Medical Assistance Division made the following amendment: language was added in Subsection C in reference to 8.243.600.9 NMAC.

8.302.1.15 BILLING AND CLAIMS PROCESSING:

Reimbursement to providers for services or procedures is based on the MAD reimbursement fee schedule, reimbursement rate, or reimbursement methodology in place at the time the services were furnished by the provider. Providers who furnish services to Medicaid recipients agree to accept the amount paid by MAD as payment in full [42 CFR 447.15].

A. Requirements for Reimbursement: Providers are reimbursed for performing a service or procedure only if required prior approval, documentation, or acknowledgement are submitted with the claim and the claim is received by the claims processing contractor within the filing limits.

B. Responsibility for Claims: Providers are responsible for all claims submitted under his/her Medicaid provider number.

C. No Billing of Recipients or Third Parties: With the exception of WDI and SCHIP copayments

as defined in 8.243.600.9 NMAC, providers may not bill or accept payment from recipients or other third parties determined to be legally responsible for the balance of a claim. Following Medicaid payment, providers cannot seek additional payment from a recipient or other legally responsible party in addition to the amount paid by Medicaid. See 8.302.3 NMAC, THIRD PARTY LIABILITY PROVIDER RESPONSIBILITIES.

[2-1-95, 2-1-99; 8.302.1.15 NMAC - Rn, 8 NMAC 4.MAD.701.6, 7-1-01; A, 1-1-02]

NEW MEXICO MINING COMMISSION

The following is an amendment to 19.10.2.205 NMAC:

19.10.2.205 SURCHARGE FOR DEPARTMENT OF GAME AND FISH ACTIVITIES

A. To compensate the Department of Game and Fish for its costs required to implement its involvement in implementing the Act, a percentage surcharge shall be added in the same percentage to each of the above application and annual fees. This surcharge shall be 4.5 percent of fees collected in FY 96 to be used in FY 97 and FY 98. This surcharge shall be 4.2 percent of fees collected in FY 98 and FY 99, to be used in FY 99 and FY 2000. This surcharge shall be 3.2 percent of fees collected in FY2000 to be used in FY 2001. No percentage surcharge shall be assessed in FY 2001 or FY 2002; instead, the balance of the surcharges assessed during FY 1996 through FY 2002 shall be used in FY 2002 and FY 2003.

B. Payment. On a quarterly basis, the Director shall reimburse the Department of Game and Fish, only from this surcharge, for its reasonably necessary costs incurred under the Departments' involvement with implementation of the Act.
[11-15-95, 12-15-95, 2-15-96, 5-31-97, 6-30-99; 19.10.2.205 NMAC - Rn, 19 NMAC 10.2.2.205, 05-15-2001; A, 12-28-01]

NEW MEXICO MINING COMMISSION

The following is an amendment to 19.10.5.501 NMAC:

19.10.5.501 TIMING OF SUBMITTAL AND DEADLINE FOR OBTAINING APPROVAL:

A. An application for a permit for an existing mining operation

shall be submitted by December 31, 1994.

B. The application shall include: a closeout plan; or a compliance schedule for completion of, within the shortest time practicable, a closeout plan, which shall be submitted no later than December 31, 1995, unless the applicant requests an extension and the Director grants approval for good cause shown.

C. Every existing mining operation must have a permit and closeout plan approved by the Director by December 31, 1997 unless the Director grants a non-renewable extension of time not to exceed two years for good cause shown. Notwithstanding the preceding sentence, prior to December 31, 1999 the Director may grant an additional extension of time pursuant to Subsection D of 19.10.5.501 NMAC.

D. At any time before September 22, 1999, an applicant may file a request for an additional non-renewable extension, which shall not extend beyond December 31, 2001. The application shall be filed in writing, with the Director. Upon receipt of the request, the Director shall provide a copy of the request to the department of environment which will have thirty days from receipt to provide comments. The Director shall approve the request for an extension if:

(1) The request is accompanied by a non-refundable application fee of \$5,000.00 payable pursuant to subsection A of 19.10.2.204 NMAC. The request will not be processed if the fee has not been paid.

(2) The request includes a detailed schedule of milestones and deliverables acceptable to the Director for obtaining closeout plan approval, which shall include:

(a) a schedule for carrying out supporting studies and submitting reports thereon;

(b) a description of steps to be taken for allowing public participation as provided in the Mining Act for Mining Act permits, closeout plans and revisions, taking into consideration public participation requirements under other authorities;

(c) a schedule for closeout plan approval for portions of the mining operation where approval is feasible prior to the final approval deadline, giving priority to completion of all studies and milestones necessary for prompt closeout plan approval for those portions of the mining operation;

(d) a schedule for submitting proposals for financial assurance for each portion of a mining operation having a separate closeout plan deadline, which allows sufficient time for review and comment prior to the final deadline, and which may include submission prior to the closeout

plan being deemed approvable; and

(e) a final date by which the closeout plan must be approved and the financial assurance mechanism in place for each portion of a mining operation having a separate closeout plan deadline; this date should be as soon as feasible for each portion of a mining operation.

(3) It is not feasible for the applicant to obtain a closeout plan approval by December 31, 1999.

(4) Written concurrence is obtained by the Director from the secretary of environment for a request that will have an impact upon programs administered by the department of environment. MMD may consult with other state and federal agencies in determining the adequacy of the detailed schedule and request for extension.

(5) A public meeting to provide information to the public and to receive public comment on the request for extension has been held by the Director in the locality of the mining operation requesting an extension of time. At least 30 days prior to the meeting, the applicant shall make a copy of the request available for public inspection at a public repository in the county where the mining operation is located. The public meeting shall be held within 45 days of the applicant filing the request for an extension, and notice of the meeting shall be approved by the Director and given by the applicant at least 30 days prior to the meeting. The notice shall include the date, time and place of the meeting and the information identified in subsection A of 19.10.9.902 NMAC through subsection D of 19.10.9.902 NMAC, and shall meet requirements of subsection B of 19.10.9.903 NMAC through subsection H of 19.10.9.903 NMAC except that mailings may be sent by first class mail.

E. Any applicant who received an extension of time pursuant to Subsection D of 19.10.5.501 NMAC, and for which a public hearing on a closeout application has been requested but will not be held pursuant to subsection A of 19.10.9.904. NMAC prior to December 1, 2001 or for which a public hearing on a closeout application was not requested, must have the closeout plan approved by the Director by no later than October 1, 2002. [7-12-94, 2-15-96, 9-15-99; 19.10.5.501 NMAC - Rn, 19 NMAC 10.2.5.501, 05-15-

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.100 NMAC, Section 7

2.80.100.7 DEFINITIONS: As

used in the Public Employees Retirement Act:

A. "Accumulated member contributions" means amounts deducted from the salary of a member and credited to the member's individual account, together with interest if any, credited to that account; it also includes repaid withdrawn contributions not including interest paid thereon, or amounts paid to purchase service credit as allowed under the PERA Act.

B. "Active duty" for purposes of acquiring service credit under NMSA 1978, Section 10-11-7, as amended, for periods of active duty with uniformed service of the United States, means full-time duty in the active uniformed service of the United States, including full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary of the Military Department concerned. "Active duty" does not include full-time National Guard duty, which is training or other duty performed by a member of the Air or Army National Guard of a state or territory, for which the member is entitled to pay from the United States or for which the member has waived pay from the United States.

C. "Another retirement program" means retirement plans established by the Judicial Retirement Act, Magistrate Retirement Act, and the Educational Retirement Act.

D. "Elected official" means a person elected to a public office by registered voters, who is paid a salary; "elected official" includes a person who is appointed to fill an unexpired term of an elected public office, who is paid a salary.

E. "Filed" means that PERA has received the complete document as evidenced by a writing on the document indicating the date of receipt by PERA.

F. "Fire member" means any member who is employed as a firefighter by an affiliated public employer, is paid a salary and has taken the oath prescribed for firefighters. The term shall not include volunteer firefighters or any civilian employees of a fire department.

G. "Hazardous duty member" means a juvenile or adult correctional officer employed by a corrections facility of the corrections department or its successor agency, but does not include any member who is a "police member" or a "fire member". A hazardous duty member shall, however, be considered a state policeman for federal Social Security Act purposes.

H. "Leave office" means an elected official's successor has been duly elected or appointed and qualified for office, or upon the date of death of an elect-

ed official.

I. "Legal representative" means "personal representative" as defined in the Probate Code of New Mexico which includes executor, administrator, successor personal representative, special administrator and persons who perform substantially the same functions under the law governing their status, or an attorney or a person acting pursuant to a power of attorney for a member, retired member or beneficiary.

