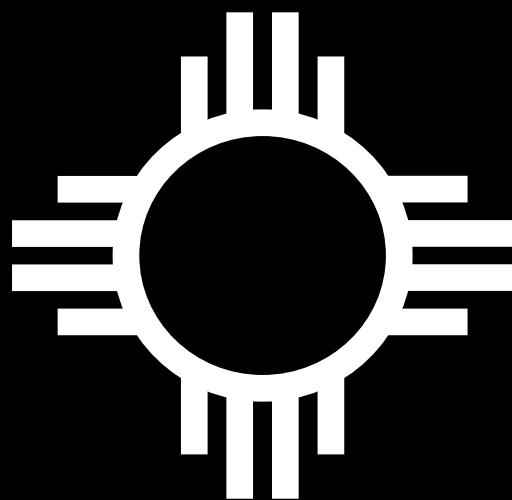


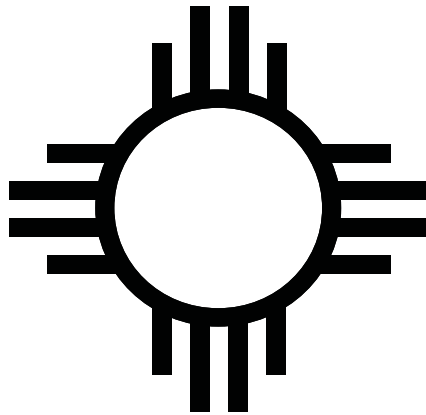
NEW MEXICO REGISTER



**Volume XXI
Issue Number 18
September 30, 2010**

New Mexico Register

Volume XXI, Issue Number 18
September 30, 2010



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

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Santa Fe, New Mexico
2010

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New Mexico Register

Volume XXI, Number 18

September 30, 2010

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Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. “No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register.” Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Notices of Rulemaking and Proposed Rules

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT AND NEW MEXICO TAXATION AND REVENUE DEPARTMENT

NOTICE OF PUBLIC HEARING AND RULEMAKING

STATE OF NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT AND TAXATION AND REVENUE DEPARTMENT SANTA FE, NEW MEXICO

The State of New Mexico, Energy, Minerals and Natural Resources Department and Taxation and Revenue Department will hold a public hearing at 10:00 a.m. on November 3, 2010 in Porter Hall, 1220 South St. Francis Drive, Santa Fe, New Mexico concerning proposed amendments to the rule for land conservation incentives tax credit for donations of land or interests in land to public or private land conservation agencies for conservation purposes, 3.13.20 NMAC. The proposed amendments to the rule address application submittal, appraisals, title opinions or title insurance policies as proof of ownership of the donated land or interest in land, the procedure for proposed rejections of certification of eligibility applications and responses, and deadlines for transfer of tax credits.

Copies of the text of the proposed rule amendments are available from Rhonda C. Fitzgerald at 505-476-3272 or from the Energy, Minerals and Natural Resources Department's web site at <http://www.emnrd.state.nm.us>.

All interested persons may participate in the hearing, and will be given an opportunity to submit relevant evidence, data, views, and arguments, orally or in writing.

Written comments and oral comments will be accepted at the public hearing on November 3, 2010 and written comments will be accepted until November 3, 2010 at 5:00 p.m. by mail or e-mail. Please mail written comments to Rhonda C. Fitzgerald, EMNRD-Forestry Division, 1220 S. St. Francis Dr., Santa Fe, New Mexico 87505 or submit them by e-mail to rhonda.fitzgerald@state.nm.us.

If you are an individual with a disability who

is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Rhonda C. Fitzgerald at 505-476-3272. Public documents can be provided in various accessible formats. Please contact Rhonda C. Fitzgerald at 476-3272, through Relay New Mexico at 1-800-659-1779 Voice or 1-800 659-8331 TTY, if a summary or other type of accessible format is needed.

NEW MEXICO OFFICE OF THE STATE ENGINEER

NOTICE OF PROPOSED REGULATIONS AND PUBLIC HEARING

OFFICE OF THE STATE ENGINEER
P.O. BOX 25102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6122
www.ose.state.nm.us

The State Engineer has released proposed amendments to Regulations Governing Dam Design, Construction and Dam Safety. The proposed amendments were developed to address changes to NMSA 1978, Section 72-5-32 (2009) and to address improvements to the standards of dam design, construction and operation practice in New Mexico.

Amendments are proposed to the following sections of the Regulations Governing Dam Design, Construction and Dam Safety: (7) Definitions, (8) Fee Schedule, (9) Size Classification, (10) Hazard Potential Classification, (11) Design of a Dam, (12) Certifications, (13) Permit Conditions, (14) Proof of Completion of Works, (17) Operation and Maintenance Manual, (18) Emergency Action Plan, (19) Changes to an Existing Dam (20) Changes to an Existing Non-Jurisdictional Dam, and (21) Existing Dams.

The proposed regulations are available at the Office of the State Engineer in Santa Fe, Albuquerque, Las Cruces, Roswell, Deming, Aztec, and Cimarron. The proposed regulations are also posted on the Office of the State Engineer web site and may be accessed at www.ose.state.nm.us/water_info_dam_safety_rules.html. Click on the link under Proposed Regulations. To request that a copy of the regulations be sent to you in the mail or by email, please contact Judy Leyba at 505-827-6122 or email judy.leyba@state.nm.us.

A public hearing will be held on the proposed amended regulations at the State Capitol, Room 307, Santa Fe, New Mexico, on October 29, 2010 beginning

at 10:00 a.m. Any person may appear and testify at the public hearing. If you are an individual with a disability who is in need of special assistance or accommodation to attend or participate in the hearing, please contact Judy Leyba at (505) 827-6122. The Office of the State Engineer requests ten days advance notice to provide any special accommodation.

Written comments on the proposed amendments to the regulations may be submitted to the Office of the State Engineer in Santa Fe or to any of the district offices. Written comments on the proposed regulations may also be mailed to:

Office of the State Engineer
Dam Safety Bureau
Attention: Elaine Pacheco
P.O. Box 25102
Santa Fe, NM 87504

Please submit your written comments to the Office of the State Engineer no later than October 15, 2010. After October 15, 2010, written and oral comments must be submitted at the hearing in Santa Fe on October 29, 2010.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing commencing on November 8, 2010, and continuing until completed at the State Capitol Building, Room 321, 490 Old Santa Fe Trail, Santa Fe, NM 87501, for the purpose of hearing the matter in EIB No. 10-08 (R), the New Mexico Environment Department's ("NMED") proposal to adopt amendments to 20.2.70 NMAC (Operating Permits) and 20.2.74 NMAC (Permits - Prevention of Significant Deterioration (PSD)). The amendments to 20.2.70 NMAC are proposed as revisions to the Title V Operating Permit Program, and the amendments to 20.2.74 NMAC are proposed as revisions to the State Implementation Plan (SIP). The proposed amendments "tailor" the New Mexico air permitting program to reflect the designation of greenhouse gases as a "regulated air pollutant" under the Clean Air Act. Federal regulations require these changes to air permitting program rules to ensure that only the largest sources of greenhouse gas emissions in the state must obtain air permits for greenhouse gas emissions.

The proposed regulations may be reviewed during regular business hours at the NMED Air Quality Bureau office, 1301 Siler Road, Building B, Santa Fe, New Mexico, on NMED's web site at www.nmenv.state.nm.us, or by contacting Kerwin Singleton at (505) 476-4350 or Kerwin.Singleton@state.nm.us.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures - Environmental Improvement Board), the Environmental Improvement Act, Section 74-1-9, NMSA 1978, the Air Quality Control Act Section, 74-2-6, NMSA 1978, scheduling, procedural, and other orders entered by the Board or its Hearing Officer, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses.

Persons wishing to present technical testimony must file a written notice of intent including the following:

- (1) identify the docket number, EIB No. 10-08 (R);
- (2) identify the date of the hearing;
- (3) identify the person for whom the witness(es) will testify;
- (4) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- (5) include the full written testimony of each technical witness;
- (6) attach each exhibit to be offered at the hearing; and
- (7) attach the text of any recommended modifications to the proposed regulation.

The Department shall submit its notice of intent to present technical testimony on August 31, 2010.

Any interested person shall submit a notice of intent to present technical testimony on October 8, 2010.

The Department shall submit their notice of intent to present rebuttal testimony on October 22, 2010.

Notices of intent must be received in the Board's Office no later than 5:00 p.m. on the date specified above. The Board's Office address is provided below:

Joyce Medina, Board Administrator
Office of the Environmental Improvement Board
Harold Runnels Building

1190 St. Francis Dr., Room N-2150 / 2153
Santa Fe, NM 87505
Phone: (505) 827-2425, Fax (505) 827-2836

Any person, including a member of the public, who wishes to present non-technical public comment, testimony, or exhibit, may do so without prior notification either in writing at any time before the conclusion of the hearing or in person at the hearing.

Persons having a disability and needing help in being a part of this hearing process should contact Judy Bentley by October 15, 2010 at the NMED, Personnel Services Bureau, P.O. Box 5469, Santa Fe, New Mexico, 87502, telephone 505-827-9872. TDY users may access her number via the New Mexico Relay Network at 1-800-659-8331.

The Board may make a decision on the proposed regulation at the conclusion of the hearing or may convene another meeting for that purpose.

NEW MEXICO DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing regarding 7.1.7 NMAC, Health Facility Licensing Fees and Procedures. The Hearing will be held on Monday, November 1, 2010 at 9:00 a.m. in the Harold Runnels Building auditorium, located at 1190 St. Francis Drive in Santa Fe, New Mexico.

The hearing will be conducted to receive public comment regarding the proposed repeal and replacement of 7.1.7 NMAC Health Facility Licensing Fees and Procedures (filed 02/28/06). A copy of these materials may be obtained from, and written comments may be submitted by email sent to: Roger.Gillespie@state.nm.us or you may write with a request or comments directed to his attention as follows:

Roger Gillespie, Deputy Director HFL&C
2040 South Pacheco Street, Suite 421
Santa Fe, New Mexico 87505

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Amanda Jaramillo by telephone at (505) 827-2618. The Department requests at least ten (10) days' advance notice for special accommodations requests.

NEW MEXICO HEALTH POLICY COMMISSION

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED RULE CHANGE OF THE DATA REPORTING REQUIREMENTS FOR HEALTH CARE FACILITIES REGULATIONS 7.1.4.1 THROUGH 7.1.4.11

The New Mexico Health Policy Commission (HPC) will hold a public hearing on October 19, 2010 at 1:30 PM, and continuing thereafter as necessary. The hearing will be held in the auditorium of the New Mexico Department of Health, Runnels Building, 1190 S. St. Francis Dr., Santa Fe, New Mexico 87505. The auditorium is located on the first floor, Suite A-1006.

The proposed amendments relate to several specific areas, including: 1) Reporting schedule - now quarterly; 2) Patient race and ethnicity coding - now separate race and ethnicity fields with new race codes and allowing multiple races ; 3) Patient tribal affiliation coding - now an additional field to indicate affiliation with up to five New Mexico tribes; 4) Patient discharge status coding - now an additional code for indicating release to courts or jail etc.; and 5) Source of admission coding - now replaced by point of origin. In addition to data fields and reporting file specifications, language was stricken so that the data file is not to be delimited by a vertical bar (pipe), nor is it to be in an extensible markup language (XML) format. This does not change the way data is being submitted now, it is only intended to clarify the format.

Please note that formatting, renumbering and minor technical changes in the regulations may occur.

The proposed regulations may be reviewed during regular business hours at the office of the Health Policy Commission, 1190 S. St. Francis Dr., Suite North-3060, Santa Fe, New Mexico, 87505. Copies of the proposed regulations may be obtained by contacting Peggy Schummers at (505) 476-1732 or by email at Peggy.schummers@state.nm.us, or by going online to the Commission website at www.hpc.state.nm.us/pages/a-z/atoz.html Rule Changes.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Any person who wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file such statement prior to the close of the hearing.

Persons who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 9:00 A.M. on the date of the hearing. Please send comments to:

Peggy Schummers
NM Health Policy Commission
1190 S. St. Francis Dr., Suite North-3060
P.O. Box 26110
Santa Fe, New Mexico 87502-26110

You may send comments electronically to:
Peggya.schummers@state.nm.us

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact Peggy Schummers, Office Manager, by October 5, 2010. Ms. Schummers can be reached at the above address and phone. TDD and TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

NEW MEXICO HUMAN SERVICES DEPARTMENT CHILD SUPPORT ENFORCEMENT DIVISION

NOTICE OF PUBLIC HEARING

The Human Services Department, Child Support Enforcement Division, proposes to repeal and replace the following NMAC parts: General Provisions 8.50.100 NMAC; Intake 8.50.105 NMAC; Location 8.50.106 NMAC; Income Withholding 8.50.110 NMAC; General Enforcement of Support Obligations 8.50.111 NMAC; Administrative Enforcement of Support Obligations 8.50.112 NMAC; Employees Including Members of the Armed Services 8.50.113 NMAC; Financial Institution Data Match (FIDM) 8.50.114 NMAC; Expedited Processes and Administrative Expedited Process 8.50.115 NMAC; International Child Support Enforcement 8.50.117 NMAC; Interstate Cases 8.50.124 NMAC; Fees, Payments, and Distributions 8.50.125 NMAC; Case Management 8.50.129 NMAC; Administrative Hearings 8.50.130 NMAC; Penalties 8.50.131 NMAC; and, Unclaimed Child, Spousal, or Medical Support 8.50.132 NMAC in accordance with federal and state laws and regulations with an effective date of December 1, 2010.

The Human Services Department, Child Support Enforcement Division, proposes to amend the following NMAC parts: Determination of Parentage 8.50.107 NMAC; Establishment and Modification of Support Order 8.50.108 NMAC; and,

Native American Initiative 8.50.116 NMAC, in accordance with federal and state laws and regulations with an effective date of December 1, 2010.

A public hearing to receive testimony on the proposed regulations will be held on Monday, November 1, 2010 at 9:00 a.m.

The hearing will be held at the Child Support Enforcement Division Law Library located in Pollon Plaza, 2009 South Pacheco St., Santa Fe, NM 87505. Individuals wishing to testify may contact the Child Support Enforcement Division, P.O. Box 25110, Santa Fe, NM 87504, or by calling toll free 1-800-432-6217, or in Santa Fe at (505) 476-7070.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the New Mexico Human Services Department toll free at 1-800-288-7207, in Santa Fe at (505) 476-7070, or through the New Mexico Relay system, toll free at 1-800-659-8331. The Department requests at least a ten (10) day advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing. All written and oral testimony will be considered prior to issuance of the final regulation. Please send comments to:

Melanie G. Rivas, Management Analyst-A
Human Services Department
P.O. Box 25110 Pollon Plaza
Santa Fe, N.M. 87504

You may send comments electronically to:
MelanieG.Rivas@state.nm.us or via fax to (505) 476-7045.

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

Notice of Public Hearing

The Human Services Department will hold a public hearing to consider proposed rules for the Cash Assistance Programs. A public hearing to receive testimony on the proposed regulations will be held on October 29, 2010 at 10:00 am. The hearing will be held at the Income Support Division Conference Room at Pollon Plaza, 2009 S. Pacheco St., Santa Fe, NM 87505. The Conference Room is located in room 120 on the lower

level. Individuals wishing to testify may contact the Income Support Division, P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling toll free 1-800-432-6217.

The Temporary Assistance for Needy Families (TANF) program is reaching maximum expenditures due to budgetary constraints. To reduce expenditures, the Department is proposing to: 1) adopt a new calculation methodology to determine the monthly benefit amount for the TANF, Education Works and State Funded Alien programs; and 2) provide the clothing allowance only once during the school year for TANF, Education Works, State Funded Aliens and General Assistance for Unrelated Children. The proposed regulatory amendments are consistent with chapter 27, article 2B, section 7, of the New Mexico Works Act, NMSA 1978 and chapter 27, article 2D, section 5 of the Education Works Act, NMSA 1978.

The proposed regulation is available on the Human Services Department website at <http://www.hsd.state.nm.us/isd/ISDRegisters.html>. Individuals wishing to testify or requesting a copy of the proposed regulation should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, New Mexico, 87505-2348, or by calling 505-827-7250.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the New Mexico Human Services Department toll free at 1-800-432-6217, in Santa Fe at 827-9454, or through the New Mexico Relay system, toll free at 1-800-659-8331. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 pm on October 29, 2010. Please send comments to:

Kathryn Falls, Secretary
Human Services Department
P.O. Box 2348 Pollon Plaza
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to: Vida.Tapia-Sanchez@state.nm.us

End of Notices and Proposed Rules Section

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Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING PART 12 BARBARY SHEEP, ORYX, AND PERSIAN IBEX

19.31.12.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.12.1 NMAC - Rp, 19.31.12.1 NMAC,
4-1-11]

19.31.12.2 SCOPE: Sportspersons
interested in Barbary sheep, oryx, and
Persian ibex management and hunting.
Additional requirements may be found in
Chapter 17, NMSA 1978, and Chapters 30,
31, 32 and 33 of Title 19.
[19.31.12.2 NMAC - Rp, 19.31.12.2 NMAC,
4-1-11]

**19.31.12.3 S T A T U T O R Y
AUTHORITY:** 17-1-14 and 17-1-26
NMSA 1978 provide that the New Mexico
state 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 mammals, birds, and
fish.
[19.31.12.3 NMAC - Rp, 19.31.12.3 NMAC,
4-1-11]

19.31.12.4 DURATION: April 1,
2011 through March 31, 2015.
[19.31.12.4 NMAC - Rp, 19.31.12.4 NMAC,
4-1-11]

19.31.12.5 EFFECTIVE DATE:
April 1, 2011, unless a later date is cited at
the end of individual sections.
[19.31.12.5 NMAC - Rp, 19.31.12.5 NMAC,
4-1-11]

19.31.12.6 O B J E C T I V E :
Establishing open hunting seasons and
regulation, rules, and procedures governing
the distribution and issuance of Barbary
sheep, oryx, and Persian ibex permits and
licenses by the department.
[19.31.12.6 NMAC - Rp, 19.31.12.6 NMAC,
4-1-11]

19.31.12.7 DEFINITIONS:

A. "Arrows" shall mean
only those arrows or bolts having broadheads
with steel cutting edges.

B. "Baiting" shall
mean the placing, exposing, depositing,
distributing, or scattering of any salt, grain,

scent or other feed on or over areas where
hunters are attempting to take Barbary
sheep, oryx, or Persian ibex.

C. "Bow" shall mean
compound, recurve, or long bow. Sights on
bows shall not project light nor magnify.

D. "Broken-horned oryx"
or **"BHO"** shall mean an oryx of either sex
that possesses at least one horn missing at
least 25% of its normal growth. This may be
determined by comparing the broken horn's
length to the remaining horn or where it is
readily apparent the terminal end would not
taper to a point for another 25% of growth.

E. "Crossbow" shall mean
a device with a bow limb or band of flexible
material that is attached horizontally to a
stock and has a mechanism to hold the string
in a cocked position. Sights on crossbows
shall not project light nor magnify.

F. "Department" shall
mean the New Mexico department of game
and fish.

G. "Director" shall mean
the director of the New Mexico department
of game and fish.

H. "ES" or "either sex"
shall mean any one animal of the species.

**I. "F-IM" or "female
or immature Persian ibex"** shall mean a
Persian ibex with horns less than 15 inches
long.

**J. "Game management
unit" or "GMU"** shall mean those areas as
described in the state game commission's
rule 19.30.4 NMAC Boundary Descriptions
for Wildlife Management Areas.

K. "License" shall mean
a valid official document that is issued or
approved by the director that each person
hunting Barbary sheep, oryx, or Persian ibex
in New Mexico must have or obtain prior to
hunting.