J. "Police member" means any member who is employed as a police officer by an affiliated public employer, who is paid a salary, and who has taken the oath prescribed for police officers. The term shall not include volunteers, hazardous duty members, or employees who do not perform primarily police functions including, but not limited to jailers, cooks, matrons, radio operators, meter checkers, pound employees, crossing guards, police judges, park conservation officers, and game wardens. A member who is employed by an affiliated public employer as a police officer and as a non-police officer employee by the affiliated public employer shall be regarded as a police member if more than fifty percent of the member's total salary is paid as a police officer.

K. "Private retirement program" for the purpose of exclusion from membership under NMSA 1978, Section 10-11-3(B)(5) means a retirement program of the affiliated public employer which meets the Internal Revenue Service minimum standards regarding benefits as outlined in 26 C.F.R. Section 31.3121(b) (7)F of the Employment Tax Regulations and IRS Rev. Proc. 91-40.

L. "Reenlistment" as used in NMSA 1978, Section 10-11-6(A)(3), means enlistment or voluntary entry into one of the armed services as either enlisted personnel or as a commissioned officer.

M. "Retired member" means a person who is being paid a normal, deferred or disability pension on account of that person's membership in the association. "Retired member" shall not include any persons receiving a pre-retirement survivor pension, post-retirement survivor pension, or reciprocity retirement pension where the payer system is not PERA, or any other person unless specifically included by definition as a "retired member".

N. "Salary" means the base salary or wages paid a member, including longevity pay, for personal services rendered to an affiliated public employer. "Salary" includes a member's fixed, periodical compensation from full or part time employment; shift differentials; and wages paid while absent from work on account of vacation, holiday, injury or illness, which

means payment made by continuing the member on the regular payroll. "Salary" includes incentive pay that is not temporary and becomes part of member's base salary. "Salary" also includes temporary promotions, temporary salary increases, but no other temporary differentials. "Salary" shall not include overtime pay, allowances for housing, clothing, equipment or travel, payments for unused sick leave, unless the unused sick leave payment is made through continuation of the member on the regular payroll for the period represented by that payment. "Salary" also does not include lump sum payments which are not part of the member's fixed periodical compensation, such as lump sum annual and sick leave or occasional payments to elected officials for attending meetings, allowances for any purpose, employer contributions to a private retirement program, or other fringe benefits, even if they are paid to or for a member on a regular basis, and any other form of remuneration not specifically designated by law as included in salary for Public Employees Retirement Act purposes. [Salary in excess of the limitations set forth in Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall be disregarded. The limitation on compensation for eligible employees shall not be less than the amount that was allowed to be taken into account under the state retirement system acts in effect on July 1, 1993. For purposes of this section, "eligible employee" means an individual who was a member of a state system before the first plan year beginning after December 31, 1995. "Salary" includes a member's fixed, periodical compensation from full or part time employment; shift differentials; and wages paid while absent from work on account of vacation, holiday, injury or illness, which means payment made by continuing the member on the regular payroll. "Salary" does not include lump sum payments which are not part of the member's fixed periodical compensation, such as lump sum annual and sick leave or occasional payments to elected officials for attending meetings. "Salary" also does not include allowances for any purpose, employer contributions to a private retirement program, or other fringe benefits, even if they are paid to or for a member on a regular basis.]

O. "State system" means a retirement program provided for in the Public Employees Retirement Act, Magistrate Retirement Act, or Judicial Retirement Act.

P. "Terminate employment" means that a member has a complete break in service and an absolute cessation of employment with an affiliated public employer, as evidenced by a personnel action form or other equivalent document,

and the member is not reemployed by an affiliated public employer for 30 days; or upon the date of death of a member. [10-15-97; 11-15-97; 1-15-99; 12-15-99; 2.80.100.7 NMAC - Rn & A, 2 NMAC 80.100.7, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.200 NMAC, Sections 11 and 30

2.80.200.11 ACTUARIAL ASSUMPTIONS AND USE OF TRUST FUND

A. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified by the board in a manner that precludes employer discretion.

B. No part of the corpus or income of the fund may be used for or diverted to a purpose other than the exclusive benefit of the members and their beneficiaries.

C. The board may not engage in a transaction prohibited by Section 503(b) of the Internal Revenue Code. [2.80.200.11 NMAC - N, 12-28-01]

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, except the ex-officio members of the board, 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. Members of the retirement board shall serve until their successors have qualified.

B. In the event any [elected] member of the PERA board, except the ex-officio members of the 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, except ex-officio 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; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.400 NMAC, Section 40

2.80.400.40 MEMBERSHIP REQUIRED: All employees of an affiliated public employer are required to be members of PERA, except for those employees excluded by statute. Within thirty (30) days of hire [or a change in employee's status, job change, or change to a part-time, seasonal or student employee,] employers shall file with PERA an executed PERA Membership Application form or PERA Exclusion From Membership form on all employees.

[12-15-99; 2.80.400.40 NMAC - Rn, 2 NMAC 80.400.40, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.600 NMAC, Sections 20 and 30

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. For the purpose of eligibility to retire only, less than one year of service credit may be purchased. 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 period 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 peace-keeping 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, indicating 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, 2 NMAC 80.600.20, 8-15-01; A, 12-28-01]

2.80.600.30 PAYMENT FOR PURCHASE OF SERVICE CREDIT

A. No installment payment contracts may be used for the purchase of any service credit.

B. The rate or rates of interest for the purchase or reinstatement of service credit shall be set annually by the board at a July meeting and shall be effective beginning the next succeeding January 1st.

C. A member may purchase a total of five (5) years of permissive service credit as allowed under the Public Employees Retirement Act in one lump-sum or in one-year increments.

D. A member may rollover funds from an Internal Revenue Code Section 457, 403(b), 401(k), IRA or another 401(a) qualified account to pay for forfeited or permissive service credit allowed by the Public Employees Retirement Act. The rollover of funds must be made by a trustee-to-trustee transfer and the account from which the funds come must be in the name of the member requesting the transfer.

[10-15-97; 2.80.600.30 NMAC – Rn, 2 NMAC 80.600.30, 8-15-01; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.700 NMAC, Section 10

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 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) 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 employment 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. If there is a termination of the PERA retirement system, or if employer contributions to the PERA fund are completely discontinued, the rights of each affected member to the benefits accrued at the date of termination or discontinuance, to the extent then funded, are non-forfeitable.

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; A, 12-28-01]

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

This is an amendment to 2.80.1100 NMAC, Section 20

2.80.1100.20 POST-RETIREMENT EMPLOYMENT

A. When a retired member is subsequently employed by an affiliated public employer, the retired member shall notify PERA immediately of the hire date, position and salary of the subsequently employed retired member.

(1) Unless exempt from suspension of benefits according to the provisions of NMSA 1978, Section 10-11-8, the subsequently employed retired member shall notify PERA when he or she has earned from all public employment with an

affiliated public employer \$15,000 in a calendar year.

(2) If a retired member fails to report earnings from subsequent employment with an affiliated public employer and consequently continues to receive pension payments after earning \$15,000 in a calendar year, the retired member will be required to repay to PERA any amounts erroneously received, plus interest at the rate set by the board for collecting overpayments. If erroneously paid pension payments have not been repaid when the subsequent employment is terminated and the retired member has applied for reinstatement of the pension, the erroneously paid amount must be repaid in full before the pension may be reinstated, or the subsequently employed retired member must make arrangements acceptable to PERA for the erroneously paid amount to be withheld from the reinstated pension until fully repaid.

B. The affiliated public employer shall notify PERA when the subsequently employed retired member terminates employment and shall report the gross amount of wages paid to date of termination or when the subsequently employed retired member earns \$15,000 in a calendar year.

C. A retired member who is subsequently employed by an employer covered under any state system may request suspension of his or her pension at any time in order to earn eligible reciprocal service credit for the purpose of reciprocity. (See 2.80.1400 NMAC.)

[10-15-97; 11-15-97; 2.80.1100.20 NMAC – Rn & A, 2 NMAC 80.1100.20, 12-28-00; A, 12-28-01]

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

This is an amendment to 2.80.2100 NMAC, Section 8

2.80.2100.8 GENERAL PROVISIONS

A. No partial refund of a member's contributions is permitted.

B. A member shall not receive a refund of contributions if the member terminates employment with one affiliated public employer and is thereafter employed by the same or another affiliated public employer within thirty (30) days of termination. The application for a refund of member contributions, if desired, must be filed prior to any subsequent employment. If the application for refund is not filed within this period of time, no refund shall be permitted until termination of all affiliat-

ed public employment.

C. Requests for refunds of member contributions shall be made on forms provided by the association.

(1) The member or the member's legal representative, or the member's designated refund beneficiary or the beneficiary's legal representative, if the member is deceased, must complete and sign the request for refund.

(2) If the member is deceased, the applicant for refund must provide PERA with a copy of the member's death certificate. If the deceased member has no living beneficiary, then the personal representative of the estate must provide PERA with a copy of the Letters of Administration or Order of Appointment of Personal Representative, signed and filed in court; or must comply with NMSA 1978, Section 45-3-1201.

(3) If the member has been divorced, the member shall provide PERA with 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 contributions. 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. If the member's former spouse is entitled to a portion of a refund of member contributions pursuant to a court order entered under NMSA 1978, Section 10-11-136, the member's former spouse may request that his or her share of a refund of member contributions be transferred directly to another qualified plan as allowed by the Internal Revenue Code.

(4) The member's last affiliated public employer must certify to the termination of employment of the member before a refund may be made.

D. Interest on member contributions shall be posted annually effective June 30 of each year at the rate of 5.25%.

E. A refund of member contributions includes interest on those contributions as provided in this Rule.

F. If a court order issued pursuant to Section 10-11-136 NMSA 1978 or Section 10-11-136.1 NMSA 1978 restraining, withholding, or dividing a refund of member contributions is received by PERA after a request for refund of con-

tributions has been received but has not been paid, PERA will comply with the order.

G. Pursuant to Section 10-11-135, NMSA 1978, PERA retirement accounts are not subject to legal process under other state laws, except for division of a community interest in such accounts as provided in Section 10-11-136 NMSA 1978 or in enforcement of child support obligations as provided in Section 10-11-136.1 NMSA 1978. In the following instances, however, federal laws pre-empt the provisions of the Public Employees Retirement Act.

(1) IRS Notices of Levy for unpaid taxes will be honored if the account is in pay status, i.e., if the member has terminated employment and requested a refund of contributions, or if a pension is payable. If the levy is applied against a refund of member contributions, non-tax deferred contributions shall be paid before tax-deferred contributions.

(2) Orders by a U.S. Bankruptcy Court will be honored if the account is in pay status, i.e., if the member has terminated employment and requested a refund of contributions, or if a pension is payable. If the order is applied against a refund of member contributions, non-tax deferred contributions shall be paid before tax-deferred contributions.

H. Members may designate only one refund beneficiary. Such designation shall be in writing in the form prescribed by PERA. If the refund beneficiary is other than a natural person, the member shall provide documentation as required by the association. The member shall be responsible for updating the beneficiary designation form with current information, including but not limited to the beneficiary's name and address. If a warrant for a refund to the most recent beneficiary on file with the association is returned as undeliverable because of incorrect name or address, the money will remain with the association until it is furnished with the correct information.

I. Forfeitures arising from severance of employment, death, or any other reason, must not be applied to increase the benefits any member would otherwise receive under the plan. PERA shall make all reasonable efforts to refund contributions or to pay pensions as required by the plan.

J. The maximum annual contribution limits contained in Internal Revenue Code Section 415(c), as amended and adjusted, are incorporated herein by reference.

K. For purposes of the direct rollover provisions in NMSA 1978,

Section 10-11-124(C), another qualified plan shall mean an IRA, an Internal Revenue Code Section 401(a) plan, an Internal Revenue Code Section 401(k) plan, an annuity contract under Internal Revenue Code Section 403(b) and an eligible plan under Internal Revenue Code Section 457 that is maintained by a state or political subdivision and which agrees to separately account for amounts transferred into such a plan from the PERA retirement plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under an Order Dividing PERA Benefits. After tax-employee contributions shall be paid directly to the member.

[10-15-97; 11-15-97; 12-15-99; 2.80.2100.8 NMAC – Rn & A, 2 NMAC 80.2100.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.83.400 NMAC, Section 8

2.83.400.8 GENERAL PROVISIONS

A. Members may receive one month of service credit for any calendar month in which the member becomes a member on or before the sixteenth day of that month, or for any calendar month in which the member leaves office on or after the fifteenth day of the month, provided that all other requirements for awarding service credit are met.

B. Service credit that was forfeited when a member left office and withdrew his or her accumulated member contributions 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. For the purpose of eligibility to retire only, less than one year of service credit may be purchased. 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 period of service together with interest from the date of withdrawal to the date of repayment at the rate set by the board.

(3) The rate or rates of interest for the purchase or reinstatement of service credit shall be set annually by the board at a July meeting and shall be effective beginning the next succeeding January 1.

(4) 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).

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

(6) 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. Service credit that a member would have earned if the member had not elected to be excluded from membership may be purchased under the following conditions:

(1) The member first reinstates all previously withdrawn JRA service credit;

(2) The member may purchase service credit in increments of not less than one year except where the total excluded service credit is less than one year;

(3) The member pays the full cost as determined under NMSA 1978, Section 10-12B-5(F) within sixty days of the notification of that amount.

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 10-12B-5 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 Administrative Office of the Courts shall certify in writing the date

the member left office to enter a uniformed service of the United States. This requirement may be waived if PERA records contain sufficient documentation of the date of termination.

(3) The Administrative Office of the Courts shall certify in writing to the association the member's date of return to office within thirty days of reemployment. This requirement may be waived if PERA records contain sufficient documentation of the date of return, to office. Members who do not return, to office 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 Administrative Office of the Courts 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 Administrative Office of the Courts with the provisions of NMSA 1978, Section 10-12B-5, 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) JRA members who are also members of the military service reserve components who are activated pursuant to a federal call to duty, deployment or peace-keeping mission or other declared national emergency may receive free credit service 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. No installment payment contracts may be used for the purchase of any service credit. A member may purchase a total of five (5) years of permissive service credit as allowed under the Judicial Retirement Act in one lump-sum or in one-year increments.

F. A member may rollover funds from an Internal Revenue Code Section 457, 403(b), 401(k), IRA or another 401(a) qualified account to pay for forfeited or permissive service credit allowed by the Judicial Retirement Act. The rollover of funds must be made by a trustee-to-trustee transfer and the account from which the

funds come must be in the name of the member requesting the transfer.

[10-15-97; 11-15-97; 2.83.400.8 NMAC – Rn & A, 2 NMAC 83.400.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.83.500 NMAC, Section 8

2.83.500.8 GENERAL PROVISIONS

A. A member who leaves office for reasons other than retirement may request a refund of his or her total accumulated member contributions. Refunds shall include interest as provided in Subsection D of this section.

B. No partial refund of a member's contributions is permitted.

C. Requests for refunds of member contributions shall be made on forms provided by the association.

(1) The member or the member's legal representative, or the member's designated refund beneficiary or the beneficiary's legal representative, if the member is deceased, must complete and sign the request for refund.

(2) If the member is deceased, the applicant for refund must provide PERA with a copy of the member's death certificate. If the deceased member has no living beneficiary, then the personal representative of the estate must provide PERA with a copy of the Letters of Administration or Order of Appointment of Personal Representative, signed and filed in court; or must comply with NMSA 1978, Section 45-3-1201.

(3) The member's judicial agency must certify that the member has left office before a refund may be made.

(4) If the member has been divorced, the member shall provide the association with complete endorsed copies of all court documents the association deems 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 contributions. Such documents shall include the final decrees and marital property settlements for all marriages during the member's employment as a judge or justice. If the member's only divorce was prior to becoming a 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 member, then only the most recent final decree is

required. If the member's former spouse is entitled to a portion of a refund of member contributions pursuant to a court order entered pursuant to NMSA 1978, Section 10-12B-7, as amended, the member's former spouse may request that his or her share of a refund of member contributions be transferred directly to another qualified plan as allowed by the Internal Revenue Code.

D. Interest on member contributions shall be posted annually effective June 30 at the rate of 5.25%.

E. Members may designate only one refund beneficiary. Such designation shall be in writing in the form prescribed by the association. If the refund beneficiary is other than a natural person, the member shall provide documentation as required by the association. The member shall be responsible for updating the beneficiary designation form with current information, including but not limited to the beneficiary's name and address. If a warrant for a refund to the most recent beneficiary on file with the association is returned as undeliverable because of incorrect name or address, the money will remain with the association until it is furnished with the correct information.

F. Forfeitures arising from severance of employment, death, or any other reason, must not be applied to increase the benefits any judge would otherwise receive under the plan. PERA shall make all reasonable efforts to refund contributions or to pay pensions as required by the plan.

G. The maximum annual contribution limits contained in Internal Revenue Code Section 415(c), as amended and adjusted, are incorporated herein by reference.