L. "License year" shall
mean the period from April 1 through March
31.

M. "Male Persian ibex"
shall mean any Persian ibex of the male
gender.

N. "Modern firearms"
shall mean center-fire firearms, not to
include any fully automatic firearms. Legal
shotguns shall be only those shotguns
capable of being fired from the shoulder.

**O. "Muzzle-loader or
muzzle-loading firearms"** shall mean those
rifles and shotguns in which the charge and
projectile are loaded through the muzzle.
Only blackpowder, Pyrodex or equivalent
blackpowder substitute may be used. Use
of smokeless powder is prohibited. Legal
muzzle-loader shotguns shall be only those
shotguns capable of being fired from the
shoulder.

**P. "Premier" or "once-
in-a-lifetime oryx"** shall mean those special
hunts, or licenses, that are restricted by rule
or regulation to those persons that never held
a license for an "once-in-a-lifetime" oryx
hunt.

**Q. "TBD" or "to be
determined"** shall mean the details of hunt
dates or hunt areas will be provided by
the department, or military agency where
the hunt will occur, to the hunter when the
designated hunt is initiated.

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

**S. "Wildlife management
areas" or "WMAs"** shall mean those areas
as described in the state game commission's
rule 19.30.4 NMAC Boundary Descriptions
for Wildlife Management Areas.

**T. "Iraq/Afghanistan
veterans" or "I/A vets"** shall refer to only
New Mexico residents returning from
military service in Iraq or Afghanistan as
eligible to apply for designated oryx hunts.

**U. "TBA" or "to be
assigned"** shall mean the details of hunt
dates or hunt areas will be assigned or
restricted by the military agency where the
hunt will occur.

[19.31.12.7 NMAC - Rp, 19.31.12.7 NMAC,
4-1-11]

**19.31.12.8 A D J U S T M E N T
OF LICENSES, PERMITS,
AUTHORIZATIONS, AND HARVEST
LIMITS:** The director, with the verbal
concurrence of the chairman or his designee,
may adjust the number of licenses, permits,
or authorizations, up or down by no more
than 20% to address significant changes
in population levels or to address critical
department management needs. This
adjustment may be applied to any or all of
the specific hunt codes for Persian ibex.
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. 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 the
original hunt code.

[19.31.12.8 NMAC - Rp, 19.31.12.8 NMAC,
4-1-11]

**19.31.12.9 BARBARY SHEEP,
ORYX, AND PERSIAN IBEX LICENSE
APPLICATION REQUIREMENTS AND
RESTRICTIONS:**

A. One license per Barbary sheep, oryx, or Persian ibex per year: It shall be unlawful for anyone to hold more than one permit or license for any Barbary sheep, oryx, or Persian ibex during a current license year unless otherwise allowed by rule. Multiple Persian ibex carcass tags are allowed to persons holding an official, valid license for the off-mountain Persian ibex hunt (IBX-1-528).

B. Validity of license or permit: All oryx, Barbary sheep and Persian ibex entry permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag. Licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by rule or regulation, including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, New Mexico state land office or other public land holding entity.

C. Ibex once-in-a-lifetime: It shall be unlawful for anyone to apply for an once-in-a-lifetime ibex license if he or she ever held a once in a lifetime license to hunt ibex. Persian ibex hunts for youth, muzzle-loading rifles, bows, year-round off-mountain hunts, and hunts for female or immature (F-IM) ibex, are not restricted to those persons that never held an once-in-a-lifetime Persian ibex hunting license.

D. Oryx once-in-a-lifetime: It shall be unlawful, beginning April 1, 1993, for anyone to apply for a premier, or, once-in-a-lifetime, oryx license if he or she ever held an "once-in-a-lifetime" license to hunt oryx. Once-in-a-lifetime oryx hunts include all premier or trophy on-range, mobility impaired, and Iraq/Afghanistan veteran hunts. Hunts not once-in-a-lifetime include population management, WSMR security badged, broken-horned, youth, and incentive hunts. Anyone may apply for population management, youth, and incentive hunts regardless if they held a license for an once-in-a-lifetime hunt, if they have met the other applicable requirements or restrictions. Those who have held an once-in-a-lifetime oryx hunting license may apply for broken-horned hunts.

E. Mobility impaired (MI) oryx hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) oryx license, except as allowed by 19.31.3.11 NMAC.

F. Youth only (YO) oryx and Persian ibex hunts: It shall be unlawful for anyone to apply for youth only (YO) oryx or Persian ibex license except as allowed by 19.31.3.11 NMAC.

G. Military only (MO) Barbary sheep and oryx hunts: It shall be unlawful for anyone to apply for a military only Barbary sheep or oryx license, except as allowed by 19.31.3.11 NMAC.

H. Iraq/Afghanistan veterans (I/A) hunts: It shall be unlawful for anyone to apply for an Iraq/Afghanistan veteran oryx license, except as allowed by 19.31.3.11 NMAC. [19.31.12.9 NMAC - Rp, 19.31.12.9 NMAC, 4-1-11]

19.31.12.10 BARBARY SHEEP, ORYX, AND PERSIAN IBEX MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Barbary sheep, oryx or Persian ibex may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one Barbary sheep, oryx or Persian ibex during a current license year unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of Barbary sheep, oryx, or Persian ibex shall be issued with a carcass tag bearing the name of the species.

(2) It shall be unlawful to possess more than one carcass tag per Barbary sheep, oryx or Persian ibex except as permitted by regulation. Multiple Persian ibex carcass tags are allowed to persons holding an official, valid license for the off-mountain Persian ibex hunt (IBX-1-528).

(3) It shall be unlawful for any licensee to fail to tag the Barbary sheep, oryx, or Persian ibex as prescribed below:

(a) Immediately after killing any Barbary sheep, oryx or Persian ibex the licensee killing the game shall notch the proper day and month of kill from the Barbary sheep, oryx or Persian ibex tag.

(b) The tag shall be attached to the carcass of Barbary sheep, oryx or Persian ibex and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A Barbary sheep, oryx or Persian ibex tag, when attached to the carcass of legally taken game, shall authorize possession and storage for the period designated on the tag.

D. Seizure: Any

conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of Barbary sheep, oryx or Persian ibex that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of any Persian ibex without proof of sex. The horns of any Persian ibex shall remain attached to the skull until arriving at a residence, taxidermist, meat processing facility, or place of final storage. The scalp and both ears of females or immature males of Persian ibex shall accompany the carcass in the same manner.

F. Proof of bag limit: It shall be unlawful for anyone to transport or possess the carcass of any oryx without proof of bag limit. The horns of any oryx taken shall remain attached to the skull until arriving at a residence, taxidermist, meat processing facility, or place of final storage.

G. Use of dogs in hunting: It shall be unlawful to use dogs to hunt any Barbary sheep, oryx or Persian ibex.

H. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any Barbary sheep, oryx or Persian ibex by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

I. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any Barbary sheep, oryx or Persian ibex.

J. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any Barbary sheep, oryx or Persian ibex.

K. Killing out-of-season: It shall be unlawful to kill any Barbary sheep, oryx or Persian ibex out of their respective hunting seasons.

L. Legal weapon types for oryx are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts.

M. Legal weapon types for Barbary sheep and Persian ibex are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles; bows and arrows; and crossbows and bolts.

N. Areas closed to hunting: The following areas shall remain closed to hunting Barbary sheep, oryx, and Persian ibex, except as permitted by regulation: Sugarite canyon state park; Orilla Verde and Wild Rivers recreation areas, including the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera

national preserve).

O. Restricted areas on White Sands missile range: It shall be unlawful:

(1) to drive or ride in a motor vehicle into an area signed *no hunting* or otherwise restricting hunting or as documented on a map or as presented during the hunt's briefing, except if the hunter or driver is escorted by official personnel;

(2) for a licensed hunter to enter an area signed *no hunting* or otherwise restricting hunting except if the hunter is escorted by official personnel; and

(3) for a licensed security badged hunter to hunt or take any oryx in an area other than their TBA area.

[19.31.12.10 NMAC - Rp, 19.31.12.10 NMAC, 4-1-11]

19.31.12.11 BARBARY SHEEP HUNTING SEASONS: Barbary sheep hunts shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses, and bag limit. Public land Barbary sheep licenses for GMUs 29, 30, 31, 32, 34, 36 and 37 are available only through application in the special entry draw. Private land only licenses for GMUs 29, 30, 31, 32, 34, 36 and 37 shall not be issued through the public draw and will only be available from department offices or through the department's web site and shall only be valid on deeded private lands. BBY-1-100 and BBY-1-101 licenses shall also be valid for over-the-counter hunt areas. The department shall issue military only Barbary sheep hunting licenses for McGregor range to full time military personnel providing a valid access authorization issued by Fort Bliss (BBY-1-102).

A. Southeast area public lands entry hunts:

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
31, 32, 34, 36, 37	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-100	600	ES
29, 30	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-101	600	ES
28 McGregor range, MO	12/31-1/1	12/29-12/30	12/28-12/29	12/27-12/28	BBY-1-102	5	ES
28 McGregor range	12/31-1/1	12/29-12/30	12/28-12/29	12/27-12/28	BBY-1-103	5	ES

B. Southeast area private land-only hunts: Private land-only licenses shall only be available through department offices or the department's web site.

open GMUs	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	licenses	bag limit
31, 32, 34, 36, 37	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-200	unlimited	ES
30, 29	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	BBY-1-201	unlimited	ES

C. Over-the-counter hunts: The hunt area shall be statewide (including Water canyon WMA in GMU 9) except those GMUs with bighorn sheep (8, 13, 14, 16, 20, 22, 23, 24, 26 and 27), WSMR and Fort Bliss portions of GMU 19, and those GMUs in the southeast area (28, 29, 30, 31, 32, 34, 36 and 37).

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	licenses	bag limit
statewide, with restrictions listed above	4/1-3/31	4/1-3/31	4/1-3/31	4/1-3/31	BBY-1-300	unlimited	ES

D. Barbary sheep population management hunts:

(1) The respective area chief may authorize population management hunts for Barbary sheep when justified in writing by department personnel.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses. No qualifying license holder shall take more than one Barbary sheep per license year.

(3) The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the license after notification by telephone.

(4) Application may be made either on-line or through the special hunt application form provided by the department. On-line applications must be submitted by the deadline date set by the department. Application forms postmarked by the deadline date will be accepted up to five working days after the deadline date.

(5) Applications for licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.

(6) In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

(7) No more than one person may apply under each application.

(8) Population management hunts for Barbary sheep may be anywhere in the state with dates, number of licenses, bag limit, and specific hunt areas to be determined by the department. The hunt code to apply for Barbary sheep population management hunts shall be BBY-5-100.

(9) In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

E. Special management properties: For private lands within GMUs 29, 30, 31, 32, 34, 36 and 37, the department may work with interested landowners to develop appropriate bag limits, weapon types, season dates and authorization numbers for private land hunting needed to achieve the proper harvest within the exterior boundaries of participating ranches.

[19.31.12.11 NMAC - Rp, 19.31.12.11 NMAC, 4-1-11]

19.31.12.12 ORYX HUNTING SEASONS:

A. Oryx premier hunts for any legal weapon shall be as indicated below, listing the open areas, eligibility requirements or restrictions, hunt dates, hunt code, number of licenses and bag limit. Two persons may apply on one application. These hunts are restricted; only those who have never held an oryx once-in-lifetime license may apply. Only New Mexico residents returning from military service in Iraq or Afghanistan are eligible to apply for oryx hunts designated as "Iraq/Afghanistan vets" or "I/A vets". Proof of military service in Iraq or Afghanistan must accompany application or, if applying online, forwarded to the department by the application deadline date, pursuant to 19.31.3.11 NMAC.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
Rhodes canyon YO	9/8-9/10	9/6-9/8	9/5-9/7	9/4-9/6	ORX-1-100	30	ES
Rhodes canyon MI	9/8-9/10	9/6-9/8	9/5-9/7	9/4-9/6	ORX-1-101	20	ES
Stallion range	9/23-9/25	9/21-9/23	9/20-9/22	9/19-9/21	ORX-1-102	70	ES
Stallion range I/A vets	9/23-9/25	9/21-9/23	9/20-9/22	9/19-9/21	ORX-1-103	5	ES
Rhodes canyon	10/7-10/9	10/5-10/7	10/4-10/6	10/3-10/5	ORX-1-104	70	ES
Rhodes canyon I/A vets	10/7-10/9	10/5-10/7	10/4-10/6	10/3-10/5	ORX-1-105	5	ES
Stallion range	11/18-11/20	11/16-11/18	11/15-11/17	11/14-11/16	ORX-1-106	70	ES
Stallion range I/A vets	11/18-11/20	11/16-11/18	11/15-11/17	11/14-11/16	ORX-1-107	5	ES
Rhodes canyon	12/2-12/4	11/30-12/2	11/29-12/1	11/28-11/30	ORX-1-108	70	ES
Rhodes canyon I/A vets	12/2-12/4	11/30-12/2	11/29-12/1	11/28-11/30	ORX-1-109	5	ES
Stallion range	1/13-1/15	1/11-1/13	1/10-1/12	1/9-1/11	ORX-1-110	70	ES
Stallion range I/A vets	1/13-1/15	1/11-1/13	1/10-1/12	1/9-1/11	ORX-1-111	5	ES
Rhodes canyon	1/27-1/29	1/25-1/27	1/24-1/26	1/23-1/25	ORX-1-112	70	ES
Rhodes canyon I/A vets	1/27-1/29	1/25-1/27	1/24-1/26	1/23-1/25	ORX-1-113	5	ES
Stallion range	2/10-2/12	2/8-2/10	2/7-2/9	2/6-2/8	ORX-1-114	70	ES
Stallion range I/A vets	2/10-2/12	2/8-2/10	2/7-2/9	2/6-2/8	ORX-1-115	5	ES
Rhodes canyon	2/24-2/26	2/22-2/24	2/21-2/23	2/20-2/22	ORX-1-116	70	ES
Rhodes canyon I/A vets	2/24-2/26	2/22-2/24	2/21-2/23	2/20-2/22	ORX-1-117	5	ES

B. Oryx restricted on-range hunts, shall be as indicated below or as specific dates and hunt areas are determined by the department. The following hunts have restrictions that must be met prior to application. These hunts are not once-in-a-lifetime oryx hunts. Oryx WSMR security-badged hunts are available only to personnel with official valid security badges, or their guests, in accordance with White Sands missile range provisions and pursuant to 19.31.3.11 NMAC. Youth hunters must provide hunter education certificate number on application. Only military personnel stationed at WSMR can apply for the military only (MO) security badged hunt.

open areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
WSMR security badged: TBA/ MO	TBD	TBD	TBD	TBD	ORX-1-118	15	ES
WSMR security badged: TBA	8/1-8/31	8/1-8/31	8/1-8/31	8/1-8/31	ORX-1-119	30	ES
WSMR security badged: TBA	9/1-9/30	9/1-9/30	9/1-9/30	9/1-9/30	ORX-1-120	30	ES
WSMR security badged: TBA	10/1-10/31	10/1-10/31	10/1-10/31	10/1-10/31	ORX-1-121	30	ES
WSMR security badged: TBA	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	ORX-1-122	30	ES
WSMR security badged: TBA	12/1-12/31	12/1-12/31	12/1-12/31	12/1-12/31	ORX-1-123	30	ES
WSMR security badged: TBA	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	ORX-1-124	30	ES
WSMR security badged: TBA	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	ORX-1-125	30	ES
WSMR security badged: TBA	3/1-3/31	3/1-3/31	3/1-3/31	3/1-3/31	ORX-1-126	30	ES
Stallion range	9/23-9/25	9/21-9/23	9/20-9/22	9/19-9/21	ORX-1-127	10	BHO

Rhodes canyon	10/7-10/9	10/5-10/7	10/4-10/6	10/3-10/5	ORX-1-128	10	BHO
Stallion range	11/18-11/20	11/16-11/18	11/15-11/17	11/14-11/16	ORX-1-129	10	BHO
Rhodes canyon	12/2-12/4	11/30-12/2	11/29-12/1	11/28-11/30	ORX-1-130	10	BHO
Stallion range	1/13-1/15	1/11-1/13	1/10-1/12	1/9-1/11	ORX-1-131	10	BHO
Rhodes canyon	1/27-1/29	1/25-1/27	1/24-1/26	1/23-1/25	ORX-1-132	10	BHO
Stallion range	2/10-2/12	2/8-2/10	2/7-2/9	2/6-2/8	ORX-1-133	10	BHO
Rhodes canyon	2/24-2/26	2/22-2/24	2/21-2/23	2/20-2/22	ORX-1-134	10	BHO

C. Oryx hunts off of White Sands missile range shall be as indicated below, listing the open areas, eligibility requirements or restrictions, hunt dates, hunt code, number of licenses and bag limit. The department shall issue military only oryx hunting licenses for McGregor range to full time military personnel providing a valid access authorization issued by Fort Bliss (McGregor range MO).

open areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
statewide, off-range	4/1-4/30	4/1-4/30	4/1-4/30	4/1-4/30	ORX-1-200	50	ES
statewide, off-range, YO	4/1-4/30	4/1-4/30	4/1-4/30	4/1-4/30	ORX-1-201	15	ES
statewide, off-range	5/1-5/31	5/1-5/31	5/1-5/31	5/1-5/31	ORX-1-202	50	ES
statewide, off-range, YO	5/1-5/31	5/1-5/31	5/1-5/31	5/1-5/31	ORX-1-203	15	ES
statewide, off-range	6/1-6/30	6/1-6/30	6/1-6/30	6/1-6/30	ORX-1-204	50	ES
statewide, off-range, YO	6/1-6/30	6/1-6/30	6/1-6/30	6/1-6/30	ORX-1-205	15	ES
statewide, off-range	7/1-7/31	7/1-7/31	7/1-7/31	7/1-7/31	ORX-1-206	50	ES
statewide, off-range, YO	7/1-7/31	7/1-7/31	7/1-7/31	7/1-7/31	ORX-1-207	15	ES
statewide, off-range	8/1-8/31	8/1-8/31	8/1-8/31	8/1-8/31	ORX-1-208	50	ES
statewide, off-range, YO	8/1-8/31	8/1-8/31	8/1-8/31	8/1-8/31	ORX-1-209	15	ES
statewide, off-range	9/1-9/30	9/1-9/30	9/1-9/30	9/1-9/30	ORX-1-210	50	ES
statewide, off-range, YO	9/1-9/30	9/1-9/30	9/1-9/30	9/1-9/30	ORX-1-211	15	ES
statewide, off-range	10/1-10/31	10/1-10/31	10/1-10/31	10/1-10/31	ORX-1-212	50	ES
statewide, off-range, YO	10/1-10/31	10/1-10/31	10/1-10/31	10/1-10/31	ORX-1-213	15	ES
statewide, off-range	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	ORX-1-214	50	ES
statewide, off-range, YO	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	ORX-1-215	15	ES
statewide, off-range	12/1-12/31	12/1-12/31	12/1-12/31	12/1-12/31	ORX-1-216	50	ES
statewide, off-range, YO	12/1-12/31	12/1-12/31	12/1-12/31	12/1-12/31	ORX-1-217	15	ES
statewide, off-range	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	ORX-1-218	50	ES
statewide, off-range, YO	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31	ORX-1-219	15	ES
statewide, off-range	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	ORX-1-220	50	ES
statewide, off-range, YO	2/1-2/29	2/1-2/28	2/1-2/28	2/1-2/28	ORX-1-221	15	ES
statewide, off-range	3/1-3/31	3/1-3/31	3/1-3/31	3/1-3/31	ORX-1-222	50	ES
statewide, off-range, YO	3/1-3/31	3/1-3/31	3/1-3/31	3/1-3/31	ORX-1-223	15	ES
McGregor range	1/7-1/8	1/12-1/13	1/11-1/12	1/10-1/11	ORX-1-224	25	ES
McGregor range, MO	1/7-1/8	1/12-1/13	1/11-1/12	1/10-1/11	ORX-1-225	25	ES
McGregor range	12/10-12/11	12/8-12/9	12/7-12/8	12/6-12/7	ORX-1-226	25	ES
McGregor range, MO	12/10-12/11	12/8-12/9	12/7-12/8	12/6-12/7	ORX-1-227	25	ES

D. Private land-only oryx hunts: Private land-only oryx licenses shall be valid only on deeded private land and restricted to the season dates, eligibility requirements or restrictions, sporting arms type, and bag limit that corresponds to the public land hunt codes listed 19.31.12.12 NMAC above. The number of private land-only oryx licenses shall be unlimited and available only through department offices or department's web site.

E. Oryx population management hunts:

(1) The respective area chief may authorize population management hunts for oryx when justified in writing by department personnel.

(2) The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses. No qualifying license holder shall take more than one oryx per license year.

(3) The specific hunt dates, hunt area, the name of the department representative providing the information and the date and time of notification shall be written on the license after notification by telephone.

(4) Application may be made either on-line or through the special hunt application form provided by the department. On-line applications must be submitted by the deadline date set by the department. Application forms postmarked by the deadline date will be accepted up to five working days after the deadline date.

(5) Applications for licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.

(6) In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

(7) No more than one person may apply under each application.

(8) Population management hunts for oryx may be anywhere in the state with dates, number of licenses, bag limit, and specific hunt areas to be determined by the department. The hunt codes to apply for oryx population management hunts shall be as indicated in the table below.

open areas	hunt dates	hunt code	licenses	bag limit
standard management hunt, TBA	TBA	ORX-5-510	250	ES
Fort Bliss (west of US highway 54) management hunt, TBA	TBA	ORX-5-511	30	ES

(9) Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date.

(10) The oryx population management hunt ORX-5-511 is restricted to Fort Bliss military personnel only. Proof of assignment to Fort Bliss must accompany application or, if applying online, forwarded to the department by the application deadline.

(11) In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

F. Oryx incentive authorizations: The director may annually allow up to two oryx authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates to purchase the license may be used either by the applicant or any individual of the selected applicant's choice and may be transferred through sale, barter, or gift. Oryx incentive hunts shall be any one premier oryx season (excluding population management hunts) of the hunter's choice. Bag limit shall be either sex with the legal sporting arms and hunt area of the selected hunt.

[19.31.12.12 NMAC - Rp, 19.31.12.12 NMAC, 4-1-11]

19.31.12.13 PERSIAN IBEX HUNTING SEASONS: Persian ibex hunts shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt code, number of available licenses and bag limit. The IBX-1-525 hunt is restricted to only those who have never held an ibex once-in-lifetime license. Youth, muzzle-loading rifle, bow, year-long off-mountain, and female or immature (F-IM) ibex hunts are not restricted; anyone may apply, regardless if they have ever held an ibex once-in-a-lifetime license. Holders of the off-mountain license (IBX-1-528) may apply for any Florida mountain ibex hunt (IBX-1-500, IBX-1-520, IBX-1-525, IBX-2-535, IBX-2-536 or IBX-3-540) unless otherwise restricted by rule. The off-mountain (IBX-1-528) license holders need only submit the application fee and their license number along with their application. Any valid Persian ibex license shall be valid during the off-mountain (IBX-1-528) hunts. Holders of an off-mountain (IBX-1-528) license have an unlimited number of tags available upon request at any department office. Hunt codes for Persian ibex hunts allowing "any legal weapon type" shall be designated IBX-1. Hunt codes for Persian ibex hunts allowing the "bow only" weapon type shall be designated as IBX-2. Hunt codes for Persian ibex hunts allowing the "muzzle loading rifles or bow" weapon type shall be designated as IBX-3. The Florida mountain hunt is that portion of GMU 25 bounded by interstate 10 on the north, U.S.-Mexico border on the south, NM 11 on the west and the Dona Ana-Luna county line on the east. The year-long off-mountain hunt area is any public land open for hunting and private lands with written permission outside the Florida mountain hunt area, including Big Hatchet WMA. Youth hunters must provide hunter education certificate number on application.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	licenses/ bag limit
Florida mountains, YO	9/24-10/2	9/22-9/30	9/21-9/29	9/20-9/28	IBX-1-500	30/ES
Florida mountains	10/1-10/31	10/1-10/31	10/1-10/31	10/1-10/31	IBX-1-520	100/F-IM
Florida mountains	11/26-12/12	11/24-12/10	11/23-12/9	11/22-12/8	IBX-1-525	15/ES
Florida mountains	1/1-1/15	1/1-1/15	1/1-1/15	1/1-1/15	IBX-2-535	100/ES
Florida mountains	1/16-1/31	1/16-1/31	1/16-1/31	1/16-1/31	IBX-2-536	100/ES
Florida mountains	2/11-2/19	2/9-2/17	2/8-2/16	2/7-2/15	IBX-3-540	50/ES
off-mountain hunt area	4/1-3/31	4/1-3/31	4/1-3/31	4/1-3/31	IBX-1-528	unlimited/ES

[19.31.12.13 NMAC - Rp, 19.31.12.13 NMAC, 4-1-11]

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 N A T U R A L
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 14 ELK**

19.31.14.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.14.1 NMAC - Rp, 19.31.14.1 NMAC,
4-1-11]

19.31.14.2 SCOPE: Sportspersons
interested in elk management and elk
hunting. Additional requirements may
be found in Chapter 17, NMSA 1978, and
Chapters 30, 31, 32 and 33 of Title 19.
[19.31.14.2 NMAC - Rp, 19.31.14.2 NMAC,
4-1-11]

**19.31.14.3 S T A T U T O R Y
AUTHORITY:** 17-1-14 and 17-1-26
NMSA 1978 provide that the New Mexico
state 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 mammals, birds, and
fish.
[19.31.14.3 NMAC - Rp, 19.31.14.3 NMAC,
4-1-11]

19.31.14.4 DURATION: April 1,
2011 through March 31, 2015.
[19.31.14.4 NMAC - Rp, 19.31.14.4 NMAC,
4-1-11]

19.31.14.5 EFFECTIVE DATE:
April 1, 2011, unless a later date is cited at
the end of individual sections.
[19.31.14.5 NMAC - Rp, 19.31.14.5 NMAC,
4-1-11]

19.31.14.6 O B J E C T I V E :
Establishing open hunting seasons and basic
regulation, rules, and procedures governing
the issuance of special elk permits and
licenses by the department.
[19.31.14.6 NMAC - Rp, 19.31.14.6 NMAC,
4-1-11]

19.31.14.7 DEFINITIONS:

A. "A" or "antlerless elk"
shall mean any one elk without antlers.

B. "APRE/6" shall mean
any antler point restricted bull elk with a
minimum of six visible antler points on one
side, a brow tine or eye guard constitutes a
point, a burr at the base does not.

C. "Arrows" shall mean
only those arrows or bolts having broadheads
with steel cutting edges.

D. "Baiting" shall
mean the placing, exposing, depositing,
distributing, or scattering of any salt, grain,
scent or other feed on or over areas where
hunters are attempting to take elk.

E. "Bow" shall mean
compound, recurve or long bow. Sights on
bows shall not project light nor magnify.

**F. "Core occupied elk
range" or "COER"** shall mean the portion
of land within the boundaries of a game
management unit (GMU) that is designated
by the department as containing the majority
of routine and substantial elk use. This shall
be the area on which elk management goals
and subsequent harvest objectives are based.

G. "Crossbow" shall mean
a device with a bow limb or band of flexible
material that is attached horizontally to a
stock and has a mechanism to hold the string
in a cocked position. Sights on crossbows
shall not project light nor magnify.

H. "Department" shall
mean the New Mexico department of game
and fish.

I. "Director" shall mean
the director of the New Mexico department
of game and fish.

J. "Elk" as used herein,
shall mean any wild cervid of the genus
Cervus.

**K. "Elk enhancement
program" and "special elk permits"** as
used herein, shall mean the department
activity that allows the issuance of not more
than two permits for the taking of one bull
elk per permit with the purpose of raising
funds for programs and projects to benefit
elk.

**L. "Elk harvest success
rate"** will mean the success rate of elk
hunters who hunted pursuant to licenses
issued through the conversion of private land
authorizations and public draw licenses in
each game management unit as determined
by hunter harvest surveys.

M. "Elk region" shall
mean a portion of the state designated by the
department to administer elk management
activities. An elk region describes an
assemblage of one or more herd units and
encompasses one or more GMUs.

N. "Entry permit" shall
entitle the holder of a valid official license
to hunt where hunter numbers are limited by
rule.

O. "ES" or "either sex"
shall mean any one elk.

**P. "Game management
unit" or "GMU"** shall mean those areas as
described in the state game commission's
rule 19.30.4 NMAC Boundary Descriptions
for Wildlife Management Areas.

Q. "High demand hunt" is
hereby defined as a special draw hunt where
the total number of non-resident applicants
for an elk hunt in each unit exceeds 22% of

the total applicants based on data for the two
immediately preceding years.

R. "License" shall mean
a valid official document that is issued or
approved by the director that each person
hunting elk in New Mexico must have or
obtain prior to hunting.

S. "License year" shall
mean the period from April 1 through March
31.

**T. "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.

U. "Modern firearms"
shall mean center-fire firearms, not to
include any fully automatic firearms. Legal
shotguns shall be only those shotguns
capable of being fired from the shoulder.

**V. "Muzzle-loader or
muzzle-loading firearms"** shall mean those
rifles and shotguns in which the charge and
projectile are loaded through the muzzle.
Only blackpowder, Pyrodex or equivalent
blackpowder substitute may be used. Use
of smokeless powder is prohibited. Legal
muzzle-loader shotguns shall be only those
shotguns capable of being fired from the
shoulder.

**W. "Private land
authorization certificate"** shall mean the
document generated by the department and
issued to a private landowner that authorizes
the holder to purchase a specified license to
hunt elk.

X. "Quality hunt" is
hereby defined as a hunt designed to provide
a hunter with an opportunity to achieve one
or more of the following: a pleasurable
experience based on timing and length of
hunt season, lower hunter density, and an
increased opportunity for success.

**Y. "TBD" or "to be
determined"** shall mean the details of a hunt
will be provided to the hunter as designated
by the director.

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

**AA. "Valles Caldera
national preserve (VCNP)"** shall mean the
hunt area within game management sub-unit
6B known as the Valles Caldera national
preserve.

BB. "Web sale" shall refer
to accessing the department's internet
address to initiate the process to purchase
specific elk hunting licenses as designated
by the director annually.

**CC. "Wildlife management
area" or "WMA"** shall mean those areas
as described in the state game commission's
rule 19.30.4 NMAC Boundary Descriptions
for Wildlife Management Areas.

DD. "Mentor/youth only

hunts” or “M/Y” shall mean be limited to one adult (18 years and older) and up to three youth (under 18 years as of opening day of the hunt) hunters. Youth applicants for any mentor/youth only firearm hunts must provide their hunter education certificate number on application.

[19.31.14.7 NMAC - Rp, 19.31.14.7 NMAC, 4-1-11]

19.31.14.8 A D J U S T M E N T OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS:

The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, or authorization certificates, up or down by no more than 20% to address significant changes in population levels or to address critical department management needs (exception: GMU 34, elk licenses and authorizations may be adjusted beyond this amount as necessary to meet management objectives). This adjustment may be applied to any or all permits, authorizations, licenses for elk in a specific GMU or designated area. [19.31.14.8 NMAC - Rp, 19.31.14.8 NMAC, 4-1-11]

19.31.14.9 ELK LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS.

A. One elk permit or license per year: It shall be unlawful for anyone to hold more than one permit or license to hunt elk during the current license year unless otherwise specifically allowed by rule.

B. Validity of license or permit: All elk permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt information printed on the permit, license or carcass tag. In GMUs 4, 5A, 46, 54, 55A, 57 and 58, private land “ranch only” elk licenses shall be valid on other private lands within the GMU only if accompanied by written permission from the landowner or designee.

C. Valle Vidal elk once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a license to hunt bull elk on the Valle Vidal (as described in 19.30.4.11 NMAC) if he or she has ever held a license allowing them to take a bull elk on the Valle Vidal since 1983 except persons that have held a youth-only license may apply for other than youth only licenses as long as they are eligible. This restriction applies to all licenses valid for a bag limit that allows the harvest of an antlered bull elk. It shall be unlawful for anyone to apply for a license to hunt antlerless elk on the Valle Vidal if he or she has ever held a Valle Vidal elk license valid for a bag limit of antlerless since 1983 except persons that have held a youth-only

antlerless license may apply for other than youth only antlerless licenses as long as they are eligible. Either sex (ES) or mature bull/antlerless (MB/A) shall not be considered as an “antlerless” license for this restriction. Persons who have held a Valle Vidal elk license through any incentive program are exempt from this restriction.

D. Mobility impaired (MI) elk hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) elk license, except as allowed by 19.31.3.11 NMAC.

E. Youth only (YO) elk hunts: It shall be unlawful for anyone to apply for youth only (YO) elk license except as allowed by 19.31.3.11 NMAC.

[19.31.14.9 NMAC - Rp, 19.31.14.9 NMAC, 4-1-11]

19.31.14.10 ELK MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Hunt season and hours: Elk may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one elk during a current license year unless otherwise provided by regulation.

C. Tagging:

(1) Any license that permits the taking of elk shall be issued with an elk carcass tag.

(2) It shall be unlawful to possess more than one elk carcass tag per year, except as specifically permitted by rule.

(3) It shall be unlawful for any licensee to fail to tag the elk as prescribed below.

(a) Immediately after killing any elk; the licensee killing the elk shall notch the proper day and month of kill from the elk carcass tag.

(b) The tag shall be attached to the elk carcass and remain attached while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) An elk tag, when attached to the carcass of legally taken elk, shall authorize possession and storage for the period designated on the tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize any elk carcasses that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of an elk without proof of sex. The antlers of any bull elk taken shall remain attached to the skull plate until arriving at a residence, taxidermist, meat processing facility, or place of final storage. The scalp and both ears of female or immature male shall accompany the carcass in the same manner.

F. Use of dogs in hunting: It shall be unlawful to use dogs to hunt elk, except leashed dogs may be used to locate wounded or dead elk. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

G. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any elk by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

H. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any elk.

I. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any elk.

J. Killing out-of-season: It shall be unlawful to kill any elk out of elk hunting season.

K. Bullets: It shall be unlawful to take or attempt to take elk by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking elk.

L. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

M. Legal sporting weapon types for elk are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts.

N. Areas closed to elk hunting. The following areas shall remain closed to elk hunting, except as permitted by regulation: Sugarite canyon state park; portion of the Wild Rivers recreation area: an area bounded on the north by the power line from Bear Crossing to Red River hatchery, south along the Red River to the confluence of the Rio Grande, and north along the Rio Grande to the power lines at Bear Crossing is closed to all hunting; Taos Valley Overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.14.10 NMAC - Rp, 19.31.14.10 NMAC, 4-1-11]

19.31.14.11 CHRONIC WASTING DISEASE CONTROL - ELK: The director has the authority to designate possession criteria to any elk hunter where chronic wasting disease is a concern. It shall be unlawful to transport dead elk, or their parts, taken from any game management unit or area identified by the director in which the presence of, or possibility of, exposure to chronic wasting disease has been identified to any location outside that game management unit except for the following parts of elk:

- A.** meat that is cut and wrapped (either commercially or privately);
 - B.** quarters or other portions of meat with no part of the spinal column or head attached;
 - C.** meat that has been boned out;
 - D.** hides with no heads attached;
 - E.** clean skull plates with antlers attached; clean is defined as having been immersed in a bath of at least one part chorine bleach and two parts water with no meat or tissue attached;
 - F.** antlers with no meat or tissue attached;
 - G.** upper canine teeth, also known as "buglers," "whistlers," or "ivories";
 - H.** finished taxidermied heads.
- [19.31.14.11 NMAC - Rp, 19.31.14.11 NMAC, 4-1-11]

19.31.14.12 QUALITY ELK HUNTS: Quality hunts for elk are as follows:

- A.** all Valle Vidal hunts;
- B.** first three mature bull hunts and both bow hunts on the Sargent WMA as follows: ELK-1-140, ELK-1-141, ELK-1-142, ELK-2-138 and ELK-2-139;
- C.** any elk hunt in game management units 13, 15, 16 and 17, including all sub-units, except antlerless or youth only hunts, that are closest to the rut period of September 15 to October 15 for each weapon type as follows: ELK-2-218, ELK-3-220, ELK-2-227, ELK-3-229, ELK-2-236, ELK-1-238, ELK-2-244, ELK-1-245, ELK-2-249, ELK-1-251, ELK-2-257, ELK-1-259, ELK-2-265, ELK-3-267, ELK-2-273 and ELK-3-275;
- D.** the mobility impaired elk hunts in sub-units 16A and 16D as follows: ELK-1-237 and ELK-1-258;
- E.** all GMU 6B Valles Caldera national preserve hunts that allow the hunter to take an antlered bull;
- F.** quality hunt fees in Subsections C and D above shall apply to the conversion of any mature bull or either sex, except youth only, private land authorizations that include any hunt dates from September 15 through October 15 for

private lands that lie within the COER, but not to private lands outside COER areas.
[19.31.14.12 NMAC - Rp, 19.31.14.12 NMAC, 4-1-11]

19.31.14.13 SPECIAL ELK HUNTING OPPORTUNITIES:

A. Elk enhancement program:

(1) Program description: The director of the department shall collect all proceeds generated through the auction and lottery of special bull elk permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit elk and for direct costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of elk.

(2) Requirements for issuance of special elk permits:

(a) The state game commission shall authorize the director of the department to issue not more than two special elk permits in any one license year to take one bull elk per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected through a random drawing of a lottery ticket by the department or an incorporated, nonprofit organization dedicated to the conservation of elk.

(b) Proposals for auctioning one special elk permit and the sale of lottery tickets to obtain one special elk permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

(c) The proposals for auctioning one permit, and for the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (1) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (2) the estimated amount of money to be raised and the rationale for that estimate; and (3) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

(d) The director of the department shall examine all proposals following the close of the application period. The director may reject any application which

does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organization's previous involvement with elk management and its conservation objectives. The director may accept any proposals when it is in the best interest of elk to do so.

(e) After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

(f) The marketing organization must agree in writing to the following: (1) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (2) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special elk permits are issued.

(g) The department and the marketing organization must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

(h) Unless his or her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special elk auction permit or purchase lottery tickets in an attempt to be selected for the special elk lottery permit.

(i) The special elk permits issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

(j) Special elk permits granted through auction or lottery, as described above, shall not be considered 'once-in-a-lifetime' permits.

(3) Enhancement hunts: Elk enhancement licenses shall be valid from September 1 through January 31 for any legal sporting arms. These licenses shall be valid statewide where hunting is allowed. Bag limit shall be one bull elk. The hunt code shall be ELK-1-500. The authorization to obtain an elk enhancement license may be used either by the applicant or any individual. The authorization may be transferred through sale, barter, or gift.

B. Elk incentive programs:

(1) The director may annually allow up to two elk authorizations to be issued by drawing to elk and deer hunters reporting their prior year's harvest information as well as trappers reporting their trapping activities by the published deadline using the department's established website. These incentives may also be available for deer and

elk hunters submitting their legally harvested animal for CWD testing.

(2) Authorization certificates to purchase incentive license may be used either by the applicant or any individual. The authorization may be transferred through sale, barter or gift.

(3) Elk incentive hunts shall be valid only for the dates, legal sporting arms, bag limit and area specified by the director.

C. Application requirements, procedures for determination of the hunting access authorization holders for the Valles Caldera national preserve hunts, and hunt administration:

(1) The department shall issue elk hunting licenses only to persons holding a valid VCNP elk hunting access authorization in accordance with 17-3-16 NMSA.