H. For purposes of the direct rollover provisions in NMSA 1978, Section 10-12B-6(A), another qualified plan shall mean an IRA, an Internal Revenue Code Section 401(a) plan, an Internal Revenue Code Section 401(k) plan, an annuity contract under Internal Revenue Code Section 403(b) and an eligible plan under Internal Revenue Code Section 457 that is maintained by a state or political subdivision and which agrees to separately account for amounts transferred into such a plan from the Judicial retirement plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under an Order Dividing Judicial Retirement Benefits. After tax-employee contributions shall be paid directly to the member.

[10-15-97; 11-15-97; 2.83.500.8 NMAC – Rn & A, 2 NMAC 83.500.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.83.700 NMAC, Sections 10, 11 and 20

2.83.700.10 PROCEDURE FOR RETIREMENT

A. Application

(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 within a reasonable time of receipt of the properly completed application and required documents.

(3) When the application is filed, PERA shall furnish the member's last judicial agency 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 judicial agency.

(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 survivor 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) 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 credit and age; and c) the member's leaving office. An application will be deemed to be "filed" when received by PERA as evidenced by a writing on the application indicating the date of receipt by PERA.

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

B. Documentation: 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, ~~a copy of life insurance policy or certified copy of voter registration issued over ten years prior, or proof of age meeting a standard at least equivalent to that applied by the social security administration~~ or 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) A copy of a marriage certificate or other proof of marital status acceptable in a court of law for any designated survivor beneficiary to be identified as a spouse.

(3) Complete endorsed copies of all court documents the association deems 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 as a judge or justice. If the member's only divorce was prior to becoming a 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 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 or any other service credit may be made after the first pension payment.

D. Under the provisions of NMSA 1978, Section 10-12B-12, the Public Employees Retirement Reciprocity Act applies to members covered under the Judicial Retirement Act early retirement.

E. A judge is vested in his or her accrued benefits when the judge reaches normal retirement age or early retirement with the sufficient amount of service credit. If there is a termination of the Judicial retirement system, or if employer contributions to the Judicial retirement plan are completely discontinued, the rights of each affected member to the benefits accrued at the date of termination or discontinuance, to the extent then funded, are non-forfeitable.

[10-15-97; 11-15-97; 2.83.700.10 NMAC - Rn & A, 2 NMAC 83.700.10, 12-28-00, A, 12-28-01]

2.83.700.11 DISABILITY

RETIREMENT: A judge who becomes disabled prior to retirement can make application for benefits in accordance with 2.80.1000 NMAC.

[2.83.700.11 NMAC - N, 12-28-01]

2.83.700.20 BENEFIT PAY-

MENT: 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 Judicial Retirement Act and regulations, all benefits paid from the Judicial Retirement 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 judge shall:

(1) Be completely distributed to the judge not later than the required beginning date as defined in subsection (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 judge or over the lives of such judge and a designated beneficiary~~ a period not extending beyond the life expectancy of such judge or the life expectancy of such judge and a designated beneficiary.

B. Distribution of a judge'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 judge attains the age of seventy and one-

half (70½), or

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

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

D. If a judge dies before the distribution of the judge'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 judge died.

E. The amounts payable to a judge'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.

[10-15-97; R, 11-15-97; 2.83.700.20 NMAC – Rn & A, 2 NMAC 83.700.20, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.83.1200 NMAC, Section 8

2.83.1200.8 GENERAL PROVISIONS

A. In accordance with the Judicial Retirement Act each judicial agency, as employer, shall be responsible for deducting the applicable contribution from the salary or wages paid to each member for each payroll period.

B. The employer shall transmit to PERA the member and employer contributions for every member in its employ for each pay period on or before the fifth working day following the payday applicable to the pay period. The contributions shall be accompanied by a transmittal report in a format designated by PERA, which shall clearly set forth the amount of employer and member contributions, and adjustments for prior pay periods if applicable, transmitted.

C. Except as provided in Paragraph G below, interest will be assessed on any remittance of employer and employee contributions not made by the due date of the remittance. The rate of interest shall be set annually by the board at a July meeting and shall be effective beginning the next succeeding January 1st. Any interest paid on unremitted contributions shall not be posted to the member's account or refunded to the member or the employer.

D. Except as provided in subsection G below, a penalty of fifty dollars (\$50) per day shall be assessed for any

employee and employer contribution transmittal report that is untimely. For purposes of this subsection, "untimely" is defined as fifteen (15) days after the end of the month in which the transmittal report was due.

E. In the event the judicial agency fails to make the necessary deductions, the judicial agency shall be responsible to remit to PERA the total amount due for both the member and employer contributions plus interest as provided in subsection C above.

F. Current employer contributions may not be made by members except as authorized by law.

G. If a judicial agency, for good cause, is unable to timely transmit employee and employer contributions or transmittal report, the employer shall notify PERA in writing at least twenty-four hours prior to the due date, and may request waiver of the interest and/or penalty that would otherwise be assessed. The executive director may waive interest and/or penalty for up to thirty-one calendar days. Interest shall thereafter be charged at the rate set in subsection C above.

H. Member contributions picked-up by the employer under NMSA 1978, Section 10-12B-10 are not considered compensation for purposes of Internal Revenue Code Section 415(c).

[10-15-97; 11-15-97; 2.83.1200.8 NMAC – Rn & A, 2 NMAC 83.1200.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.84.400 NMAC, Section 8

2.84.400.8 GENERAL PROVISIONS

A. Members may receive one month of service credit for any calendar month in which the member becomes a member on or before the sixteenth day of that month, or for any calendar month in which the member leaves office on or after the fifteenth day of the month, provided that all other requirements for awarding service credit are met.

B. Service credit that was forfeited when a member left office and withdrew his or her accumulated member contributions 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. For the purpose of eligibility to retire only, less than one year of service credit may be purchased. 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 period of service together with interest from the date of withdrawal to the date of repayment at the rate set by the board.

(3) The rate or rates of interest for the purchase or reinstatement of service credit shall be set annually by the board at a July meeting and shall be effective beginning the next succeeding January 1.

(4) 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).

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

(6) 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. Service credit that a member would have earned if the member had not elected to be excluded from membership may be purchased under the following conditions:

(1) The member first reinstates all previously withdrawn MRA service credit;

(2) The member may purchase service credit in increments of not less than one year except where the total excluded service credit is less than one year;

(3) The member pays the full cost as determined under NMSA 1978, Section 10-12C-5(F) within sixty days of the notification of that amount.

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 10-12C-5 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 Administrative Office of the Courts shall certify in writing the date the member left office to enter a uniformed service of the United States. This requirement may be waived if PERA records contain sufficient documentation of the date of termination.

(3) The Administrative Office of the Courts shall certify in writing to the association the member's date of return to office within thirty days of reemployment. This requirement may be waived if PERA records contain sufficient documentation of the date of return, to office. Members who do not return, to office 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 Administrative Office of the Courts 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 Administrative Office of the Courts with the provisions of NMSA 1978, Section 10-12C-5, 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) MRA members who are also members of the military service reserve components who re activated pursuant to a federal call to duty, deployment or peace-keeping mission or other declared national emergency may receive free credit service 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. No installment payment

contracts may be used for the purchase of any service credit. A member may purchase a total of five (5) years of permissive service credit as allowed by the Magistrate Retirement Act in one lump-sum or in one-year increments.

E. A member may rollover funds from an Internal Revenue Code Section 457, 403(b), 401(k), IRA or another 401(a) qualified account to pay for forfeited or permissive service credit allowed by the Magistrate Retirement Act. The rollover of funds must be made by a trustee-to-trustee transfer and the account from which the funds come must be in the name of the member requesting the transfer.

[10-15-97; 11-15-97; 2.84.400.8 NMAC – Rn & A, 2 NMAC 84.400.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.84.500 NMAC, Section 8

2.84.500.8 GENERAL PROVISIONS

A. A member who leaves office for reasons other than retirement may request a refund of his or her total accumulated member contributions. Refunds shall include interest as provided in Subsection (D) of this section.

B. No partial refund of a member's contributions is permitted.

C. Requests for refunds of member contributions shall be made on forms provided by the association.

(1) The member or the member's legal representative, or the member's designated refund beneficiary or the beneficiary's legal representative, if the member is deceased, must complete and sign the request for refund.

(2) If the member is deceased, the applicant for refund must provide PERA with a copy of the member's death certificate. If the deceased member has no living beneficiary, then the personal representative of the estate must provide PERA with a copy of the Letters of Administration or Order of Appointment of Personal Representative, signed and filed in court; or must comply with NMSA 1978, Section 45-3-1201.

(3) The member's judicial agency must certify that the member has left office before a refund may be made.