(2) Prior to the department issuing any elk hunting licenses to persons holding a valid VCNP elk hunting access agreement, the VCNP must provide to the department, written verification from the contractor conducting the drawing process to determine the holders of VCNP elk hunting access authorizations, that the provisions of 17-3-16B, C and D NMSA have been met with respect to all authorizations issued.

(3) The VCNP shall utilize a contractor to conduct the drawing that determines the holders of any VCNP elk hunting access authorization. The contractor must be approved by the department prior to the drawing process conducted in accordance with this subsection.

(4) Each Valles Caldera national preserve elk hunting license shall be valid for one hunt in GMU 6B for which the bag limit and hunt period is specified on the Valles Caldera national preserve elk hunting access authorization.

(5) Valles Caldera national preserve elk hunts, listing the sporting arms, hunt dates, hunt code, number of licenses and bag limit shall be as indicated in 19.31.14.15 NMAC.

D. Unique late season archery bull elk hunts: Late season bow-only elk hunts. These hunts will be administered by the department through an internet registration process, web sale, rather than the random draw process. The open GMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	licenses	bag limit
12	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-2-433	25	APRE/6
34	12/17-12/21	12/15-12/19	12/14-12/18	12/13-12/17	ELK-2-434	200	APRE/6
37	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-2-435	50	APRE/6

E. Youth encouragement hunts:

(1) Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses or permits will be eligible to register for these hunts.

(2) The director, with concurrence of the chairman of the state game commission, may adjust the number of licenses available in all youth encouragement hunts listed below based on changes in population levels, harvest rates, habitat availability, or increases in unlawful hunting activities resulting from these hunts.

(3) These hunts will be administered by the department through an internet registration process, web sale, rather than the random draw process. The open GMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	licenses	bag limit
5B	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-401	20	A
6A	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-402	50	A
6A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-403	50	A
6C	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-404	50	A
6C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-405	50	A
9	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-406	150	A
9	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-407	50	A
10	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-408	35	A
13	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-409	60	A
13	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-410	60	A
15	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-411	60	A
15	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-412	60	A
16A	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-413	60	A
16A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-414	60	A
16C	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-415	60	A
16C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-416	60	A
16D	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-417	60	A
16D	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-418	60	A
16E	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-419	60	A
16E	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-420	60	A
17	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-3-421	60	A
17	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-422	60	A

34	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-423	80	A
36	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-424	60	A
36	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-425	60	A
49	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-426	50	A
50	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-427	80	A
51	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-428	90	A
51	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-429	90	A
52	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-430	50	A
53	11/25-11/29	11/30-12/4	11/29-12/3	11/28-12/2	ELK-1-431	40	A
53	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-432	100	A

[19.31.14.13 NMAC - Rp, 19.31.14.13 NMAC, 4-1-11]

19.31.14.14 POPULATION MANAGEMENT HUNTS:

A. The respective area chief may authorize population management hunts for elk when justified in writing by department personnel.

B. The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions, and number of licenses or permits. No qualifying license holder shall take more than one elk per license year.

C. Application may be made on-line or on paper through the special hunt application form provided by the department. On-line applications must be submitted by the deadline date set by the department. Application forms postmarked by the deadline date will be accepted up to five working days after the deadline date.

D. Applications for licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.

E. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

F. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

[19.31.14.14 NMAC - Rp, 19.31.14.14 NMAC, 4-1-11]

19.31.14.15 ELK HUNTS in COER GMUs: This section lists elk management information and subsequent hunting opportunities for GMUs in elk regions where a core occupied elk range has been established. The listed information includes regional elk population information, management goals, harvest objectives, total number of hunting opportunities, GMUs or areas open for hunting, season dates, hunt codes, bag limits, legal weapons, number of licenses available in the public draw and the number and type of authorization certificates available for private lands within the COER of each GMU. Hunt codes for elk hunts allowing the "any legal weapon" type shall be designated ELK-1, hunt codes for elk hunts allowing the "bow only" weapon type shall be designated as ELK-2, hunt codes for elk hunts allowing the "muzzle loading rifles or bow" weapon type shall be designated as ELK-3. Youth hunters must provide their hunter education certification number on the application. Military only hunters must be full time active military and proof of military status must accompany application. Proof of this service is required. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts.

A. Elk management goals:

(1) Quality hunt management (QHM):

(a) Elk harvest in regional populations, herd units or GMUs within a region results in the trend of annual bull mortality rates to be below 35%.

(b) Seasons should be designed to ensure timing and length of hunts is desirable.

(c) At least 2/3 of all hunters are "satisfied" with the experience.

(2) Optimal opportunity management (OOM):

(a) Elk harvest in regional populations, herd units or GMUs within a region results in the trend of annual bull mortality rates to be below 45%, and harvest near optimal sustainable yield.

(b) Season structure should be designed to ensure timing and length of hunts provides significant amount of opportunity.

(c) At least 1/3 of all hunters are "satisfied" with the experience.

B. Northwest region: GMUs 2, 5A, 9 and 10.

(1) Quality hunt management within COER area in GMU 2.

(2) Optimal opportunity management within COER areas in GMUs 5A, 9 and 10.

(3) Foundational resource information for the northwest region is indicated below.

northwest region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
San Juan (GMU 2)	500-1100	37:100:39	37-80	45-99
Lindrieth (GMU 5A)	950-1150	34:100:36	75-91	81-99
Mt. Taylor (GMU 9)	4734-6336	36:100:31	340-441	356-476
Zuni (GMU 10)	565-860	27:100:38	49-74	53-80

GMU	management goals	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
2	QHM	235	177	282	694
5A	OOM	250	250	65	565
9	OOM	356	932	500	1788
10	OOM	206	324	368	898
total		1047	1683	1215	3945

(4) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
2	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-100	120	ES
2	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-101	120	ES
2	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-102	125	MB
2	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-103	75	MB
2	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-104	100	A
2 YO	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-105	50	A
5A public land only	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-106	10	ES
5A public land only	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-107	10	MB
5A public land only	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-108	10	A
5A public land only	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-109	10	MB
5A public land only	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-110	10	A
5A public land only	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-111	10	MB
5A public land only	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-112	10	A
5A public land only	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-113	10	MB
5A public land only	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-114	10	A
9: Marquez WMA	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-115	5	ES
9: Marquez WMA	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-116	5	ES
9: Marquez WMA	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-117	5	MB
9: Marquez WMA	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-118	5	MB
9: Marquez WMA	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-3-119	5	MB
9: Marquez WMA	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-3-120	5	A
9: Marquez WMA	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-3-121	5	A
9: Marquez WMA	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-3-123	5	A
9: (including Water canyon WMA)	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-124	160	ES
9: (including Water canyon WMA)	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-125	160	ES
9: (including Water canyon WMA) MI	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-126	40	ES
9: (including Water canyon WMA)	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-127	70	MB
9: (including Water canyon WMA)	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-3-128	70	MB
9: (including Water canyon WMA)	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-3-129	40	MB
9: (including Water canyon WMA)	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-130	200	A
9: (including Water canyon WMA)	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-1-131	200	A
9: (including Water canyon WMA)	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-132	200	A
10	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-133	250	ES
10	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-134	70	MB
10	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-135	70	MB

10 YO	11/12-11/16	11/10-11/14	11/9-11/13	11/8-11/12	ELK-1-136	120	A
10	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-137	100	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-12, 2012-13, 2013-14, 2014-15 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total
2	35	27	42	104
5A	210	210	55	475
9	121	317	170	608
10	66	104	118	288
total	432	658	385	1475

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods

legal sporting arms	open GMUs or area	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	5A,10	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22
bows only	2, 9	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
bows only	2, 9	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22
muzzle loading rifles and bows	2, 10	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
muzzle loading rifles and bows, MI	9	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8
muzzle loading rifles and bows	9	any 5 consecutive days, 10/15 - 12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
any legal sporting arms, antlerless ONLY	9	any 5 consecutive days, 11/5-12/31	any 5 consecutive days, 11/3-12/31	any 5 consecutive days, 11/2-12/31	any 5 consecutive days, 11/1-12/31
any legal sporting arms	2, 10	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
any legal sporting arms	5A	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31

C. North central region: COER areas of GMUs 4, 5B, 50, 51 and 52.

(1) Optimal opportunity management within COER areas in GMUs 4, 5B, 50, 51 and 52.

(2) Foundational resource information for the north central region shall be as indicated below.

north central region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Chama-San Antonio (GMUs 4, 5B, 50, 51, and 52)	18060-22584	40:100:41	1391-1739	1657-2072

G MU	management goals	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
4	OOM	1060	645	475	2180
5B	OOM	367	213	160	740
50	OOM	331	117	156	604
51	OOM	970	789	434	2193
52	OOM	685	489	500	1674
total		3413	2253	1725	7391

(3) Public land elk hunts listing the eligibility requirements or restrictions, G MU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
4:Sargent WMA	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-138	10	ES

4:Sargent WMA	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-139	10	ES
4:Sargent WMA	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-140	10	MB
4:Sargent WMA	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-141	10	MB
4:Sargent WMA	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-142	10	MB
4:Sargent WMA	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-143	10	MB
4:Sargent WMA	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-144	10	A
4:Sargent WMA, YO	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-145	10	A
4:Humphries WMA only	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-146	10	ES
4:Humphries WMA only	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-147	10	ES
4:Humphries/Rio Chama WMAs	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-148	15	MB
4:Humphries/Rio Chama WMAs	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-149	15	MB
4:Humphries/Rio Chama WMAs	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-150	10	A
4:Humphries/Rio Chama WMAs, YO	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-151	15	A
5B	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-152	75	ES
5B	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-153	75	ES
5B	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-154	165	MB
5B	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-155	100	A
5B	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-156	165	MB
5B	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-157	100	A
5B	12/17-12/21	12/15-12/19	12/14-12/18	12/13-12/12	ELK-1-158	15	MB
50	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-159	120	ES
50	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-160	130	MB
50	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-161	45	A
50	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-162	125	MB
50	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-163	45	A
51	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-164	180	ES
51	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-165	180	ES
51	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-166	220	MB
51	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-167	220	MB
51	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-168	220	MB
51	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-169	240	A
51	11/12-11/16	11/10-11/14	11/9-11/13	11/8-11/12	ELK-1-170	240	A
51	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-1-171	175	A
51	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-3-172	145	ES
52	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-173	230	ES
52	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-174	230	ES
52 MI	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-175	50	MB
52	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-176	120	MB
52	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-177	50	A
52	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-178	230	MB
52	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-179	230	MB
52 YO	11/12-11/16	11/10-11/14	11/9-11/13	11/8-11/12	ELK-1-180	100	A
52 MI	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-1-181	75	A
52	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-1-182	75	A
52	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-183	150	A

(4) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-12, 2012-13, 2013-14, 2014-15 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total

4	990	600	435	2025
5B	22	13	10	45
50	76	27	36	139
51	165	134	74	372
52	55	39	40	134
total	1278	813	624	2715

(5) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	5B, 51, 52	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
bows only	5B, 51, 52	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22
bows only	4, 50	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22
any legal sporting arms, MI only	52	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8
muzzle loading rifles and bows	52	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
any legal sporting arms	4	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31
any legal sporting arms	5B, 50, 51	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
any legal sporting arms	52	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31

D. Jemez region: COER areas of GMUs 6A, 6B, 6C and 7.

(1) Quality hunt management goals for GMU 6A and 6B.

(2) Optimal opportunity management within COER areas in GMU 6C and 7.

(3) Foundational resource information for the Jemez region shall be as indicated below.

Jemez region population information			sustainable harvest pursuant to goals	
Jemez herd unit	population estimate	bull:cow:calf ratio	bulls	cows
GMUs 6A, 6B, 6C, and 7	5824-8412	40:100:25	269-389	357-516

GMU	management goal	total licenses by bag limit			
		MB	A	ES	total licenses
6A	QHM	361	117	297	775
6B	QHM	45	151	30	226
6C	OOM	429	306	300	1035
7	OOM	68	62	36	166
total		903	636	663	2202

(4) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
6A	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-184	150	ES
6A	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-185	105	ES
6A	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-186	110	MB
6A	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-187	100	MB
6A	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-188	100	MB
6A	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-189	100	A
6B:VCNP	9/6-9/12	9/4-9/10	9/3-9/9	9/2-9/8	ELK-2-190	15	ES

6B:VCNP	9/16-9/20	9/14-9/18	9/13-9/17	9/12-9/16	ELK-2-191	15	ES
6B:VCNP mzl only	10/1-10/5	10/6-10/10	10/4-10/9	10/3-10/8	ELK-3-192	15	MB
6B:VCNP mzl only	10/1-10/5	10/6-10/10	10/4-10/9	10/3-10/8	ELK-3-193	10	A
6B:VCNP	10/8-10/12	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-194	15	MB
6B:VCNP	10/8-10/12	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-195	10	A
6B:VCNP	10/15-10/19	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-196	15	MB
6B:VCNP	10/15-10/19	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-197	10	A
6B:VCNP MI	10/22-10/24	10/27-10/29	10/26-10/28	10/25-10/27	ELK-1-198	15	A
6B:VCNP M/Y	10/29-10/31	11/3-11/5	11/2-11/4	11/1-11/3	ELK-1-199	20	A
6B:VCNP veterans only	11/5-11/7	11/10-11/12	11/9-11/11	11/8-11/10	ELK-1-200	20	A
6B:VCNP	11/12-11/14	11/17-11/19	11/16-11/18	11/15-11/17	ELK-1-201	20	A
6B:VCNP	11/19-11/21	11/24-11/26	11/23-11/25	11/22-11/24	ELK-1-202	20	A
6B:VCNP 2-person	11/26-11/28	12/1-12/3	11/30-12/2	11/29-12/1	ELK-1-203	26	A
6C	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-204	150	ES
6C	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-205	105	ES
6C	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-206	155	MB
6C	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-207	105	MB
6C	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-208	105	MB
6C	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-209	130	A
6C	11/26-11/30	11/24-11/28	11/23-11/27	11/22-11/26	ELK-1-210	130	A
7	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-211	15	ES
7	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-212	15	ES
7	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-213	25	MB
7	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-214	30	MB
7	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-215	50	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-12, 2012-13, 2013-14, 2014-15 hunt seasons			
	bull	antlerless	ES	total
6A	51	17	42	110
6C	64	46	45	155
7	13	12	6	31
total	128	75	93	296

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	6A, 6C, 7	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
bows only	6A, 6C, 7	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22
muzzle loading rifles and bows	6A, 6C, 7	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
any legal weapon	6A, 6C, 7	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31

E. Southwest region:

(1) Quality hunt management for COER areas of GMUs 13, 15, 16A, 16B/22, 16C, 16D, 16E and 17.

(2) Optimal opportunity management for COER areas of GMUs 21A, 21B and 23.

(3) Foundational resource information for the southwest region shall be as indicated below.

southwest region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Datil (Gmu 13)	2211-3465	45:100:53	222-348	240-376
greater Gila (GMUs 15, 16A-E)	15749-18610	40:100:45	1437-1698	1551-1833

lesser Gila (GMUs 21A, 21B, 22, 23, 24)	1000-1800	33:100:30	69-124	75-134
San Mateo (GMU 17)	1022-1863	45:100:49	97-176	105-191

GMU	management goals	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
13	QHM	583	370	556	1509
15	QHM	923	641	769	2333
16A	QHM	232	155	412	799
16B/22	QHM	323	0	394	717
16C	QHM	200	118	294	612
16D	QHM	148	114	171	433
16E	QHM	239	217	217	673
totals (15, 16A-E)		2648	1615	2813	7076
17	QHM	262	262	233	757
21A	OOM	102	0	102	204
21B	OOM	94	113	94	301
23	OOM	180	0	206	386
24	OOM	39	0	28	67
totals (21A, 21B, 23, 24)		677	375	663	1715
southwest region total		3325	1990	3476	8791

(4) Public land elk hunts listing the eligibility requirements or restrictions, hunt dates, hunt code, number of licenses, bag limits, and weapon types shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
13	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-216	125	ES
13	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-217	100	ES
13	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-218	75	ES
13 YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-219	25	ES
13	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-220	75	MB
13	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-3-221	115	MB
13	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-3-222	100	MB
13	11/26-11/30	11/24-11/28	11/23-11/27	11/22-11/26	ELK-3-223	100	A
13	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-3-224	100	A
15	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-225	250	ES
15	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-226	200	ES
15	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-227	150	ES
15 YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-228	25	ES
15	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-229	200	MB
15	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-3-230	245	MB
15	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-3-231	250	MB
15	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-3-232	250	A
15	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-3-233	250	A
16A	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-234	150	ES
16A	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-235	150	ES
16A	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-236	100	ES
16A MI	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-237	25	MB
16A	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-238	75	MB
16A	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-239	125	MB
16A	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-240	75	A
16A	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-241	75	A
16B/22	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-242	130	ES
16B/22	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-243	130	ES
16B/22	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-244	130	ES

16B/22	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-245	160	MB
16B/22	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-246	160	MB
16C	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-247	100	ES
16C	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-248	75	ES
16C	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-249	75	ES
16C YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-250	25	ES
16C	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-251	50	MB
16C	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-252	95	MB
16C	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-253	50	A
16C	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-254	50	A
16D	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-255	60	ES
16D	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-256	50	ES
16D	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-257	40	ES
16D MI	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-258	25	MB
16D	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-259	55	MB
16D	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-260	50	MB
16D	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-261	50	A
16D	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-262	50	A
16E	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-263	50	ES
16E	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-264	50	ES
16E	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-265	50	ES
16E YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-266	25	ES
16E	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-267	70	MB
16E	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-268	70	MB
16E	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-269	75	A
16E	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-270	75	A
17	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-271	75	ES
17	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-272	75	ES
17	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-273	50	ES
17 YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-274	25	ES
17	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-275	100	MB
17	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-3-276	100	MB
17	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-3-277	25	MB
17	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-3-278	25	A
17	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-3-279	100	A
17	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-3-280	100	A
21A	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-281	50	ES
21A	9/16-9/24	9/16-9/24	9/16-9/24	9/16-9/24	ELK-2-282	50	ES
21A	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-283	50	MB
21A	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-284	50	MB
21B	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-285	25	ES
21B	9/16-9/24	9/16-9/24	9/16-9/24	9/16-9/24	ELK-2-286	25	ES
21B	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-287	25	MB
21B	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-288	25	MB
21B	11/12-11/16	11/10-11/14	11/09-11/13	11/8-11/12	ELK-1-289	15	A
21B	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-1-290	15	A
21B	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-291	15	A
21B	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-292	15	A
23	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-293	75	ES
23	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18	ELK-2-294	75	ES
23	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24	ELK-2-295	50	ES
23 YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-296	25	ES
23	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-297	75	MB

23	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-298	75	MB
24-excluding Ft. Bayard management area	9/1-9/22	9/1-9/22	9/1-10/22	9/1-9/22	ELK-2-299	25	ES
24-excluding Ft. Bayard management area	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-300	15	MB
24-excluding Ft. Bayard management area	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-301	15	MB
24: Ft. Bayard management area, YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-302	5	ES

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-12, 2012-13, 2013-14, 2014-15 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total
13	268	170	256	694
15	203	141	169	513
16A	7	5	12	24
16B	3	0	4	7
16C	30	18	44	92
16D	18	14	21	53
16E	74	67	67	208
17	37	37	33	107
21A	2	0	2	4
21B	44	53	44	141
23	5	0	6	11
24	4	0	3	7
total	695	505	661	1861

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	24	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22
bows only	21A, 21B	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
bows only	21A, 21B	9/16-9/24	9/16-9/24	9/16-9/24	9/16-9/24
bows only	13, 15, 16A, 16B/22, 16C, 16D, 16E, 17, 23	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10
bows only	13, 15, 16A, 16B/22, 16C, 16D, 16E, 17, 23	9/11-9/18	9/11-9/18	9/11-9/18	9/11-9/18

bows only	13, 15, 16A, 16B/22, 16C, 16D, 16E, 17, 23	9/19-9/24	9/19-9/24	9/19-9/24	9/19-9/24
muzzle loading rifles and bows	13, 15, 16E, 17, 23, 24	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
muzzle loading rifles and bows, YO	13, 15, 17	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
muzzle loading rifles only with approval of SW area chief and state game commission chairman, antlerless elk only	13	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31
any legal sporting arms	16E, 23, 24	any 5 consecutive days, 10/22-12/31	any 5 consecutive days, 10/20-12/31	any 5 consecutive days, 10/19-12/31	any 5 consecutive days, 10/18-12/31
any legal sporting arms	16A, 16B/22, 16C, 16D, 21A, 21B	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
any legal sporting arms, YO	16C, 16E, 23, 24	any 5 consecutive days, 10/8-10/12	any 5 consecutive days, 10/6-10/10	any 5 consecutive days, 10/5-10/9	any 5 consecutive days, 10/4-10/8
any legal sporting arms, MI	16A, 16D	any 5 consecutive days, 10/8-10/12	any 5 consecutive days, 10/6-10/10	any 5 consecutive days, 10/5-10/9	any 5 consecutive days, 10/4-10/8

F. South central region: GMUs 34 and 36.

(1) Quality hunt management for GMU 36.

(2) Optimal opportunity management goals for GMU 34.

(3) Foundational resource information for the south central region shall be as indicated below.

southeast region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Sacramento (GMU 34)	3013-4322	41:100:41	241-345	260-374
Ruidoso (GMU 36)	2503-3557	46:100:42	185-263	200-284

GMU	management goal	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
34	OOM	603	833	460	1896
36	QHM	465	278	278	1021
Total		1068	1111	738	2917

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
34	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-303	200	ES
34	9/13-9/22	9/13-9/22	9/13-9/22	9/13-9/22	ELK-2-304	200	ES
34 YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-305	75	ES
34 YO	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-306	75	A
34 MI	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-307	50	ES
34	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-308	250	MB

34	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-309	150	MB
34	11/26-11/30	11/24-11/28	11/23-11/27	11/22-11/26	ELK-1-310	250	A
34	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-311	250	A
34	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-312	150	A
36	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10	ELK-2-313	100	ES
36	9/13-9/22	9/13-9/22	9/13-9/22	9/13-9/22	ELK-2-314	100	ES
36	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-315	135	MB
36	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-316	100	MB
36	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-317	100	MB
36	11/26-11/30	11/24-11/28	11/23-11/27	11/22-11/26	ELK-1-318	100	A
36	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-319	100	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-12, 2012-13, 2013-14, 2014-15 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total
34	78	108	60	246
36	130	78	78	286
total	197	186	149	532

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	34, 36	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10
bows only	34, 36	9/13-9/22	9/13-9/22	9/13-9/22	9/13-9/22
any legal sporting arms, YO & MI only	34	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8
muzzle loading rifles and bows	34	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
muzzle loading rifles and bows	36	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
any legal sporting arms	34	any 5 consecutive days, 10/20-12/31	any 5 consecutive days, 10/18-12/31	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/16-12/31
any legal sporting arms	36	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
rifles only with approval of SE area chief and state game commission chairman, antlerless elk only	36	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31

G. Northeast region:

(1) Quality hunt management for COER areas of GMU 45.

(2) Optimal opportunity management goals for COER areas of GMUs 48, 49 and 53.

(3) Foundational resource information for the northeast region shall be as indicated below.

northeast region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Pecos (GMU 45)	1665-2604	27:100:27	109-160	118-185
Whites peak (GMU 48)	630-1400	32:100:44	55-123	64-142
Penasco (GMU 49)	350-1030	28:100:24	25-73	27-79
Ute-Midnight-San Cristobal (GMU 53)	1610-2957	40:100:32	102-187	121-223

GMU	management goal	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
45	QHM	457	54	163	674
48	OOM	286	170	304	760
49	OOM	161	162	125	448
53	OOM	362	261	174	797
total		1266	647	766	2679

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
45	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-320	150	ES
45	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-321	140	MB
45	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-322	140	MB
45	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-323	140	MB
45	11/12-11/16	11/10-11/14	11/09-11/13	11/8-11/12	ELK-3-324	50	A
48	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-325	85	ES
48	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-326	85	ES
48	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-327	35	MB
48	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-3-328	65	MB
48	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-329	30	MB
48	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-330	45	A
48	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-331	30	MB
48	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-332	50	A
49	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-333	120	ES
49	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-334	80	MB
49	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-335	75	MB
49	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-336	80	A
49	11/12-11/16	11/10-11/14	11/09-11/13	11/8-11/12	ELK-1-337	75	A
53	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-338	120	ES
53 (exc. Cerro portion)	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-339	50	ES
53 (exc. Cerro portion)	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-340	75	MB
53 (exc. Cerro portion)	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-341	125	MB
53 (exc. Cerro portion)	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-342	90	A
53 (exc. Cerro portion)	11/12-11/16	11/10-11/14	11/09-11/13	11/8-11/12	ELK-1-343	90	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs and areas	2011-12, 2012-13, 2013-14, 2014-15 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total
45	37	4	13	54
48	126	75	134	312
49	6	7	5	18
53	112	81	54	247
total	281	167	206	631

(6) Private land elk hunts for ranches designated as "ranch only" shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during "mobility impaired" or "youth only" hunt periods.

legal sporting arms	open GMUs or area	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	45, 49, 53	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22

bows only	48	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
bows only	48	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22
muzzle loading rifles and bows	45, 48, 53	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
any legal sporting arms	45, 53	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/13-12/31	any 5 consecutive days, 10/12-12/31	any 5 consecutive days, 10/11-12/31
any legal sporting arms	49	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/6-12/31	any 5 consecutive days, 10/5-12/31	any 5 consecutive days, 10/4-12/31
any legal sporting arms	49	any 5 consecutive days, 10/22-12/31	any 5 consecutive days, 10/20-12/31	any 5 consecutive days, 10/19-12/31	any 5 consecutive days, 10/18-12/31
rifles only with approval of NE area chief and state game commission chairman, antlerless elk only	48	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31

[19.31.14.15 NMAC - Rp, 19.31.14.15 NMAC, 4-1-11]

19.31.14.16 ELK HUNTS WHERE NO COER IS ESTABLISHED: This section lists public draw elk hunts in GMUs with no established COER. The list includes eligibility requirements or restrictions, GMUs or areas open for hunting, season dates, hunt codes, weapon types, number of available licenses and bag limits. Hunt codes for elk hunts for any legal weapon hunts shall be designated ELK-1, hunt codes for elk hunts using only bow and arrows shall be designated as ELK-2, elk hunts for hunters using muzzle loading rifles or bow and arrows shall be designated as ELK-3. Youth hunters must provide hunter education certification number on application.

A. Public lands in GMUs with no established core occupied elk range:

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code	lic.	bag limit
12	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-344	30	ES
12	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-345	30	MB
12	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-346	30	A
18	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-347	50	ES
28 McGregor range, military only	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-348	10	ES
28 McGregor range	12/10-12/14	12/8-12/12	12/7-12/11	12/6-12/10	ELK-1-349	10	ES
30	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-350	30	ES
37	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-351	75	ES
37	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-352	30	MB
37	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-353	30	MB
37	11/26-11/30	11/24-11/28	11/23-11/27	11/22-11/26	ELK-1-354	45	A
38	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-355	15	ES
43	9/24-9/28	9/22-9/26	9/21-9/25	9/20-9/24	ELK-1-356	60	ES
54: Colin Neblett WMA/south	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-357	20	MB
54: Colin Neblett WMA/south	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-358	20	MB
54: Colin Neblett WMA/south	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-359	20	MB
54: Colin Neblett WMA/south	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-360	20	MB
54: Colin Neblett WMA/south	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-361	20	A
55: Colin Neblett WMA/north	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-362	20	MB
55: Colin Neblett WMA/north	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-363	20	MB
55: Colin Neblett WMA/north	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-364	20	MB
55: Colin Neblett WMA/north	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-365	20	MB

55: Colin Neblett WMA/north	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-366	20	A
55 ES Barker WMA	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-367	10	ES
55 ES Barker WMA	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-368	10	MB
55: Urraca WMA	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-369	10	MB
55: Urraca WMA	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-370	10	MB
55: Urraca WMA	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-371	10	MB
55: Urraca WMA	10/29-11/2	10/27-10/31	10/26-10/30	10/25-10/29	ELK-1-372	10	MB
55: Urraca WMA	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-373	15	A
55: Urraca WMA	11/12-11/16	11/10-11/14	11/09-11/13	11/8-11/12	ELK-1-374	15	A
55: Valle Vidal and Greenwood areas	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15	ELK-2-375	20	ES
55: Valle Vidal and Greenwood areas	9/16-9/22	9/16-9/22	9/16-9/22	9/16-9/22	ELK-2-376	20	ES
55: Valle Vidal and Greenwood areas	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-3-377	35	MB
55: Valle Vidal and Greenwood areas	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-378	15	MB
55: Valle Vidal and Greenwood areas, YO	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-379	20	MB
55: Valle Vidal and Greenwood areas	10/22-10/26	10/20-10/24	10/19-10/23	10/18-10/22	ELK-1-380	35	MB
55: Valle Vidal and Greenwood areas, YO	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-381	35	A
55: Valle Vidal and Greenwood areas	11/5-11/9	11/3-11/7	11/2-11/6	11/1-11/5	ELK-1-382	35	A
55: Valle Vidal and Greenwood areas	11/19-11/23	11/17-11/21	11/16-11/20	11/15-11/19	ELK-1-383	50	A
56	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-384	10	MB
56	10/15-10/19	10/13-10/17	10/12-10/16	10/11-10/15	ELK-1-385	10	A
57: Sugarite canyon state park	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-386	5	ES
portions of 57/58 (determined by department annually)	10/8-10/12	10/6-10/10	10/5-10/9	10/4-10/8	ELK-1-387	10	MB
portions of 57/58 (determined by department annually)	12/3-12/7	12/1-12/5	11/30-12/4	11/29-12/3	ELK-1-388	10	A

B. Private land-only elk hunting:

(1) For private lands that are not within core occupied elk range or private lands that lie within GMUs with no designated core occupied elk range, the department may work with interested landowners to develop appropriate bag limits, weapon types, season dates and authorization numbers for private land hunting needed to achieve the proper harvest within the exterior boundaries of participating ranches.

(2) **Private land-only elk hunts in the northeast area:** The department may use input from landowners to develop appropriate license numbers and bag limits for private land hunting needed to achieve the desired and proper harvest within the exterior boundaries of participating ranches. These hunts shall be restricted to the areas, season dates and sporting arms type as indicated below, except that the bag limit from January 1 through January 31 is one antlerless elk. Elk hunting licenses issued pursuant to this section shall be designated as "ranch only".

open GMUs or areas	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates	hunt code
46 bow hunt	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-389
46 any consecutive 5 days	10/1-1/31	10/1-1/31	10/1-1/31	10/1-1/31	ELK-1-390
54 bow hunt	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-391
54 any consecutive 5 days	10/1-1/31	10/1-1/31	10/1-1/31	10/1-1/31	ELK-1-392
55A bow hunt	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-393
55A any consecutive 5 days	10/1-1/31	10/1-1/31	10/1-1/31	10/1-1/31	ELK-1-394

56 bow hunt	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-395
56 any consecutive 5 days	10/1-1/31	10/1-1/31	10/1-1/31	10/1-1/31	ELK-1-396
57 bow hunt	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-397
57 any consecutive 5 days	10/1-1/31	10/1-1/31	10/1-1/31	10/1-1/31	ELK-1-398
58 bow hunt	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22	ELK-2-399
58 any consecutive 5 days	10/1-1/31	10/1-1/31	10/1-1/31	10/1-1/31	ELK-1-400

(3) Unlimited private land either-sex or antlerless licenses valid for GMU 55B shall be available over-the-counter or by mail without deadline at all department of game and fish offices. Licenses are “ranch only” and require the landowner’s signature on the application prior to purchasing the license. Licenses issued for GMU 55B shall be limited to any 30 consecutive day period from April 1 through March 31. Any legal sporting arms for taking elk may be used during these hunts. Applications will be available only from the Raton area office and only to verified landowners.

(4) Unlimited private land either-sex, or antlerless licenses valid for GMUs 41, 42, 43, 47 and 59 shall be available over-the-counter or by mail without deadline at all department of game and fish offices. Licenses are “ranch only” and require the landowner’s signature on the application prior to purchasing the licenses. Applications will be available only from the Raton area office and only to verified landowners.

legal sporting arms	open GMUs or area	bag limit	2011-2012 hunt dates	2012-2013 hunt dates	2013-2014 hunt dates	2014-2015 hunt dates
bows only	41, 42, 43, 47, 59	ES	9/1-9/22	9/1-9/22	9/1-9/22	9/1-9/22
any legal sporting arms	41, 42, 43, 47, 59	ES	any 5 consecutive days, 10/1-11/30	any 5 consecutive days, 10/1-11/30	any 5 consecutive days, 10/1-11/30	any 5 consecutive days, 10/1-11/30
any legal sporting arms	41, 42, 43, 47, 59	A	any 5 consecutive days 11/1-12/31	any 5 consecutive days 11/1-12/31	any 5 consecutive days 11/1-12/31	any 5 consecutive days 11/1-12/31

[19.31.14.16 NMAC - Rp, 19.31.14.16 NMAC, 4-1-11]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING PART 16 TURKEY

19.31.16.1 ISSUING AGENCY: New Mexico Department of Game and Fish.

[19.31.16.1 NMAC - Rp, 19.31.16.1 NMAC, 4-1-11]

19.31.16.2 SCOPE: Sportspersons interested in turkey management and hunting. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.

[19.31.16.2 NMAC - Rp, 19.31.16.2 NMAC, 4-1-11]

19.31.16.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state 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 mammals, birds, and fish.

[19.31.16.3 NMAC - Rp, 19.31.16.3 NMAC, 4-1-11]

19.31.16.4 DURATION: April 1, 2011 through March 31, 2015.

[19.31.16.4 NMAC - Rp, 19.31.16.4 NMAC, 4-1-11]

19.31.16.5 EFFECTIVE DATE: April 1, 2011, unless a later date is cited at the end of individual sections.

[19.31.16.5 NMAC - Rp, 19.31.16.5 NMAC, 4-1-11]

19.31.16.6 OBJECTIVE: Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of turkey permits and licenses by the department.

[19.31.16.6 NMAC - Rp, 19.31.16.6 NMAC, 4-1-11]

19.31.16.7 DEFINITIONS:

- A. “Arrows” shall mean only those arrows or bolts having broadheads with steel cutting edges.
- B. “Baiting” shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take turkey.
- C. “Bearded turkey” shall mean a turkey with a visible beard.
- D. “Crossbow” shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.
- E. “Department” shall mean the New Mexico department of game and fish.

F. “Director” shall mean the director of the New Mexico department of game and fish.

G. “Entry permit” shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

H. “Game management unit” or “GMU” shall mean those areas as described in the state game commission’s rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

I. “License year” shall mean the period from April 1 through March 31.

J. “Modern shotguns” shall mean center-fire shotguns. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

K. “Muzzle-loading shotguns” shall mean those shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex® or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

L. “Non-toxic shot” shall mean shot approved for use by the U. S. fish and wildlife service.

M. “Turkey license” shall mean a valid official document that is issued or approved by the director that each person hunting turkey in New Mexico must have or obtain prior to hunting.

N. “Unlimited” shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

O. “Wildlife management areas” or “WMAs” shall mean those areas as described in the state game commission’s rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.16.7 NMAC - Rp, 19.31.16.7 NMAC, 4-1-11]

19.31.16.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, authorizations, or harvest limits, up or down by no more than 20% to address significant changes in population levels or habitat availability. This adjustment may be applied to any or all of the entry hunt codes for turkey.

[19.31.16.8 NMAC - Rp, 19.31.16.8 NMAC, 4-1-11]

19.31.16.9 TURKEY LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. License limitations:

A hunter is limited to purchasing only one license in the fall and one in the spring during a license year, unless otherwise allowed by rule.

B. Validity of license or permit: All turkey entry permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag. Over-the counter licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by rule or regulation.

C. Youth only (YO) hunts: It shall be unlawful for anyone to apply for a youth only (YO) turkey permit except as allowed by 19.31.3.11 NMAC.

D. Sub-unit 6B, Valles Caldera national preserve: It shall be unlawful for anyone to hunt turkeys in sub-unit 6B, Valles Caldera national preserve, without having in their possession a valid turkey hunting license, a valid turkey tag, and a Valles Caldera national preserve wild turkey access authorization. [19.31.16.9 NMAC - Rp, 19.31.16.9 NMAC, 4-1-11]

19.31.16.10 TURKEY MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Turkey may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It shall be unlawful for any person to hunt for or take more than the number and type of turkey during the current license year as specified by the hunt code printed on the permit or license unless otherwise provided by regulation.

C. Tagging:
(1) Any license that permits the taking of any turkey shall be issued turkey tag(s).

(2) It shall be unlawful for any licensee to fail to tag the turkey as prescribed below:

(a) Immediately after killing any turkey, the licensee killing the turkey shall notch the proper day and month of kill from the turkey tag.

(b) The tag shall be attached to the carcass of the turkey and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle.

(3) A turkey tag, when attached to the carcass of legally taken turkey, shall authorize possession and storage for the

period designated on the tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of turkey(s) that are improperly tagged.

E. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of a turkey without proof of sex. When the required bag limit is a bearded turkey, the beard and a small patch of feathers surrounding the beard shall remain with the same turkey carcass until arriving at a residence, taxidermist, meat processing place, or place of final storage.

F. Use of dogs in hunting: It shall be unlawful to use dogs to hunt turkey.

G. Use of baits: It shall be unlawful for anyone to take or attempt to take any turkey by baiting.

H. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any turkey.

I. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any turkey.

J. Killing out-of-season: It shall be unlawful to kill any turkey out of turkey hunting season.

K. Roost shooting: It shall be unlawful to shoot a turkey while it is located in a tree or structure used for resting.

L. Legal weapon types for turkey are as follows: shotguns firing shot, including muzzle-loading shotguns; bows and arrows; and crossbows and bolts.

M. Non-toxic shot use is required on all state game commission owned lands.

N. Areas closed to hunting turkey: The following areas shall remain closed to hunting turkey, except as permitted by regulation: Sugarite canyon state park; Orilla Verde and Wild Rivers recreation areas, including the Taos valley overlook; all wildlife management areas except Humphries, Rio Chama, and Sargent WMAs; the Valle Vidal area; and Rattlesnake canyon in sub-unit 2A.

[19.31.16.10 NMAC - Rp, 19.31.16.10 NMAC, 4-1-11]

19.31.16.11 INTERNET HARVEST REPORTING INCENTIVE.

The director may annually allow up to two turkey authorizations to be issued by drawing to elk and deer hunters reporting their prior year’s harvest information as well as trappers reporting their trapping activities by the published deadline using the department’s established website. These incentives may also be available for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates

awarded pursuant to this rule may be transferred through sale, barter, or gift. Turkey incentive hunts shall be valid only for Unit 2, the Sargent WMA in Unit 4 and the Valle Vidal area.

[19.31.16.11 NMAC - Rp, 19.31.16.11 NMAC, 4-1-11]

19.31.16.12 TURKEY HUNTS (2011-2012 through 2014-2015 hunting seasons):

A. Over-the-counter hunts for any legal firearms, including shotguns and muzzle loading shotguns firing shot, bows, and crossbows, shall be as indicated below, listing the areas (GMUs) open, eligibility requirements or restrictions, hunt dates, hunt code, maximum number of licenses, and bag limits.