(4) If the member has been divorced, the member shall provide the association with complete endorsed copies of all court documents the association deems 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 contributions. Such documentation shall include the final decrees and marital property settlements for all marriages during the member's employment as a magistrate. If the member's only divorce was prior to becoming a 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 member, then only the most recent final decree is required. If the member's former spouse is entitled to a portion of a refund of member contributions pursuant to a court order entered pursuant to NMSA 1978, Section 10-12C-7, as amended, the member's former spouse may request that his or her share of a refund of member contributions be transferred directly to another qualified plan as allowed by the Internal Revenue Code.

D. Interest on member contributions shall be posted annually effective June 30 at the rate of 5.25%.

E. Members may designate only one refund beneficiary. Such designation shall be in writing in the form prescribed by the association. If the refund beneficiary is other than a natural person, the member shall provide documentation as required by the association. The member shall be responsible for updating the beneficiary designation form with current information, including but not limited to the beneficiary's name and address. If a warrant for a refund to the most recent beneficiary on file with the association is returned as undeliverable because of incorrect name or address, the money will remain with the association until it is furnished with the correct information.

F. Forfeitures arising from severance of employment, death, or any other reason, must not be applied to increase the benefits any magistrate would otherwise receive under the plan. PERA shall make all reasonable efforts to refund contributions or to pay pensions as required by the plan.

G. The maximum annual contribution limits contained in Internal Revenue Code Section 415(c), as amended and adjusted, are incorporated herein by reference.

H. For purposes of the direct rollover provisions in NMSA 1978, Section 10-12C-6(A), another qualified plan shall also mean an IRA, an Internal Revenue Code Section 401(a) plan, an Internal Revenue Code Section 401(k) plan, an annuity contract under Internal Revenue Code Section 403(b) and an eligible plan under Internal Revenue Code Section 457 that is maintained by a state or political subdivision and which agrees to separately

account for amounts transferred into such a plan from the Magistrate retirement plan. The definition of eligible retirement plan shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under an Order Dividing Magistrate Retirement Benefits. After tax-employee contributions shall be paid directly to the member.
[10-15-97; 11-15-97; 2.84.500.8 NMAC – Rn & A, 2 NMAC 84.500.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.84.700 NMAC, Sections 10, 11, and 20

2.84.700.10 PROCEDURE FOR RETIREMENT

A. Application

(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 within a reasonable time of receipt of the properly completed application and required documents.

(3) When the application is filed, PERA shall furnish the member's last judicial agency 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 judicial agency.

(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 survivor 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) 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 credit and age; and c) the member's leaving office. An application will be deemed to be "filed" when received by PERA as evidenced by a writing on the application indicating the date of receipt by PERA.

(7) 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. Documentation: 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, ~~[a copy of life insurance policy or certified copy of voter registration issued over ten years prior; or proof of age meeting a standard at least equivalent to that applied by the social security administration] or 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) A copy of a marriage certificate or other proof of marital status acceptable in a court of law for any designated survivor beneficiary to be identified as a spouse.

(3) Complete endorsed copies of all court documents the association deems 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 as a magistrate. If the member's only divorce was prior to becoming a member, then the final decree is required, but no marital property settlement is required. If the member was divorced more than once prior to becoming a 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. A magistrate is vested in his or her accrued benefits when the magistrate reaches normal retirement age with the sufficient amount of service credit. If there is a termination of the Magistrate retirement system, or if employer contributions to the Magistrate retirement plan are completely discontinued, the rights of each affected member to the benefits accrued at the date of termination or discontinuance, to the extent then funded, are non-forfeitable.

[10-15-97; 11-15-97; 2.84.700.10 NMAC – Rn & A, 2 NMAC 84.700.10, 12-28-00; A, 12-28-01]

2.84.700.11 DISABILITY RETIREMENT: A magistrate who becomes disabled prior to retirement can make application for benefits in accordance with 2.80.1000 NMAC.

[2.84.700.11 NMAC – N, 12-28-01]

2.84.700.20 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 Magistrate Retirement Act and regulations, all benefits paid from the Magistrate Retirement 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 magistrate shall:

(1) Be completely distributed to the magistrate not later than the required beginning date as defined in subsection (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 magistrate or over the lives of such magistrate and a designated beneficiary]~~ a period not extending beyond the life expectancy of such magistrate or the life expectancy of such magistrate and a designated beneficiary.

B. Distribution of a magis-

trate'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 magistrate attains the age of seventy and one-half (70½), or

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

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

D. If a magistrate dies before the distribution of the magistrate'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 magistrate died.

E. The amounts payable to a magistrate'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. [10-15-97; 11-15-97; 2.84.700.20 NMAC – N, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.84.1200 NMAC, Section 8

2.84.1200.8 GENERAL PROVISIONS

A. In accordance with the Magistrate Retirement Act each judicial agency, as employer, shall be responsible for deducting the applicable contribution from the salary or wages paid to each member for each payroll period.

B. The employer shall transmit to PERA the member and employer contributions for every member in its employ for each pay period on or before the fifth working day following the payday applicable to the pay period. The contributions shall be accompanied by a transmittal report in a format designated by PERA, which shall clearly set forth the amount of employer and member contributions, and adjustments for prior pay periods if applicable, transmitted.

C. Except as provided in Paragraph G below, interest will be assessed on any remittance of employer and employee contributions not made by the due date of the remittance. The rate of interest shall be set annually by the board at a July meeting

and shall be effective beginning the next succeeding January 1st. Any interest paid on unremitted contributions shall not be posted to the member's account or refunded to the member or the employer.

D. Except as provided in subsection G below, a penalty of fifty dollars (\$50) per day shall be assessed for any employee and employer contribution transmittal report that is untimely. For purposes of this subsection, "untimely" is defined as fifteen (15) days after the end of the month in which the transmittal report was due.

E. In the event the judicial agency fails to make the necessary deductions, the judicial agency shall be responsible to remit to PERA the total amount due for both the member and employer contributions plus interest as provided in subsection C above.

F. Current employer contributions may not be made by members except as authorized by law.

G. If a judicial agency, for good cause, is unable to timely transmit employee and employer contributions or transmittal report, the employer shall notify PERA in writing at least twenty-four hours prior to the due date, and may request waiver of the interest and/or penalty that would otherwise be assessed. The executive director may waive interest and/or penalty for up to thirty-one calendar days. Interest shall thereafter be charged at the rate set in subsection C above.

H. Member contributions picked-up by the employer under NMSA 1978, Section 10-12C-10 are not considered compensation for purposes of Internal Revenue Code Section 415(c).

[10-15-97; 11-15-97; 2.84.1200.8 NMAC – Rn & A, 2 NMAC 84.1200.8, 12-28-00; A, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.85.100 NMAC, Section 9

2.85.100.9 ADOPTION OF PLAN: In accordance with the Deferred Compensation Act, the board shall adopt and amend a deferred compensation plan. The plan shall comply with the requirements of Internal Revenue Code Section 457, as amended, and may be amended to include provisions that allow for trustee-to-trustee transfers and rollovers into and out of the plan.

[2.85.100.9 NMAC – N, 12-28-01]

PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.85.200 NMAC, Section 8

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~~ be paid to an alternate payee upon submission of a domestic relations order that conforms to the requirements of this rule and the deferred compensation plan. 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 a plan-approved domestic relations court order 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 third party administrator ["administrator"] within a reasonable time after entry of the order.

C. 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; A, 12-28-01]

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

This is an amendment to 2.85.300 NMAC, Sections 2, 6 and 8

PART 300 [DEFAULT] DISTRIBUTION

2.85.300.2 SCOPE: This rule affects participants, former participants, beneficiaries, and the deferred compensation third party administrator under the Deferred Compensation Act.

[10-15-97; 2.85.300.2 NMAC – Rn, 2 NMAC 85.300.2, 8-15-01; A, 12-28-01]

2.85.300.6 OBJECTIVE: The objective of this rule is to establish standards and procedures for distribution after the participant terminates employment. [~~and to establish procedures for default if the participant fails to notify the deferred compensation administration of such termination~~]

[10-15-97; 2.85.300.6 NMAC – Rn, 2 NMAC 85.300.6, 8-15-01; A, 12-28-01]

2.85.300.8 GENERAL PROVISIONS:

~~[A. Pursuant to Internal Revenue Code Section 457, a]~~ A participant shall make a ~~[written election of either an immediate or a deferred]~~ distribution election or determination as provided for in the deferred compensation plan and as allowed by in the Internal Revenue Code, Section 457, as amended, [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 third party administrator by the participant.

~~[B. 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.]~~

[10-15-97; 2.85.300.8 NMAC – Rn & A, 2 NMAC 85.300.8, 8-15-01; A, 12-28-01]

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

This is an amendment to 2.80.500 NMAC, Section 8. This rule was also renumbered and reformatted to comply with current NMAC requirements.