(1) Spring seasons: GMUs or areas open, hunt dates, license numbers and bag limits:

open GMUs or areas	hunt dates	licenses	bag limit
4 (including WMAs), 5, 14 (bows only in Sandia ranger district), 18, 20, 38, 39, 43, 49, 51, 52, 53, 55 (E.S. Barker WMA)	4/15-5/10	unlimited	2 turkeys with visible beards
all GMUs open for over the counter turkey, YO	4/9-10/2011 4/7-8/2012 4/13-14/2013 4/12-13/2014	unlimited	2 turkeys with visible beards
6B-Valles Caldera (must possess VCNP wild turkey access authorization)	4/15-5/10	unlimited	1 turkey with visible beard

(2) Spring and fall seasons: GMUs or areas open, season dates, licenses, and bag limits:

open GMUs or areas	hunt dates	licenses	bag limit
2A (except areas east of NM 550 and north of NM 173), 2C (except areas east of Largo canyon), 6A, 6C, 7, 9, (Water canyon spring only), 10, 12, 13, 15, 16, 17, 21, 22, 23, 24, 29, 32, 33, 34, 36, 37, 40, 41, 42, 45, 46, 47, 48, 54 (including Colin Neblett WMA), 55 (including Colin Neblett WMA), 56, 57 (bows only in Sugarite canyon state park), and 58	4/15-5/10 and 9/1-9/30 (archery only) and 11/1-11/30 (any legal weapon)	unlimited	spring: 2 turkeys with visible beards, fall: any 1 turkey

B. Entry hunts for any legal firearms, listing the areas open, eligibility requirements, hunt dates, hunt code, maximum number of licenses, and bag limits shall be as indicated below. Youth hunters must provide hunter education certificate number on their application.

open GMUs or areas	2011-2012	2012-2013	2013-2014	2014-2015	hunt code	permits	bag limit
2	4/15-5/10	4/15-5/10	4/15-5/10	4/15-5/10	TUR-1-100	100	1 turkey with visible beard
2, YO	4/15-5/10	4/15-5/10	4/15-5/10	4/15-5/10	TUR-1-101	50	1 turkey with visible beard
9: Marquez WMA	4/15-5/10	4/15-5/10	4/15-5/10	4/15-5/10	TUR-1-104	5	2 turkeys with visible beards
33: WS Huey WMA, YO	4/9-4/10	4/7-4/8	4/13-4/14	4/12-4/13	TUR-1-105	3	2 turkeys with visible beards
33: WS Huey WMA, YO	4/16-4/17	4/14-4/15	4/20-4/21	4/19-4/20	TUR-1-106	3	2 turkeys with visible beards
33: WS Huey WMA, YO	4/23-4/24	4/21-4/22	4/27-4/28	4/26-4/27	TUR-1-107	3	2 turkeys with visible beards
33: WS Huey WMA, YO	4/30-5/1	4/28-4/29	5/4-5/5	5/3-5/4	TUR-1-108	3	2 turkeys with visible beards
33: WS Huey WMA, YO	10/22-10/23	10/20-10/21	10/19-10/20	10/18-10/19	TUR-1-109	4	any 1 turkey
33: WS Huey WMA, YO	10/12-10/13	10/10-10/11	10/9-10/10	10/8-10/9	TUR-1-110	4	any 1 turkey
33: WS Huey WMA, YO	10/19-10/20	10/17-10/18	10/16-10/17	10/15-10/16	TUR-1-111	4	any 1 turkey
55: Valle Vidal area	4/15-4/30	4/15-4/30	4/15-4/30	4/15-4/30	TUR-1-112	20	1 turkey with visible beard

[19.31.16.12 NMAC - Rp, 19.31.16.12 NMAC, 4-1-11]

19.31.16.13 TURKEY POPULATION MANAGEMENT HUNTS:

A. The respective area chief may authorize population management hunts for turkey when justified in writing by department personnel.

B. The respective area chief shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, and number of licenses or permits.

C. The specific hunt dates, hunt area, the name of the department representative providing the information and the date

and time of notification shall be written on the license or permit after notification by telephone.

D. Application may be made either on-line or through the special hunt application form provided by the department. On-line applications must be submitted by the deadline date set by the department. Application forms postmarked by the deadline date will be accepted up to five working days after the deadline date.

E. Applications for permits may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.

F. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

G. No more than one person may apply under each application.

H. Population management hunts for turkey may be anywhere in the state with dates, number of permits, bag limit, and specific hunt areas to be determined by the department. The hunt code to apply for turkey population management hunts shall be TUR-5-100.

I. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

[19.31.16.13 NMAC - Rp, 19.31.16.13 NMAC, 4-1-11]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING PART 17 BIGHORN SHEEP

19.31.17.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.17.1 NMAC - Rp, 19.31.17.1 NMAC,
4-1-11]

19.31.17.2 SCOPE: Sportspersons interested in the management and hunting of bighorn sheep. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.17.2 NMAC - Rp, 19.31.17.2 NMAC,
4-1-11]

19.31.17.3 S T A T U T O R Y

AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state 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 mammals, birds, and fish.

[19.31.17.3 NMAC - Rp, 19.31.17.3 NMAC,
4-1-11]

19.31.17.4 DURATION: April 1, 2011 through March 31, 2015.

[19.31.17.4 NMAC - Rp, 19.31.17.4 NMAC,
4-1-11]

19.31.17.5 EFFECTIVE DATE: April 1, 2011 unless a later date is cited at the end of individual sections.

[19.31.17.5 NMAC - Rp, 19.31.17.5 NMAC,
4-1-11]

19.31.17.6 O B J E C T I V E : Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of bighorn sheep licenses by the department.

[19.31.17.6 NMAC - Rp, 19.31.17.6 NMAC,
4-1-11]

19.31.17.7 DEFINITIONS:

A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take bighorn sheep.

C. "Bighorn enhancement program" as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one bighorn ram per permit with the purpose of raising funds for programs and projects to benefit bighorn sheep.

D. "Bighorn ewe" shall mean any adult female bighorn sheep.

E. "Bighorn ram" shall mean any male bighorn sheep.

F. "Bighorn sheep license" shall mean a valid official document that is issued or approved by the director that each person hunting bighorn sheep in New Mexico must have or obtain prior to hunting.

G. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

H. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

I. "Department" shall mean the New Mexico department of game and fish.

J. "Director" shall mean the director of the New Mexico department of game and fish.

K. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

L. "License year" shall mean the period from April 1 through March 31.

M. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

N. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only blackpowder, Pyrodex or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

O. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

[19.31.17.7 NMAC - Rp, 19.31.17.7 NMAC,
4-1-11]

19.31.17.8 ADJUSTMENT OF LICENSES: The director, with the verbal concurrence of the chairman or his designee, may adjust the number of bighorn licenses to address significant changes in population levels or to address critical department management needs.

[19.31.17.8 NMAC - Rp, 19.31.17.8 NMAC,
4-1-11]

19.31.17.9 B I G H O R N SHEEP LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One bighorn sheep license per year: It shall be unlawful for anyone to hold more than one permit or license for any bighorn sheep during a license year unless otherwise allowed by rule.

B. Validity of license or permit: All permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag.

C. Rocky mountain bighorn sheep ram once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a Rocky mountain bighorn sheep ram license if one has previously held a license to hunt a Rocky mountain bighorn

sheep ram in New Mexico, excluding the youth-only, auction, and raffle bighorn ram licenses. A person that has received the youth-only ram license is eligible for this hunt only once as a youth (under age 18), but may apply for the other Rocky mountain and desert bighorn once-in-a-lifetime hunts as long as they are eligible. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he or she has previously held a license to hunt Rocky mountain or desert bighorn sheep in New Mexico.

D. Desert bighorn sheep once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a desert bighorn sheep license if one has previously held a license to hunt desert bighorn sheep in New Mexico. Exception: An applicant is eligible to submit a bid for the special bighorn auction and raffle licenses whether or not he or she has previously held a license to hunt Rocky mountain or desert bighorn sheep in New Mexico.

E. Youth only (YO) bighorn sheep hunts: It shall be unlawful for anyone to apply for a youth only (YO) bighorn sheep license except as allowed by 19.31.3.11 NMAC. Youth hunters must provide their hunter education certificate number on their application.

F. Rocky mountain bighorn sheep ewe hunts: This hunt is not once-in-a-lifetime hunt. A person that has previously held a license to hunt Rocky mountain bighorn rams or ewes is eligible to apply for this hunt.
[19.31.17.9 NMAC - Rp, 19.31.17.9 NMAC, 4-1-11]

19.31.17.10 B I G H O R N SHEEP MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Bighorn sheep may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one bighorn sheep during a current license year unless otherwise provided by regulation.

C. Tagging
(1) Any license that permits the taking of bighorn sheep shall be issued with a bighorn carcass tag.

(2) It shall be unlawful to possess more than one tag for bighorn sheep except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to tag the bighorn sheep as prescribed below:

(a) Immediately after killing any bighorn sheep, the licensee killing the bighorn shall notch the proper day and

month of kill from the carcass tag.

(b) The tag shall be attached to the bighorn sheep carcass and remain attached while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A bighorn sheep tag, when attached to the carcass of legally taken game, shall authorize possession and storage for the period designated on the tag.

D. Proof of sex: It shall be unlawful for any one to transport or possess the carcass of any bighorn sheep without proof of sex. The horns and external genitalia of any bighorn sheep taken shall remain attached to the skull or pelt, as appropriate, and be readily visible until arriving at a residence, taxidermist, meat processing facility, or place of final storage.

E. Sealing of bighorn sheep horns: A seal shall be affixed to a horn of every bighorn sheep ram head taken in New Mexico, imported into New Mexico, or found in the field in New Mexico subsequent to August 17, 1973. Bighorn sheep heads found in the field within New Mexico shall remain the property of the state until disposed of by permit from the director. The seal shall authorize possession and transportation of the head within New Mexico.

(1) Such sealing shall be done within ten days after the bighorn sheep ram head is taken, imported, or found in the field and before the bighorn sheep head is exported from New Mexico. Bighorn sheep ram heads not so declared shall be seized. Only legally taken and possessed bighorn sheep ram heads shall be sealed.

(2) Bighorn sheep ram heads legally sealed in other countries, states, tribal entities, provinces, and territories, and possessing a valid visible seal attached, are exempted.

F. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of bighorn sheep that are improperly tagged.

G. Use of dogs in hunting: It shall be unlawful to use dogs to hunt any bighorn sheep.

H. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any bighorn sheep by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one's person are allowed.

I. Live animals: It shall be unlawful to use live animals as a blind

or decoy in taking or attempting to take any bighorn sheep.

J. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any bighorn sheep.

K. Killing out-of-season: It shall be unlawful to kill any bighorn sheep out of bighorn sheep season.

L. Bullets: It shall be unlawful to take or attempt to take bighorn sheep by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking bighorn sheep.

M. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

N. Legal weapon types for bighorn sheep are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts.

O. Areas closed to bighorn sheep hunting: The following areas shall remain closed to bighorn sheep hunting, except as permitted by regulation: Sugarite canyon state park; Orilla Verde and Wild Rivers recreation areas, including the Taos valley overlook; all wildlife management areas, except Big Hatchet; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).

[19.31.17.10 NMAC - Rp, 19.31.17.10 NMAC, 4-1-11]

19.31.17.11 B I G H O R N SHEEP HUNTING SEASONS:

Bighorn sheep hunts for 2011-12 through 2014-15 hunting seasons shall be as indicated below, listing the GMUs or areas open, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses available, and bag limits. Additional eligibility requirements and restrictions are defined in 19.31.17.9 NMAC above. The hunter with the auction license must declare and hunt any one of the open hunt areas below. The hunter with the raffle license must declare and may hunt any one open hunt area below not chosen by the hunter of the auction tag. The Wheeler peak area is closed 8/11 to 8/31 annually to all bighorn sheep hunters. All desert bighorn sheep hunts, except the BHS-1-100 Peloncillo mountain hunt, shall be contingent upon the de-listing of desert bighorn sheep following the procedures set forth in the Wildlife Conservation Act (17-2-40, NMSA 1978). All bighorn hunts on private deeded lands, including the Culebra and Fra Cristobal mountains, and hunts on

the San Andres national wildlife refuge and White Sands missile range shall be contingent on agreements established between the department and the respective land owners, including the dates of the hunting season. The hunt areas as set forth in the following table shall be open for the auction (BHS-1-500) and raffle (BHS-1-600) hunters. The Wheeler peak, Pecos, and Latir mountain ewe hunts shall be offered to address department management needs.

open GMUs or areas	2011-2012 hunt period	2012-2013 hunt period	2013-2014 hunt period	2014-2015 hunt period	hunt code	lic.	bag limit
27: Peloncillo mountains	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	BHS-1-100	1	1 ram
45: Pecos mountains	8/20-8/26	8/18-8/24	8/17-8/23	8/16-8/22	BHS-1-101	3	1 ram
45: Pecos mountains	8/27-9/2	8/25-8/31	8/24-8/30	8/23-8/29	BHS-1-102	2	1 ram
45: Pecos mountains, YO	8/27-9/2	8/25-8/31	8/24-8/30	8/23-8/29	BHS-1-103	1	1 ram
45: Pecos mountains	9/3-9/9	9/1-9/7	8/31-9/6	8/30-9/5	BHS-1-104	17	1 ewe
45: Pecos mountains, YO	9/3-9/9	9/1-9/7	8/31-9/6	8/30-9/5	BHS-1-105	5	1 ewe
53: Wheeler peak portion south of NM 38	9/10-9/16	9/8-9/14	9/7-9/13	9/6-9/12	BHS-1-106	4	1 ram
53: Wheeler peak portion south of NM 38	9/17-9/23	9/15-9/21	9/14-9/20	9/13-9/19	BHS-1-107	up to 28	1 ewe
53: Wheeler peak, YO - portion south of NM 38	9/17-9/23	9/15-9/21	9/14-9/20	9/13-9/19	BHS-1-108	4	1 ewe
53, 55: Latir mountains	8/13-8/19	8/11-8/17	8/10-8/16	8/9-8/15	BHS-1-109	1	1 ram
53, 55: Latir mountains	9/3-9/9	9/1-9/7	8/31-9/6	8/30-9/5	BHS-1-110	up to 11	1 ewe
53, 55: Latir mountains, YO	9/3-9/9	9/1-9/7	8/31-9/6	8/30-9/5	BHS-1-111	1	1 ewe
16B, 22, 23, 24: Turkey creek-San Francisco river	1/7-1/16	1/5-1/14	1/4-1/13	1/3-1/12	BHS-1-112	2	1 ram
55A: Culebras	8/1-9/30	8/1-9/30	8/1-9/30	8/1-9/30	BHS-1-113	1	1 ram
26: Hatchet mountains	TBD	TBD	TBD	TBD	BHS-1-114	2	1 ram
26: Hatchets mountains	TBD	TBD	TBD	TBD	BHS-1-115	2	1 ram
19: San Andres mountains (WMSR only)	TBD	TBD	TBD	TBD	BHS-1-116	TBD	1 ram
19: San Andres mountains (SANWR only)	TBD	TBD	TBD	TBD	BHS-1-117	TBD	1 ram
20: Caballo mountains	TBD	TBD	TBD	TBD	BHS-1-118	1	1 ram
20: Caballo mountains	TBD	TBD	TBD	TBD	BHS-1-119	1	1 ram
20: Fra Cristobal mountains	TBD	TBD	TBD	TBD	BHS-1-120	TBD	1 ram
20: Fra Cristobal mountains	TBD	TBD	TBD	TBD	BHS-1-121	TBD	1 ram
20: Fra Cristobal mountains, YO	TBD	TBD	TBD	TBD	BHS-1-122	TBD	1 ram
13: Ladron mountain	TBD	TBD	TBD	TBD	BHS-1-123	1	1 ram
auction hunt	8/1-12/31	8/1-12/31	8/1-12/31	8/1-12/31	BHS-1-500	1	1 ram
raffle hunt	8/1-12/31	8/1-12/31	8/1-12/31	8/1-12/31	BHS-1-600	1	1 ram

[19.31.17.11 NMAC - Rp, 19.31.17.11 NMAC, 4-1-11]

19.31.17.12 BIGHORN SHEEP ENHANCEMENT PROGRAM:

A. The director of the department shall collect all proceeds generated through auction and lottery of special bighorn sheep permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit bighorn sheep and for direct costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of bighorn sheep.

B. The state game commission shall authorize the director of the department to issue not more than two special bighorn sheep permits in any one license year to take one bighorn sheep ram per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected through a random drawing for the holder of a lottery ticket by the department or by an incorporated, nonprofit organization dedicated to the conservation of wild sheep.

C. Proposals for auctioning one special bighorn sheep permit and the sale of lottery tickets to obtain a second special bighorn sheep permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

D. The proposals for auctioning one permit, and for the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (1) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (2) the estimated amount of money to be raised and the rationale for that estimate; and (3) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter

must be signed and dated by the president and secretary-treasurer, or their equivalents.

E. The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organizations previous involvement with wild sheep management and its conservation objectives. The director may accept any proposals when it is in the best interest of bighorn sheep to do so.

F. After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

G. The marketing organization must agree in writing to the following: (1) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (2) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special bighorn sheep permits are issued.

H. The department and the marketing organization must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

I. Unless his or her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special bighorn auction permit or purchase lottery tickets in an attempt to be selected for the special bighorn lottery permit.

J. The special bighorn sheep permits issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

K. Special bighorn sheep permits granted through auction or lottery, as described above, shall not be considered 'once-in-a-lifetime' permits.
[19.31.17.12 NMAC - Rp, 19.31.17.12 NMAC, 4-1-11]

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE CHAPTER 31 HUNTING AND FISHING PART 21 JAVELINA

19.31.21.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.21.1 NMAC - N, 4-1-11]

19.31.21.2 SCOPE: Sportspersons interested in javelina hunting and management. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.21.2 NMAC - N, 4-1-11]

**19.31.21.3 S T A T U T O R Y
AUTHORITY:** 17-1-14 and 17-1-26
NMSA 1978 provide that the New Mexico state 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 mammals, birds, and fish.
[19.31.21.3 NMAC - N, 4-1-11]

19.31.21.4 DURATION: April 1, 2011 through March 31, 2015.
[19.31.21.4 NMAC - N, 4-1-11]

19.31.21.5 EFFECTIVE DATE:
April 1, 2011, unless a later date is cited at the end of individual sections.
[19.31.21.5 NMAC - N, 4-1-11]

19.31.21.6 O B J E C T I V E :
Establishing open hunting seasons and regulation, rules, and procedures governing the distribution and issuance of javelina permits and licenses by the department.
[19.31.21.6 NMAC - N, 4-1-11]

19.31.21.7 DEFINITIONS:

A. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

B. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take javelina.

C. "Bow" shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

D. "Crossbows" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights

on crossbows shall not project light nor magnify.

E. "Department" shall mean the New Mexico department of game and fish.

F. "Director" shall mean the director of the New Mexico department of game and fish.

G. "ES or either sex" shall mean any one animal of the species.

H. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.

I. "License" shall mean a valid official document that is issued or approved by the director that each person hunting javelina in New Mexico must have or obtain prior to hunting.

J. "License year" shall mean the period from April 1 through March 31.

K. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

L. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

M. "Wildlife management areas" or "WMAs" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Wildlife Management Areas.
[19.31.21.7 NMAC - Rp, 19.31.15.7 NMAC, 4-1-11]

**19.31.21.8 A D J U S T M E N T
OF LICENSES, PERMITS,
AUTHORIZATIONS, AND HARVEST
LIMITS:** The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses or permits for javelina up or down by no more than 20% of the total permits available in the area or GMU to address significant changes in population levels or habitat availability. The director may consider requests from organizations or private landowners working with children suffering from terminal illness or disease to change season dates, weapon types or bag limits to provide for special hunting situations on a case by case basis. The director may change or cancel any hunts on military lands to accommodate closures on those lands; provided the subsequent hunts have the same season length and bag limit as assigned on the original hunt code.