2.80.500.8 REMITTANCE OF CONTRIBUTIONS

A. In accordance with the Public Employees Retirement Act each state agency or affiliated public employer shall be responsible for deducting the applicable contribution from the salary or wages paid to each member for each payroll period.

B. The employer shall transmit to PERA the member and employer contributions for every member in its employ for each pay period on or before the fifth working day following the payday applicable to the pay period. The contributions shall be accompanied by a transmittal report in a format designated by PERA, which shall clearly set forth the amount of employer and member contributions, and adjustments for prior pay periods if applicable, transmitted.

C. Except as provided in subsection H below, interest will be assessed on any remittance of employee and employer contributions not made by the due date of the remittance. The rate of interest shall be set annually by the board at a July meeting and shall be effective beginning the next succeeding January 1st. Any interest paid on unremitted contributions shall not be posted to the member's account or refunded to the member or the employer.

D. Except as provided in subsection H below, a penalty of fifty dollars (\$50) per day shall be assessed for any employee and employer contribution transmittal report that is untimely. For purposes of this subsection, "untimely" is defined as fifteen (15) days after the end of the month in which the transmittal report was due.

E. In the event the employer fails to make the necessary deductions, the employer shall be responsible to remit to PERA the total amount due for both the member and employer contributions plus interest as provided in subsection C above.

F. Pick-up of Member Contributions

(1) If an employer has adopted a resolution pursuant to NMSA 1978, Section 10-11-5 which obligates the employer to pay up to 75% of the members' contributions, the resolution shall become effective on the first day of the first full pay period of the month following filing of the

resolution with the retirement board. PERA may refuse for filing a resolution containing conditions or contingencies, or not prepared in compliance with requirements for such resolutions approved by the PERA board. "First full pay period" for purposes of adopting a new coverage plan shall mean the first pay period that ends within the month in which the new coverage plan becomes applicable to a member.

(2) Under the Internal Revenue Code Section 414(h), an employer can pick up 100% of member contributions, but only 75% of the contributions are additional salary.

(3) Member contributions picked-up by the employer under NMSA 1978, Section 10-11-125 are not considered compensation for purposes of Internal Revenue Code Section 415(c).

G. Current employer contributions may not be made by members except as authorized by law.

H. If an employer, for good cause, is unable to timely transmit employee and employer contributions or transmittal report, the employer shall notify PERA in writing at least twenty-four (24) hours prior to the due date, and may request waiver of the interest and/or penalty that would otherwise be assessed. The executive director may waive interest and/or penalty for up to thirty-one (31) calendar days. Interest shall thereafter be charged at the rate set in subsection C above.

[10-15-97; 11-15-97; 12-15-99; 2.80.500.8 NMAC – Rn & A, 2 NMAC 80.500.8, 12-28-01]

**PUBLIC EMPLOYEES
RETIREMENT
ASSOCIATION**

NOTICE OF P.E.R.A. RULEMAKING

At its' November 13, 2001 Rulemaking Hearing, PERA adopted the renumbering and reformatting of the PERA rules for the purpose of conforming to the current NMAC requirements.

- 2.80.800 NMAC Correction Of Errors And Omissions
- 2.80.900 NMAC Pre-Retirement Survivor Pensions
- 2.80.1400 NMAC Reciprocity
- 2.80.1500 NMAC Appeal of Denial Of Claim Of Benefits
- 2.80.1600 NMAC Determination Of Community Interest And Division Of Retirement Pensions/Contributions At Divorce
- 2.80.1700 NMAC Affiliated Public

	Employer Election For Coverage Plan And Change In Coverage Plan
2.80.1800 NMAC	Executive Director
2.80.1900 NMAC	Public Employers
2.80.2000 NMAC	Withholding Of Retirement Pensions/Contributions Pursuant To A Child Support Obligation Enforcement Order
2.80.2200 NMAC	Municipal Fire Member Coverage Plans
2.80.2300 NMAC	Leave Without Pay
2.86.200 NMAC	Service Credit
2.86.300 NMAC	Normal Retirement
2.83.300 NMAC	Membership
2.83.600 NMAC	Interception Or Division Of Payments
2.83.800 NMAC	Survivor Pension
2.83.900 NMAC	Group Insurance Continuation
2.83.1300 NMAC	Correction of Errors and Omissions
2.84.300 NMAC	Membership
2.84.600 NMAC	Interception Or Division Of Payments
2.84.800 NMAC	Survivor Pension
2.84.900 NMAC	Group Insurance Continuation
2.84.1300 NMAC	Correction of Errors and Omissions
2.87.100 NMAC	General Provisions

COMMISSION OF PUBLIC RECORDS

Notice of Repeal and Replace

1 NMAC 3.2.93.446, Executive Records Retention and Disposition Schedule for the Board of Medical Examiners, is being repealed and being reformatted and replaced with the new part 1.18.446 NMAC Executive Records Retention and Disposition Schedule, Board of Medical Examiners to conform with current NMAC requirements, effective 01-06-2002.

COMMISSION OF PUBLIC RECORDS

SRC Rule No. 70-1, Manuals of Procedure, Style and Format is repealed effective December 28, 2001.

COMMISSION OF PUBLIC RECORDS

December 4, 2001

Donald L. Padilla, Records Management Division Director
 NM Commission of Public Records
 1205 Camino Carlos Rey
 Santa Fe, New Mexico 87505

Mr. Padilla:

You recently requested to publish a synopsis in lieu of publishing the full content of the following listed rules:

- 1.18.469 NMAC for the State Racing Commission
- 1.15.2 NMAC for the General Administrative Records
- 1.15.3 NMAC for the General (Interpretive) Administrative Records
- 1.18.632 NMAC for the Workers Compensation Administration
- 1.18.665 NMAC for the Department of Health
- 1.18.446 NMAC for the Board of Medical Examiners

A review of these rules shows that their most impact is limited to the individual agencies to which they pertain, and they are "unduly cumbersome, expensive or otherwise inexpedient" to publish. Therefore, your request to publish a synopsis for each is approved.

Sincerely,

L. Elaine Olah
 State Records Administrator

LEO/dlp

COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.18.446 NMAC: EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULE (ERRDS), BOARD OF MEDICAL EXAMINERS

1. **Subject Matter:** 1.18.446 NMAC. Executive Records Retention and Disposition Schedule for Board of Medical Examiners. This rule replaces 1 NMAC 3.2.93.446, filed on April 30, 1999 with 1.18.446 NMAC ERRDS, Board of Medical Examiners. 1.18.446 NMAC ERRDS Board of Medical Examiners is in the current NMAC style and format and reflects the current records created and maintained by the Board of Medical Examiners. This ERRDS is a timetable for the management of specific records in a series. It describes the life cycle of each series listed on it by indicating the retention period of the records and their final disposition. This ERRDS also distinguishes between traditional hard copy files and electronic filing systems as well as input and output documentation. In addition to those items commonly found on an RRDS (i.e. record name, record description, record filing system, etc.), the ERRDS also indicates record confidentiality and output records

frequency/distribution. The ERRDS provisions in this schedule are based on the legal requirements uses of the records and on their administrative, legal, fiscal and archival values. This amendment was done at the request of the Board of Medical Examiners, and legal counsel for the Board of Medical Examiners has reviewed and approved the amendment.

2. **Persons Affected:** Record producing/keeping personnel of the board of Medical Examiners. Persons/entities normally subject to the rules and regulations of the board of Medical Examiners may also be directly or indirectly affected by this rule.

3. **Interests of persons affected:** Records produced and maintained by the Board of Medical Examiners.

4. **Geographical applicability:** Areas within the State of New Mexico covered by the Board of Medical Examiners. Any person/entity outside the covered geographical area that conducts business with the Board of Medical Examiners.

5. **Commercially published material incorporated:** New Mexico Statutes Annotated 1978 and the United States Code were used as a reference in the development of this rule. However, these references are not a substantial portion of the rule.

6. **Telephone number and address of issuing agency:** New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number- (505) 476-7900.

7. **Effective date of this rule:** January 6, 2002.

Certification

As legal counsel for the NM State Records Center and Archives, I certify that this synopsis provides adequate notice of the content within the ERRDS for the Board of Medical Examiners.