[19.31.21.8 NMAC - Rp, 19.31.15.8 NMAC, 4-1-11]

19.31.21.9 JAVELINA LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. One license per javelina per year: It shall be unlawful for anyone to hold more than one permit or license for javelina during a current license year unless otherwise allowed by rule.

B. Validity of license or permit: All javelina entry permits, licenses or authorizations shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt code printed on the permit, license, or carcass tag.

C. Youth only (YO) hunts: It shall be unlawful for anyone to apply for a youth only (YO) javelina license, except as allowed by 19.31.3.11 NMAC.

D. Military only hunts: It shall be unlawful for anyone to apply for a military only javelina license, except as allowed by 19.31.3.11 NMAC.

[19.31.21.9 NMAC - Rp, 19.31.15.9 NMAC, 4-1-11]

19.31.21.10 JAVELINA MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Seasons and hours: Javelina may be only hunted or taken during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one javelina during a current license year unless otherwise provided by regulation.

C. Tagging:

(1) Any license that permits the taking of any javelina shall be issued with a tag bearing the species name.

(2) It shall be unlawful to possess more than one tag per year except as permitted by regulation.

(3) It shall be unlawful for any licensee to fail to tag the javelina as prescribed below:

(a) Immediately after killing any javelina, the licensee killing the animal shall notch the proper day and month of kill from the species tag.

(b) The tag shall be attached to the carcass of the killed javelina and the tag shall remain attached to the carcass while the carcass is in any vehicle, left unattended in the field, or while it is in camp or at a residence or other place of storage. The notched tag may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the tag shall remain attached to that portion of the carcass left in a camp or vehicle.

(4) A javelina tag, when attached to the carcass of legally taken javelina, shall authorize possession and storage for the period designated on the carcass tag.

D. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcasses of javelina that are improperly tagged.

E. Use of dogs in hunting: It shall be unlawful to use dogs to hunt javelina, except leashed dogs may be used to locate wounded or dead javelina. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

F. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any javelina by use of baits or scents. Scent masking agents on one's person are allowed.

G. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any javelina.

H. Use of calling devices: It shall be unlawful to use any electrically or mechanically recorded calling device in taking or attempting to take any javelina.

I. Killing out-of-season: It shall be unlawful to kill any javelina out of their respective hunting seasons.

J. Legal sporting arms or weapon types for javelina are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles (muzzle-loading handguns are legal sporting arms for javelina); bows and arrows; and crossbows and bolts.

K. Areas closed to javelina hunting: The following areas shall remain closed to javelina hunting, except as permitted by regulation: all wildlife management areas, except the following lesser prairie-chicken areas: Black Hills east and west; Claudell; Crossroads 1-5; Gallina Wells 1, 1A, 1B, and 2-6; Liberty; Marshall; Milnesand; north, south, and east Bluit; Wayside; Antelope Flats; Bledsoe; Little Dipper; Pitchfork; Ranger lake; and Sandhills Prairie conservation area.

[19.31.21.10 NMAC - Rp, 19.31.15.10 NMAC, 4-1-11]

19.31.21.11 JAVELINA HUNTING SEASONS: Javelina hunts for the 2011-12 through the 2014-15 hunt seasons shall be as indicated below, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt codes, number of licenses, and bag limit. Hunt codes for javelina hunts allowing "any legal weapon" type shall be designated JAV-1, hunt codes for javelina hunts allowing "bow only" weapon type shall be designated as JAV-2. Youth hunters must provide their hunter education certification number on their application. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts. Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. The open area for the JAV-2-101 and the JAV-1-102 hunts include the Big Hatchets special management area in GMU 26.

open GMUs or areas	hunt start	hunt end	hunt code	licenses	bag limit
statewide, YO	1/1	3/31	JAV-1-100	100	ES
GMUs 19, 23, 24, 25, 26 and 27	1/16	1/31	JAV-2-101	300	ES
GMUs 19, 23, 24, 25, 26 and 27	2/1	2/15	JAV-1-102	1000	ES
statewide except GMUs 19, 23, 24, 25, 26 and 27	1/1	1/15	JAV-2-103	300	ES

statewide except GMUs 19, 23, 24, 25, 26 and 27	1/16	3/31	JAV-1-104	1000	ES
28 McGregor range, military only. This hunt is the last weekend in December each year.	12/31/2011 12/29/2012 12/28/2013 12/27/2014	1/1/2012 12/30/2013 12/29/2014 12/28/2015	JAV-1-105	5	ES

[19.31.21.11 NMAC - Rp, 19.31.15.14 NMAC, 4-1-11]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an emergency order to 19.31.4 NMAC, Section 20, effective September 13, 2010

19.31.4.20 EMERGENCY ORDER FOR FISH SALVAGE: Under authority of 19.31.10.14 promulgated by the state game commission on April 1, 2007, I, TOD W. STEVENSON, director of the department of game and fish, hereby declare that an emergency exists within the Cowles Ponds located in Cowles, Santa Fe County, New Mexico. The extent to which, fish life will be destroyed by draining and dredging of the ponds. Bag limits on sport fish will be unlimited. Manner and method regulations will also be suspended. This relaxation will go into effect at 12:01 a.m., September 13, 2010, and will remain in effect through 11:59 p.m., September 19, 2010.

[19.31.4.20 NMAC - N/E, 9-13-2010]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.34.7 NMAC, Sections 3, 6, 7, 8, 9 and 10, and adding new Sections 11 and 12 effective 9-30-2010.

19.34.7.3 STATUTORY AUTHORITY: Sections 17-1-1, 17-1-2, 17-1-5.1, 17-1-14, 17-1-26, 17-2-6 and 17-4-1 NMSA 1978, provide the New Mexico state game commission with the authority to lease lands for game management and wildlife habitat as well as acquire properties for hunting grounds. Also, to provide for use of game and fish for use and development for public recreation, and to establish rules and regulations that it may deem necessary to carry out the purposes of Chapter 17, NMSA 1978.

[19.34.7.3 NMAC - N, 10-31-2005; A, 9-30-2010]

19.34.7.6 OBJECTIVE: To establish fees, and other rules for accessing private lands, state lands (including lands of counties and other instrumentalities of the state), tribal lands and federal lands for recreational uses like hunting, fishing, trapping [&] and other endeavors.

[19.34.7.6 NMAC - N, 10-31-2005; A, 9-28-2007; A, 9-30-2010]

19.34.7.7 DEFINITIONS:

- A. "Commission" shall mean the New Mexico state game commission.
- B. "Director" shall mean the director of the New Mexico department of game and fish.
- C. "Department" shall mean the New Mexico department of game and fish.
- D. "Open gate" shall mean a program of the department to provide hunters, anglers, and trappers [~~and other wildlife~~

~~associated recreationists with increased access to recreational endeavors on and through private lands, state lands (including lands of counties and other instrumentalities of the state) and federal lands not previously open to public entry within the past year] with wildlife associated activities as determined by the department with the purpose to increase access on private lands, state lands (including lands of counties and other instrumentalities of the state), federal lands or tribal lands.~~

E. "Landowner" shall mean a private landowner, lessee or tribal entity with whom the department enters into an open gate access agreement.

F. "Open gate property" shall mean lands enrolled in the open gate program recognized as a game and fish management area for the purposes designated.

[19.34.7.7 NMAC - N, 10-31-2005; A, 9-28-2007; A, 9-30-2010]

19.34.7.8 CONSERVATION [&] AND ACCESS FEE: On or after April 1, 2006 each resident and nonresident license or permit shall include a \$1.00 open gate conservation and access fee. No resident and nonresident license or permit shall be considered to be a proper and valid license unless the licensee can demonstrate, by a stamp, check-off or other official mark, that the fee for conservation and access has been paid, provided that an individual purchaser shall be required to pay for only one conservation and access fee each license year, regardless of the number of licenses or permits purchased by the licensee. Exceptions: no person under the age of 18, no resident angler age 70 and older and no person designated by the department as a 100% disabled resident veteran is required to purchase the open gate conservation and access fee.

[19.34.7.8 NMAC - N, 10-31-2005; A, 3-31-2006; A, 10-31-2006; A, 9-28-2007; A, 9-30-2010]

19.34.7.9 PROHIBITION OF DISCRIMINATION: If otherwise qualified as stated above, no one shall be denied use of leased private lands, state lands (including lands of counties and other instrumentalities of the state), tribal lands and federal lands on the basis of race, color, religion, [sex] gender, sexual orientation or national origin.

[19.34.7.9 NMAC - N, 10-31-2005; A, 9-28-2007; A, 9-30-2010]

19.34.7.10 ACCESS AGREEMENTS FOR THE OPEN GATE PROGRAM:

~~[A.] The director may from time to time enter into open gate access agreements so hunting, fishing, trapping or other recreational endeavors may take place. Such access agreements shall include the name of the landowner, map of the property, the permitted uses, responsibilities of the landowner and department, term, dollar amount, liability clauses for the department and landowner, and signatures~~

of the director and landowner.

B. Upon approval of the access agreement, on a form approved by the director and subject to any designated fair and impartial selection process, in consideration for access rights granted by the landowner, the landowner shall be paid a fee approved by the director consistent with the opportunities provided and consistent with state purchasing constraints.]

A. The director may enter into open gate access agreements for hunting, fishing, trapping or other recreational endeavors to take place on private land with suitable habitat to support the recreational uses, or to provide a right-of-way corridor through private land or tribal land to large, inaccessible blocks of public lands meeting the conditions of 19.34.7.11 NMAC.

(1) Such access agreements shall include the name of the landowner, map of the property, the permitted uses, property rules, responsibilities of the landowner and department, term, amount of compensation, the liability clauses for the department and landowner, with signatures of the director and landowner.

(2) Landowners shall agree participation is voluntary and enrollment is contingent on the annual availability of funds.

(3) All renewals of open gate access agreements shall be subject to annual review per the requirements found in 19.34.7.11 NMAC.

B. Subject to consideration for access rights granted by the landowner, the landowner shall be paid a fee approved by the director consistent with the opportunities provided and state purchasing constraints.

C. To enhance wildlife habitat and provide a more quality hunting, fishing and trapping experience on participating properties, the department may provide additional incentives for wildlife habitat improvements undertaken by the landowner. The terms and conditions of such improvements and incentives shall be negotiated between the landowner and department.

D. Amendments of an existing open gate access agreement may only be done by mutual consent of the department and landowner, in writing.

E. False representation of a property's rightful ownership is grounds for legal action and will result in immediate termination of the access agreement. [19.34.7.10 NMAC - N, 10-31-2005; A, 9-28-2007; A, 9-30-2010]

19.34.7.11 PARTICIPATION REQUIREMENTS:

A. Minimum qualifications: Lands or waters eligible for enrollment in the open gate program must provide suitable fish or wildlife habitat

or access to said habitat to support the recreational uses designated through an open gate agreement, and meet, at minimum, one of the following conditions:

(1) enrollment will result in increased hunting, fishing or trapping access on private land; or

(2) enrollment will provide a meaningful access corridor to large or exceptional, inaccessible blocks of state lands, federal lands or tribal lands for hunting, fishing or trapping; or

(3) enrollment may improve regional wildlife or fisheries management goals of the department which may include, but are not limited to, supplying quality or extraordinary hunting, fishing or trapping opportunities and enhancing fish or wildlife habitat conditions.

B. Enrollment process:

(1) Persons interested in enrolling in the open gate program must submit a completed application and provide proof of ownership, or if leasing the property, a copy of the lease with a notarized and signed statement from the landowner authorizing program participation.

(2) Application must be submitted by the following dates.

(a) Applications including opportunities for fishing, spring turkey hunting, statewide ibex hunting, except the Florida mountains, statewide Barbary sheep hunting, except closed areas, statewide off-range oryx hunting, private land cougar hunting, protected furbearers with open seasons, must be submitted by January 1 of each year.

(b) Applications including all other big game and small game hunting opportunities must be submitted by April 30 of each year.

(3) All applications are subject to a department evaluation to determine if the lands or waters proposed for enrollment satisfy the requirements found in 19.34.7.11 NMAC.

(4) If the lands or waters do not meet the requirements, the applicant will be notified that the application does not qualify for participation in the open gate program.

(5) If the department determines the lands or waters meet the requirements, the department and landowner will negotiate an open gate access agreement. [19.34.7.11 NMAC - N, 9-30-2010]

19.34.7.12 USE OF OPEN GATE AREAS:

A. Any person accessing land enrolled in the open gate program to hunt, fish or trap must:

(1) obtain and possess a valid hunting, fishing or trappers license when required unless otherwise provided in the access agreement; and

(2) comply with enrolled property

rules as described on the access agreement and as posted at access points or parking areas.

B. It shall be unlawful for any person to violate any provisions posted on an open gate property. [19.34.7.12 NMAC - N, 9-30-2010]

NEW MEXICO HIGHER EDUCATION DEPARTMENT

This is an amendment to 5.7.14 NMAC, Section 13, effective September 30, 2010.

5.7.14.13 ADMINISTRATION OF COMPETITIVE SCHOLARSHIPS:

A. The number of competitive scholarships granted by any [small] university cannot exceed 6 percent of their previous year's full-time equivalent enrollment (FTE).

B. The higher education department is the authorizing agency and shall maintain the necessary records to assure that all program requirements are being met.

C. Each institution will have the responsibility to assure that all program requirements are being met. [9/30/98; 5.7.14.13 NMAC - Rn & A, 5 NMAC 7.14.13, 8/30/2007; A, 8/31/2010, A, 9/30/2010]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.200 NMAC, Sections 21, 40 and 50, effective September 30, 2010.

2.80.200.21 BOARD TRAINING AND EDUCATION

A. New board members shall attend a new board member orientation within two (2) months of being elected or appointed to office. New board member orientation shall be provided by PERA staff and shall include fiduciary responsibility, investing principles, an actuarial primer and an overview of the operations of the association.

B. Each board member shall annually certify his or her compliance with the statutory requirements of NMSA 1978, Section 10-11-133(F) on the form prescribed by the association on or before December 31st of each calendar year. [2.80.200.21 NMAC - N, 9-30-10]

2.80.200.40 BOARD MEETINGS

A. The board shall hold regular [quarterly] meetings on the last Thursday of [the months of January, April, July and October] each month, unless

otherwise established by resolution of the board. The board may establish by resolution a ~~[more frequent]~~ different meeting schedule for regular meetings of the board.

B. A majority of the board members shall constitute a quorum at any meeting of the board and each attending member, including the chair, shall be entitled to one vote on each issue.

C. No "proxy" votes shall be allowed.
[10-15-97; 11-15-97; 12-15-99; 2.80.200.40 NMAC - Rn, 2 NMAC 80.200.40, 12-28-00; A, 9-30-10]

2.80.200.50 COMMITTEES

A. The chair shall appoint no more than six (6) board members to each of the following standing committees: rules and administration, audit and budget, legislative, and investments. The disability review committee shall have at least three (3) but no more than five (5) board members. The chair of the board shall appoint the chair of each committee. Though the board shall have standing committees, the board chair reserves the right to cancel any committee meeting and allow the entire board to discuss and act on matters that may be within the subject matter of standing committees.

(1) The rules and administration committee shall consider and recommend to the board new rules and amendments to or repeal of existing rules governing the organization and operation of the board and the association. Administrative matters requiring specific direction from the board may also be considered by the committee.

(2) The audit and budget committee shall provide policy assistance to the board and the executive director of PERA in fulfilling PERA's responsibilities for accounting, auditing, budgeting, and the quality and integrity of the financial reports of the association.

(3) The legislative committee shall consider and recommend to the board proposals for new statutes and amendments to or repeal of existing statutes. The committee shall also monitor the introduction and progress of proposed legislation affecting the board or association and report this information to the board.

(4) The disability review committee is described in Rule 2.80.1000.20.

(5) The investment committee shall review and monitor the administration of the investment ~~[plan]~~ policy adopted by the board.

B. The chair, with the advice and consent of the board, shall appoint an election committee to consist of nine (9) members of the association: four (4) members from state departments, two (2) members from non-county municipal employers, one (1) member from a county employer, and two (2) retired members.

(1) The election committee shall serve until replaced by the chair, and shall receive no compensation other than that authorized by the Per Diem and Mileage Act.

(2) The duties of the election committee are described in Rule 2.80.200.60, 2.80.200.70 and 2.80.200.80.

C. From time to time, the board may authorize, and the chair may appoint, such ad hoc committees as the board finds necessary.

[10-15-97; 11-15-97; 12-15-99; 2.80.200.50 NMAC - Rn & A, 2 NMAC 80.200.50, 12-28-00; A, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.300 NMAC, Sections 3 and 30, effective September 30, 2010.

2.80.300.3 S T A T U T O R Y
AUTHORITY: This rule is authorized by NMSA 1978, Sections ~~[10-1-130]~~ 10-11-130, 10-11-132, ~~[and]~~ 10-11-133 and 10-11-133.1, as amended.

[10-15-97; 2.80.300.3 NMAC - Rn, 2 NMAC 80.300.3, 12-28-00; A, 9-30-10]

2.80.300.30 BEST EXECUTION AND BEST PRICE

A. Statement of policy: The New Mexico public employees retirement board adopts the following statement as its policy with respect to securities transactions of the PERA investment funds.

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

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

(3) The board has delegated the investment of the funds under its jurisdiction to external investment managers ~~[except for a small number of accounts that are invested directly by the PERA investment division].~~

(4) By contractual agreement,

the board has delegated to its investment managers full discretion with regard to securities transactions so long as they conform to New Mexico state statutes, the PERA investment ~~[plan]~~ policy and the specific PERA investment objectives and guidelines for each particular investment portfolio.

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

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

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

B. [Reserved]
[10-15-97; 2.80.300.30 NMAC - Rn & A, 2 NMAC 80.300.30, 12-28-00; A, 8-15-01, A, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.400 NMAC, Section 10, effective September 30, 2010.

2.80.400.10 M E M B E R COVERAGE UNDER PERA

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

B. The following employees are excluded from coverage:

(1) Retired members of PERA or retired members from any other state system as defined in subsection D of 2.80.100.7 NMAC who subsequently become employees of affiliated public employers. This exclusion does not apply to a previously retired member whose pension has been suspended.

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

(3) Seasonal or student employees.

(a) "Seasonal employee" or "temporary employee" means an employee who works in a position designated by the affiliated public employer as seasonal or temporary and created to last no more than 9 consecutive months. Retired members returning to work with an affiliated public employer shall not be re-employed under this subsection 3(a).

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

(4) Elected officials who file with the association a written application for exemption from membership using the form prescribed by the association within twenty-four (24) months of taking office. Prior to filing the application for exemption, the elected official shall be a member. An application for exemption may be subsequently withdrawn by filing with PERA an executed PERA membership application form.

~~[(5) A retired member who is appointed a chief of police of an affiliated public employer, other than the employer from which the member retired, or is appointed undersheriff, and who files an irrevocable exemption from membership within thirty days of appointment.]~~

~~[(6) A retired member employed by the legislature for legislative session work] [10-15-97; 12-15-99; 2.80.400.10 NMAC - Rn & A, 2 NMAC 80.400.10, 12-28-00; A, 8-15-01; A, 9-30-03; A, 8-31-04; A, 9-30-10]~~

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.500 NMAC, Section 9 effective September 30, 2010.

2.80.500.9 REMITTANCE OF CONTRIBUTIONS FOR RE-EMPLOYED RETIRED MEMBERS

A. Each affiliated public employer shall be responsible for deducting applicable contributions from the salary or wages paid to each re-employed retired member for each payroll period. The affiliated public employer shall make employer contributions in the amount specified in the Public Employees Retirement Act ~~[or in an amount adjusted for~~

~~the full actuarial cost as determined annually by the association;]~~ until the subsequent employment is terminated. Retired member contributions shall be separately tracked, but shall not be posted to the retired member's account or refunded to the retired member or the employer upon termination of employment.