Roberta D. Joe
 Assistant Attorney General

Date

COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.15.2 NMAC: GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE (GRRDS), GENERAL ADMINISTRATIVE RECORDS

1. **Subject Matter:** 1.15.2 NMAC. General Records Retention and Disposition Schedule for the General Administrative Records. This rule is a modification to the existing GRRDS, 1.15.2 NMAC, filed October 1, 2001. Modifications to Sections 2, 3, and 6 through 9 NMAC have been made to bring this schedule into the current format that is being utilized by the State Records Center and Archives. Modifications from 1.15.2.101 NMAC through 1.15.2.708 NMAC have also been made to the operational descriptions for the Program and Maintenance system portions of this schedule. Modifications to the retention periods of 1.15.2.145 NMAC and 1.15.2.401 NMAC have been made. A modification to the Joint Powers Agreements retention period for 1.15.2.145 NMAC has been made to correct an error, through the omission of the retention period associated with the copy that is filled with the "rules and publication divisions." The modification to the retention period for the Legal Case File records series for 1.15.2.401 NMAC has been made to distinguish legal case files involving adults and minors and real property case files. A modification to 1.15.2.117 NMAC for Reports has been made to include the retention of ad hoc reports. The Requests for Reproduction of Copyrighted Works for 1.15.2.609 NMAC was added to address federal guidelines for interlibrary loans dealing with copyright materials that were issued by the United States Copyright Office. The retention and disposition requirements on this schedule are based on the legal and use requirements of the records and on their administrative, legal, fiscal and archival values. This records retention and disposition schedule was developed by the New Mexico Commission of Public Records, also known as the State Records Center and Archives.

2. **Persons Affected:** Record producing and keeping personnel of New Mexico State Government. Persons and entities normally subject to the rules and regulations of New Mexico State Government may also be directly or indirectly affected by this rule.

3. **Interests of persons affected:** Corporations, individuals, and employees of New Mexico State Government.

4. **Geographical applicability:** Areas within the State of New Mexico covered by New Mexico State Government and any person and entity outside the covered geographical area that conducts business with New Mexico State Government.

5. **Commercially published material incorporated:** New Mexico Statutes Annotated 1978 and the Code of Federal Regulations were used as a reference in the development of this rule; however, they are not a substantial portion of this rule.

6. **Telephone number and address of issuing agency:** New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505, telephone number: (505) 476-7900.

7. **Effective date of this rule:** January 6, 2002

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of the GRRDS, General Administrative Records.

Roberta D. Joe
Assistant Attorney General

Date _____

COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.15.3 NMAC: GENERAL RECORDS RETENTION AND DISPOSITION SCHEDULE (GRRDS), GENERAL ADMINISTRATIVE RECORDS (For Use by Local Government and Educational Institutions)

1. **Subject Matter:** 1.15.3 NMAC. General Records Retention and Disposition Schedule for the General Administrative Records (For Use by Local Government and Educational Institutions). This rule is a modification to the existing GRRDS, 1.15.3 NMAC, filed October 1, 2001. Modifications to Sections 2, 3, and 6 through 9 NMAC have been made to bring this schedule into the current format that is being utilized by the State Records Center and Archives. Modifications from 1.15.3.101 NMAC through 1.15.3.708 NMAC have also been made to the operational descriptions for the Program and Maintenance system portions of this schedule. Modifications to the retention periods of 1.15.3.145 NMAC and 1.15.3.401 NMAC have been made. A modification to the Joint Powers Agreements retention period for 1.15.3.145 NMAC has been made to correct an error, through the omission of the retention period associated with the copy that is filled with the "rules and publication

divisions." The modification to the retention period for the Legal Case File records series for 1.15.3.401 NMAC has been made to distinguish legal case files involving adults and minors and real property case files. A modification to 1.15.3.117 NMAC for Reports has been made to include the retention of ad hoc reports. The Requests for Reproduction of Copyrighted Works for 1.15.3.609 NMAC was added to address federal guidelines for interlibrary loans dealing with copyright materials that were issued by the United States Copyright Office. 1.15.3.700 NMAC for Records Management Records is being repealed to correct an error. The retention and disposition requirements on this schedule are based on the legal and use requirements of the records and on their administrative, legal, fiscal and archival values. This records retention and disposition schedule was developed by the New Mexico Commission of Public Records, also known as the State Records Center and Archives.

2. **Persons Affected:** Record producing and keeping personnel of Local Government and Educational Institutions. Persons and entities normally subject to the rules and regulations of Local Government and Educational Institutions may also be directly or indirectly affected by this rule.

3. **Interests of persons affected:** Corporations, individuals, and employees of Local Government and Educational Institutions.

4. **Geographical applicability:** Areas within the State of New Mexico covered by Local Government and Educational Institutions and any person and entity outside the covered geographical area that conducts business with Local Government and Educational Institutions.

5. **Commercially published material incorporated:** New Mexico Statutes Annotated 1978 and the Code of Federal Regulations were used as a reference in the development of this rule; however, they are not a substantial portion of this rule.

6. **Telephone number and address of issuing agency:** New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505, telephone number: (505) 476-7900.

7. **Effective date of this rule:** January 6, 2002

Certification

As counsel for the State Records Center and

Archives, I certify that this synopsis provides adequate notice of the content of the GRRDS, General Administrative Records (For Use by Local Government and Educational Institutions.

Roberta D. Joe
Assistant Attorney General

Date _____

COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.18.469 NMAC: EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULE (ERRDS), STATE RACING COMMISSION

1. **Subject Matter:** 1.18.469 NMAC. Executive Records Retention and Disposition Schedule for State Racing Commission. Sections 1.18.469.101 NMAC through 1.18.469.107 and 1.18.469.110 have been amended to capture and describe the current record series information and function. The repeal of sections 1.18.469.108 NMAC and 1.18.469.109 NMAC, and sections 1.18.469.111 NMAC through 1.18.469.122 NMAC reflect the consolidation of the numerous application forms and lists into in to comprehensive files maintained by the Racing Commission. This ERRDS is a timetable for the management of specific records in a series. It describes the life cycle of each series listed on it by indicating the retention period of the records and their final disposition. This ERRDS also distinguishes between traditional hard copy files and electronic filing systems as well as input and output documentation. In addition to those items commonly found on an RRDS (i.e. record name, record description, record filing system, etc.), the ERRDS also indicates record confidentiality and output records frequency/distribution. The ERRDS provisions in this schedule are based on the legal requirements uses of the records and on their administrative, legal, fiscal and archival values. This amendment was done at the request of the State Racing Commission, and legal counsel for the State Racing Commission has reviewed and approved the amendment.

2. **Persons Affected:** Record producing/keeping personnel of the State Racing Commission. Persons/entities normally subject to the rules and regulations of the State Racing Commission may also be directly or indirectly affected by this rule.

3. **Interests of persons affected:** Records produced and maintained by the State Racing Commission.

4. **Geographical applicability:** Areas within the State of New Mexico covered by the State Racing Commission. Any person/entity outside the covered geographical area that conducts business with the State Racing Commission.

5. **Commercially published material incorporated:** New Mexico Statutes Annotated 1978 was used as a reference in the development of this rule. However, the reference is not a substantial portion of the rule.

6. **Telephone number and address of issuing agency:** New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number- (505) 476-7900.

7. **Effective date of this rule:** January 6, 2002.

Certification

As legal counsel for the NM State Records Center and Archives, I certify that this synopsis provides adequate notice of the content within the ERRDS for the State Racing Commission.

Roberta D. Joe
Assistant Attorney General

Date _____

COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.18.632 NMAC: EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULE (ERRDS), WORKERS COMPENSATION ADMINISTRATION

1. **Subject Matter:** 1.18.632 NMAC. Executive Records Retention and Disposition Schedule for the Workers Compensation Administration. This is an amendment to the existing ERRDS, 1.18.632 NMAC, filed August 28, 2001. Sections 1.18.632.102 NMAC, 1.18.632.251 NMAC, 1.18.632.252 NMAC, 1.18.632.601 NMAC, and 1.18.632.602 NMAC have been modified. Section 1.18.632.505 NMAC has been renumbered from 1.18.632.801 NMAC and modified. Sections 1.18.632.603 NMAC,

and 1.18.632.604 NMAC have been renumbered from 1.18.632.802 NMAC and 1.18.632.803 NMAC, respectively. The retention and disposition requirements on this schedule are based on the legal and use requirements of the records and on their administrative, legal, fiscal and archival values. This amendment was done at the request of the Workers Compensation Administration, and legal counsel for the Workers Compensation Administration has reviewed and approved the amendment.

2. **Persons Affected:** Record producing and keeping personnel of the Workers Compensation Administration. Persons and entities normally subject to the rules and regulations of the Workers Compensation Administration may also be directly or indirectly affected by this rule.

3. **Interests of persons affected:** Corporations, individuals, and employees of the Workers Compensation Administration.

4. **Geographical applicability:** Areas within the State of New Mexico covered by the Workers Compensation Administration and any person and entity outside the covered geographical area that conducts business with the Workers Compensation Administration.

5. **Commercially published material incorporated:** New Mexico Statutes Annotated 1978 and the Code of Federal Regulations were used as a reference in the development of this rule; however, they are not a substantial portion of this rule.

6. **Telephone number and address of issuing agency:** New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505, telephone number: (505) 476-7900.

7. **Effective date of this rule:** January 6, 2002

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of the ERRDS, Workers Compensation Administration.

Roberta D. Joe
Assistant Attorney General

Date _____

COMMISSION OF PUBLIC RECORDS**SYNOPSIS****1.18.665 NMAC: EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULE (ERRDS), DEPARTMENT OF HEALTH**

1. **Subject Matter:** 1.18.665 NMAC. Executive Records Retention and Disposition Schedule for the Department of Health. This rule is an amendment to the existing ERRDS, 1.18.665 NMAC, filed March 9, 2000. The entire schedule was renumbered. The following sections were repealed 1.18.665.630- 634 NMAC, Health Related Facilities Licensing; 1.18.665.635 - 643 NMAC, Federal Program Certification; 1.18.665.651 NMAC- 1.18.665.706 NMAC, Women, Infants and Children Program; and 1.18.665.730 NMAC - 1.18.665.740 NMAC, Los Lunas Center For Persons with Developmental Disabilities. The following sections were added: 1.18.665. 181 NMAC - 1.18.665.210 NMAC, Health Related Facilities Licensing and Federal Program Certification Program; 1.18.665.621 NMAC - 1.18.665.622 NMAC, Public Health Division; 1.18.665.936 NMAC -

1.18.665.937 NMAC, Healthy Families First, "Primeros Pasos"; 1.18.665.949 NMAC - 1.18.665.985 NMAC, Women, Infants and Children program; 1.18.665.1001 NMAC - 1.18.665.1006 NMAC, WIC Farmers' Market Nutrition program; 1.18.665.1021 NMAC - 1.18.665.1034 NMAC, Commodity Supplement Food Program; and 1.18.665.1047 NMAC - 1.18.665.1048 NMAC, Family Planning Program. The retention and disposition requirements on this schedule are based on the legal and use requirements of the records and on their administrative, legal, fiscal and archival values. This amendment was done at the request of the Department of Health, and legal counsel for the Department of Health has reviewed and approved the amendment.

2. **Persons Affected:** Record producing and keeping personnel of the Department of Health. Persons and entities normally subject to the rules and regulations of the Department of Health may also be directly or indirectly affected by this rule.

3. **Interests of persons affected:** Corporations, individuals, and employees of the Department of Health.

4. **Geographical applicability:**

Areas within the State of New Mexico covered by the Department of Health and any person and entity outside the covered geographical area that conducts business with the Department of Health.

5. **Commercially published material incorporated:** New Mexico Statutes Annotated 1978 and the Code of Federal Regulations were used as a reference in the development of this rule; however, they are not a substantial portion of this rule.

6. **Telephone number and address of issuing agency:** New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505, telephone number: (505) 476-7900.

7. **Effective date of this rule:** 01/06/2002

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of the ERRDS, Department of Health.

Roberta D. Joe
Assistant Attorney General
Date _____

COMMISSION OF PUBLIC RECORDS**Notice of Renumber**

On December 4, 2001 at a regular meeting of the New Mexico Commission of Public Records, the Commission approved the renumbering of the following Records Retention and Disposition Schedules. The effective date of renumber is January 6, 2002 for the following rules:

<u>Agency RRDS Title</u>	<u>Old NMAC No.</u>	<u>New NMAC No.</u>
JRRDS Supreme Court Law Library	1 NMAC 3.2.92.205	1.17.205 NMAC
JRRDS Judicial Standards Commission	1 NMAC 3.2.92.210	1.17.210 NMAC
JRRDS Court of Appeals	1 NMAC 3.2.92.215	1.17.215 NMAC
JRRDS Supreme Court	1 NMAC 3.2.92.216	1.17.216 NMAC
JRRDS NM Magistrate Court	1 NMAC 3.2.92.218.03	1.17.218 NMAC
JRRDS Board Governing the Recording of Judicial Proceedings	1 NMAC 3.2.92.218.09	1.17.219 NMAC
JRRDS Administrative Office of the Courts	1 NMAC 3.2.92.218	1.17.220 NMAC
JRRDS New Mexico Districts Courts	1 NMAC 3.2.92.230	1.17.230 NMAC
JRRDS Bernalillo County Metropolitan Court	1 NMAC 3.2.92.244	1.17.244 NMAC
JRRDS Administrative Office of the District Attorneys and District Offices	1 NMAC 3.2.92.264	1.17.264 NMAC
1 NMAC 3.2.92 has been incorporated into each individual part of Title 1, Chapter 17 and no longer exists as its own subpart.		
ERRDS Commission for the Blind	1 NMAC 3.2.93.606	1.18.606 NMAC
ERRDS Division of Vocational Rehabilitation	1 NMAC 3.2.93.644	1.18.644 NMAC
LGRRDS Office of County Assessor	1 NMAC 3.2.94.100	1.19.2 NMAC
LGRRDS Office of the County Clerk	1 NMAC 3.2.94.200	1.19.3 NMAC
LGRRDS Board of County Commissioners, County Manager	1 NMAC 3.2.94.300	1.19.4 NMAC
LGRRDS Office of the County Sheriff	1 NMAC 3.2.94.400	1.19.5 NMAC
LGRRDS Office of the County Treasurer	1 NMAC 3.2.94.500	1.19.6 NMAC
LGRRDS Southern Sandoval County Arroyo Flood Control Authority	1 NMAC 3.2.94.700	1.19.7 NMAC

NEW MEXICO
DEPARTMENT OF PUBLIC
SAFETY
 TRAINING AND RECRUITING
 DIVISION
 LAW ENFORCEMENT ACADEMY

This is an amendment to 10.29.7 NMAC, Section 8.

10.29.7.8 [2000 — 2001 TRAINING CYCLE] 2002 — 2003 TRAINING CYCLE

A. Twelve (12) hours ~~[is]~~ **are** required of maintenance training/education. This is training/education which insures that previously learned knowledge, skills, and abilities of a critical nature are maintained at an acceptable level of proficiency. Firearms, first aid, defensive tactics, driving, and DWI measuring devices are examples of areas where periodic maintenance is measured and/or tested.

B. Twenty (20) hours ~~[is]~~ **are** required of advanced and specialized training/education. This is training/education which is designed to improve upon or add to the knowledge, skills, and abilities of the law enforcement officer. Any accredited advanced, specialized, departmental in-service, college, or video training would qualify.

C. Eight (8) hours ~~[is]~~ **are** required from one or any combination of the following subjects: cultural awareness, stress/anger management, domestic violence, critical incident response, ethics, ~~[and]~~ legal update, **and alternative force.**

D. Required training may be received through the following means:

(1) The advanced training bureau will contract for course instruction at the regional training sites.

(2) Where scheduling will allow, the training and recruiting division will assign staff to instruct the course at the regional training sites.

(3) The curriculum will be developed by the training and recruiting division and provided to individual agencies for their own certified instructors to present to their officers, provided the instructor is qualified in the subject matter.

(4) The training and recruiting division will produce instructional video tapes which can be loaned to agencies. Agency instructors will facilitate the training using the same guidelines for other video training. Facilitator guidelines and exams would accompany the video tape.

(5) Individual agencies develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

E. This five-pronged approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon law enforcement and the opportunity to have statewide consistency in certain critical areas.

F. Implementation is to begin on January 1, ~~[2000]~~ **2002**. This two-year period consists of the twelve (12) hours of maintenance training required in Subsection A of 10.29.7.8 NMAC, the twenty (20) hours of advanced training required in Subsection B of 10.29.7.8 NMAC, and the eight (8) hours of training required in Subsection C of 10.29.7.8 NMAC.

G. Officers obtaining certification between January 1, ~~[2000]~~ **2002** and December 31, ~~[2000]~~ **2002**, will be required to obtain one-half of the in-service training requirement. Officers obtaining certification between January 1, ~~[2001]~~ **2003**, and December 31, ~~[2001]~~ **2003**, will be required to meet the next two-year requirement which will go into effect on January 1, ~~[2002]~~ **2004**. This policy will apply in subsequent two-year cycles. Officers transferring from one agency to another will carry with them the responsibility for in-service training.

[1-30-93, 12-15-93, 1-17-94, 12-7-95, 10-1-97, 1-1-98, 1-1-2000; 10.29.7.8 NMAC – Rn, 10 NMAC 29.7.8, 7/1/01; A, 1/1/02]

**End of Adopted Rules and
Regulations Section**

2002
SUBMITTAL DEADLINES AND PUBLICATION DATES

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

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