B. The employer shall transmit to PERA applicable employee and employer contributions for every retired 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 retired member contributions, and adjustments for prior pay periods if applicable, transmitted.

C. Except as provided in subsection F below, interest will be assessed on any remittance of retired member and employer contributions not made by the due day 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 F 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 retired member and employer contributions plus interest as provided in subsection C above.

F. If an employer, for good cause, is unable to timely transmit retired member 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 or penalty that would otherwise be assessed. The executive director may waive interest or penalty for up to thirty-one (31) calendar days. Interest shall thereafter be charged at the rate set in subsection C above.

G. Notwithstanding the provisions of this section, no retired member employee or employer contributions shall be remitted in the case of the following re-employed retired members:

~~[(1) a retired member who is appointed a chief of police of an affiliated public employer, other than the employer~~

~~from which the member retired, or is appointed undersheriff, and who files an irrevocable exemption from membership within thirty days of appointment;]~~

~~[(2)] (1)~~ a retired member employed by the legislature for legislative session work who files an irrevocable exemption from membership within thirty (30) days of employment;

~~[(3)] (2)~~ a retired member elected to serve a term as an elected official on or after July 1, 2009 who files an irrevocable exemption from membership with the association within thirty days of taking office; or

(3) a retired member who has not been employed as an employee of an affiliated public employer or retained as an independent contractor by the affiliated public employer from which the retired member retired for at least twelve (12) consecutive months from the date of retirement to the commencement of employment or reemployment with an affiliated public employer.

[2.80.500.9 NMAC - N, 9-30-03; A, 8-31-04; A, 12-15-09; A, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.600, Section 10, effective September 30, 2010.

2.80.600.10 G E N E R A L PROVISIONS

A. Service shall be credited to the nearest month.

(1) 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 or terminates employment on or after the fifteenth day of the month, provided that all other requirements for awarding service credit are met.

(2) A member who is a full-time employee of an affiliated public employer shall acquire one month of service credit for every calendar month in which the member is paid 50% or more of his or her monthly salary as reported by the member's affiliated public employer.

(3) If a member who is a full-time employee of an affiliated public employer is paid less than 50% of the member's monthly salary as reported by the member's affiliated public employer, employer and member contributions shall be paid on any salary paid during that month, and the member contributions shall be posted to the member's individual member contribution account, but no service credit shall be acquired for that month, even if unpaid leave was taken

pursuant to the Family Medical Leave Act.

(4) A member who is a part-time employee of an affiliated public employer shall acquire one month of service credit for every calendar month in which the member works twenty (20) or more hours per week, totaling forty (40) or more hours in an eighty hour pay period as reported by the member's affiliated public employer. A part-time employee is an employee who works forty (40) or more hours but less than eighty (80) hours in an eighty (80) hour pay period or twenty (20) or more hours but less than forty (40) hours in a week.

(a) Notwithstanding any other provision of 2.80.600.10 NMAC, part-time employees who normally work at least twenty (20) hours in a week and who were furloughed pursuant to executive order issued between July 1, 2009 and June 30, 2010 shall acquire one month of service credit for each month affected by a furlough day. This amendment was adopted as an emergency rule to allow part-time employees to acquire service credit they would otherwise be eligible for absent the executive order. Immediate adoption of this amendment is necessary for the general welfare of the association.

(b) Notwithstanding any other provision of 2.80.600.10 NMAC, part-time employees who normally work at least twenty (20) hours in a week and who were furloughed in January and February, 2010 as a result of the second judicial district court's furlough plan shall acquire one month of service credit for each month affected by a furlough day.

(c) Notwithstanding any other provision of 2.80.600.10 NMAC, part-time employees who normally work at least twenty (20) hours in a week and who were furloughed in May and June, 2010 as a result of the city of Rio Rancho's resolution no. 43 furlough plan shall acquire one month of service credit for each month affected by a furlough day.

B. A part-time employee who works fewer than forty (40) hours in an eighty (80) hour pay period or fewer than twenty (20) hours in a forty (40) hour week shall be exempt from membership by filing a PERA exclusion from membership form pursuant to 2.80.400.40 NMAC.

C. If a member has an incomplete contract to purchase service credit at the time of termination of employment, the contract must be paid in full within thirty (30) days of termination or the amount already paid under the contract will be refunded and no corresponding service credit will be granted.

D. Overlapping service credit.

(1) If a member has service credit for the same period of time for employment by public employers covered under different

state systems, service credit may only be acquired under one state system for the period of overlapping service credit. In no case shall a member be credited with more than one month of service credit for all service in any calendar month.

(2) If a member accrues service credit under PERA and another state system for an overlapping period, the member shall be granted service credit for this overlapping period in accordance with all applicable statutes and rules that provide for the highest pension factor.

[10-15-97; 11-15-97; 12-15-99; 2.80.600.10 NMAC - Rn, 2 NMAC 80.600.10, 8-15-01; A, 9-30-03; A/E, 5-28-10; A, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.700 NMAC, Section 10, effective September 30, 2010.

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. Any changes to an application for retirement that has already been submitted to PERA, including, but not limited to, retirement date, designation of survivor beneficiary or form of payment option, must be in writing and 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. If a married member does not provide spousal consent, the member shall execute an affidavit that:

(a) states why the member has been unable to obtain spousal consent;

(b) provides the most recent contact information for the member's spouse; and

(c) acknowledges that the member understands that because he or she is married and has not provided spousal consent, the PERA Act provides that the member will be retired under form of payment C with his or her spouse named as survivor beneficiary.

(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 non-exempt employment with all affiliated public employers.

(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, a religious record of birth established before age 5 years, a current passport, a current New Mexico driver's license or a current New Mexico motor vehicle division issued identification card, 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 or automobile insurance policy;

(b) current voter registration or voter identification record;

(c) tribal census record;

(d) childhood immunization record made prior to age eighteen (18) years;

(e) military record, including a valid United States active-duty, retiree or reservist military identification card;

- (f) birth certificate of child showing age of parent;
- (g) physician's or midwife's record of birth;
- (h) immigration record;
- (i) naturalization record;
- (j) social security records.

(2) For any designated beneficiary to be identified as a spouse, 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~~] or any two of the following documents showing marital status:

(a) financial institution or bank records;

(b) joint real estate deeds or mortgages;

(c) insurance policies.

(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. The requirement for providing a copy of a final decree may be waived, in PERA's discretion, when PERA can establish through online court records that a divorce decree was entered on a specific date and no further documentation is deemed necessary to administer benefits.

(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. Permissive service credit purchased pursuant to NMSA 1978, Section 10-11-7(H) cannot be used to determine final average salary, pension factor or pension maximum for pension calculation purposes.

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. In the case of concurrent employment, termination from all affiliated public employers is required before retirement. 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, the member shall be immediately removed from retirement and any pension amounts paid since the member's retirement shall be considered an overpayment that must be reimbursed to PERA by the member. 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 the Judicial Retirement Act or the Magistrate Retirement Act 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 works 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; A, 9-30-03; A, 8-31-04; A, 6-30-05; A, 12-15-09; A, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.1000 NMAC, Sections 7 and 40, effective September 30, 2010.

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

A. "Commensurate" employment means that the applicant is able to engage in some profitable employment or enterprise in the state of New Mexico, which approximates to a substantial degree the applicant's pre-injury compensation but is not necessarily equal to the applicant's pre-injury employment.

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

C. "Currently employed, contributing employee of an affiliated public employer," in the case of an applicant for duty disability benefits, means the employment and contribution status on the date the disability was incurred.

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

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

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

[10-15-97; 1-15-99; 2.80.1000.7 NMAC -

Rn, 2.80.1000.7 NMAC, 12-28-00; A, 8-15-01; A, 9-30-03; A, 9-30-10]

2.80.1000.40 APPEAL: If the committee denies disability retirement benefits, the applicant may appeal the action. Any appeals under this section shall be conducted according to NMSA 1978, Section 10-11-120 and 2.80.1500 NMAC. An applicant's withdrawal or refund of contributions at any time before or during the pendency of an appeal causes the forfeiture of service credit and shall result in the automatic dismissal of the appeal and the issuance of a notice of dismissal. [10-15-97; 2.80.1000.40 NMAC - Rn, 2 NMAC 80.1000.40, 12-28-00; A, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.1100 NMAC, Sections 11, 20, 30 and 50, effective September 30, 2010.

2.80.1100.11 POST-RETIREMENT SELECTION OF NEW BENEFICIARY OR CHANGE TO FORM OF PAYMENT A:

A. To exercise his or her one-time irrevocable option to change the beneficiary designated at retirement to another survivor beneficiary under the same form of payment or to have future payments made under form of payment A pursuant to NMSA 1978, Section 10-11-116 (D), the retired member shall submit the request in writing to PERA, including a statement that the beneficiary designated at retirement is still living.

B. If the retired member requests a beneficiary change, he or she shall provide a copy of the new beneficiary's Certificate of Birth with the written request.

C. If the retired member was married at the time of retirement and is still married to the same person at the time of the request, he or she shall provide a new signed notarized statement of consent by the member's spouse to the new beneficiary or to the election of form of payment A.

D. If the retired member has been divorced, he or she 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 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. The requirement for providing a copy of a final decree may be waived, in PERA's discretion, when PERA can establish through online court records that a divorce decree was entered on a specific date and no further documentation is deemed necessary to administer benefits.

E. PERA shall provide the retired member with a new benefit estimate and an agreement for selection of new beneficiary or change to form of payment A after retirement in the form required by PERA within a reasonable time of receipt of the written request and required information and documents.

F. If the signed notarized agreement is received at PERA by the ninth day of the month, the requested change shall be effective for the pension payment for that month. Agreements received after the ninth day of the month shall be effective for the following month's pension payment.

[2.80.1100.11 NMAC - N, 9-30-10]

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 on the form prescribed by the association of the hire date, position and salary of the subsequently employed retired member.

[A-] B. If a retired member returns to work [within ninety (90) days of the retired member's effective date of retirement, the retired member will be suspended from retirement] and his or her pension is suspended pursuant to NMSA 1978, Section 10-11-8, the retired member will be required to repay PERA any pension amounts erroneously paid after commencement of employment or reemployment, 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-] A retired member re-employed by an affiliated public employer shall not be eligible to accrue service credit or eligible to acquire or purchase service credit for the retired member's period of post-retirement public affiliated employment.]

[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; A, 9-30-03; A, 8-31-04; A, 12-15-09; A, 9-30-10]

2.80.1100.30 [REINSTATEMENT OF PENSION:—When a retired member is subsequently employed by an affiliated public employer within ninety (90) days of the retired member's effective retirement date, causing suspension from retirement and resulting in re-establishment of PERA membership, that person will be eligible to reinstate his or her pension at the termination of the subsequent employment period under the following conditions:

A. The member files an application for retirement in accordance with the provisions of 2.80.700.10 NMAC.

B. The recomputed pension, under form of payment A, shall not be less than the amount of the previous pension under form of payment A.]
SUSPENSION AND REINSTATEMENT OF PENSION:

A. A previously retired member who is subsequently employed by an affiliated public employer and whose pension is suspended pursuant to NMSA 1978, Section 10-11-8 (C) shall not become a member. The previously retired member will be eligible to reinstate his or her pension upon termination of the subsequent employment under the following conditions:

(1) the member files an application for reinstatement of pension in the form required by PERA; and

(2) the member's pension, under form of payment A, shall not be less than the amount of the previous pension under form of payment A.

B. A previously retired member who is subsequently employed by an affiliated public employer and whose pension is suspended upon one of the following grounds shall become a member:

(1) he or she has been employed as an employee of an affiliated public employer or retained as an independent contractor by the affiliated public employer from which the retired member retired within twelve consecutive months from the date of retirement to the commencement of employment or reemployment with an affiliated public employer; or

(2) he or she makes an election pursuant to NMSA 1978, Section 10-11-8 (F).

C. The previously retired member will be eligible to reinstate his or her pension at the termination of the subsequent employment period under the following conditions:

(1) The member files an application for retirement in accordance with the provisions of 2.80.700.10 NMAC.

(2) The recalculated pension, under form of payment A, shall not be less than the amount of the suspended pension

under form of payment A.

(3) If the re-retiring member acquires three or more years of service credit during the subsequent employment with an affiliated public employer, the following provisions apply:

(a) the re-retiring member may re-retire under the coverage plan applicable at the time of re-retirement;

(b) the pension payment shall be made employing the form of payment selected by the re-retiring member upon the member's application for re-retirement; and

(c) the re-retiring member may designate any person as survivor beneficiary, subject to the provisions of NMSA 1978, Section 10-11-116.

[10-15-97; 2.80.1100.30 NMAC - Rn, 2 NMAC 80.1100.30, 12-28-00; A, 9-30-03; A, 8-31-04; A, 9-30-10]

2.80.1100.50 [VOLUNTARY SUSPENSION OF PENSION: A retired member who is subsequently employed by an affiliated public employer and who has not been suspended from retirement pursuant to subsection A of 2.80.1100.20 NMCA may request suspension of the retired member's pension and re-establishment of PERA membership at any time. The previously retired member will be eligible to reinstate his or her pension at the termination of the subsequent employment period under the following conditions:

A. The member files an application for retirement in accordance with the provisions of 2.80.700.10 NMAC.

B. The recalculated pension, under form of payment A, shall not be less than the amount of the suspended pension under form of payment A.

C. If the re-retiring member acquires three or more years of service credit during the subsequent employment with an affiliated public employer, the following provisions apply:

(1) the re-retiring member may re-retire under the coverage plan applicable at the time of re-retirement;

(2) the pension payment shall be made employing the form of payment selected by the re-retiring member upon the member's application for re-retirement;

(3) the re-retiring member may designate any person as survivor beneficiary, subject to the provisions of NMSA 1978, Section 10-11-116; [RESERVED]

[2.80.1100.50 NMAC - N, 8-31-04; Repealed, 9-30-10]

NEW MEXICO PUBLIC EMPLOYEES RETIREMENT ASSOCIATION

This is an amendment to 2.80.1500 NMAC, Section 10, effective September 30, 2010.

2.80.1500.10 G E N E R A L PROVISIONS

A. The denial of any claim for retirement benefits may be appealed by a claimant. A refund or withdrawal of a member's contributions causes the forfeiture of service credit and shall result in the automatic dismissal of an appeal and the issuance of notice of dismissal. The appeal shall be initiated by receipt by PERA of a notice of appeal within ninety (90) days of the date of the letter in which the written notification to the claimant of the denial. The notice of appeal must state the reasons for claiming the denial is improper. If the claimant fails to submit a notice of appeal as provided herein, the initial denial of any claim shall constitute the final order of the board.

B. The appeal shall be heard by a hearing officer designated to represent the board unless otherwise provided by the board or board rules.

C. Procedure.

(1) PERA's office of general counsel will establish internal procedures for processing appeals, within the parameters set by this rule.

(2) Discovery and evidence.

(a) Following the filing of an appeal, the parties must submit to the hearing officer, with a copy to the other parties, including PERA, at least fifteen (15) days prior to the scheduled hearing, any documentary evidence he or she may wish to present for consideration at the de novo hearing. The hearing officer may grant a request for extension of time to submit documentary evidence for good cause, if such extension is not prejudicial to another party. This documentary evidence shall include all documents that will be introduced as exhibits at the hearing. Failure to comply with the requirements of this paragraph may result in the consideration of the appeal without the documentary evidence.

(b) At the same time documentary evidence is due to be submitted, PERA may, but is not required to file a written response to claimant's notice of appeal.

(c) Upon written request of any party, the parties shall provide to the other parties the names and addresses of persons that may be called as witnesses at the hearing.

(d) Pre-hearing discovery permitted by the rules of civil procedure for the district courts in New Mexico shall be allowed as authorized by the hearing officer.

Upon the request of any party in writing, the hearing officer may authorize depositions.

(e) Upon request, the claimant shall provide to the attorney for the association authorizations for the release of records regarding the claimant's health care and employment (whether self-employed or as an employee or an independent contractor).

(f) The rules of evidence do not apply, but the hearing officer may admit all relevant evidence, which in the opinion of the hearing officer, is the best evidence most reasonably obtainable, having due regard to its necessity, competence, availability and trustworthiness. Such evidence shall be given the weight the hearing officer deems appropriate.

(g) The hearing officer may, upon good cause shown, remand the matter back to the disability review committee or the association for reconsideration.

(3) Hearing.

(a) A hearing shall be held within sixty (60) days of receipt of the notice of appeal unless the parties mutually agree to an extension of time and the extension is approved in writing by the hearing officer. The parties shall be given at least thirty (30) days written notice of the scheduled hearing.

(b) The board's authority to issue subpoenas is delegated to the hearing officer for the purpose of obtaining evidence or testimony not otherwise available.

(c) The board's authority to administer oaths is delegated to the hearing officer for the purpose of conducting the hearing.

(d) The parties have the right to present argument and evidence orally, to present or cross-examine witnesses, and to be accompanied by counsel.

(e) Failure of the claimant or his or her representative to appear at the hearing, without prior approval from the hearing officer, shall result in automatic final denial of any claims previously asserted.

(f) If the claimant or his or her representative requests rescheduling of a hearing so late that additional costs are incurred, any additional costs incurred shall be assessed against the claimant.

(4) Burden of persuasion. Unless otherwise established by law, the claimant has the burden of proving by a preponderance of the evidence the facts relied upon to show he or she is entitled to the benefit denied.

(5) Record. The hearing shall be recorded by a certified court reporter, and copies of all evidence offered shall be maintained by the association for a period of not less than five (5) years. Any party desiring a copy of the transcript of the proceedings shall be responsible for paying the cost, if any, of preparing such copy. The appellant shall make arrangements with the association for the preparation of transcripts for appeal to the district court.

(6) Recommended decision.

(a) The hearing officer's recommended decision shall be based upon the evidence adduced at the hearing and shall be issued by the hearing officer within sixty (60) days following the close of the record.

(b) The hearing officer shall propose findings of fact and conclusions of law as part of the recommended decision to the board.

(7) Exceptions to recommended decision.

(a) The parties to a proceeding may file with the board exceptions to the hearing officer's recommended decision within fifteen (15) days of the date of issuance of the recommended decision. Upon the written request of a party, and for good cause shown, the hearing officer may extend the time to file exceptions.

(b) Copies of such exceptions and any briefs shall be served on all parties and the hearing officer, and a statement of such service shall be filed with the exceptions.

(c) Exceptions to a hearing officer's recommended decision shall cite the precise substantive or procedural issue to which exceptions are taken and shall be based only on the evidence and arguments presented at the hearing.

(d) Any exception not specifically made shall be considered waived. Any exception that fails to comply with the foregoing requirements may be disregarded.

(e) The hearing officer may file with the board a response to any exceptions filed within fifteen (15) days of the date of filing of the exceptions and shall serve copies on all parties.

D. Final action by the board.

(1) The board shall consider the hearing officer's recommended decision, exceptions and any supporting briefs to the recommended decision, and the hearing officer's response to the exceptions, if any. The board may review all of the record made before the hearing officer.

(2) The board shall not consider any additional oral argument, evidence or affidavits not in the record before the hearing officer, or pleadings not filed in accordance with these rules.

(3) The board may request that the hearing officer be present at the time the board reviews a recommended decision issued by a hearing officer and may discuss the recommended decision with the hearing officer. The board members may also discuss the recommended decision among themselves and with legal counsel to the board.

(4) The board's final action shall be rendered no later than 180 days from the date of the hearing officer's recommended decision. Board members who need additional time to review the record before

taking final action may request of the board chair that additional time for review be given. If additional time is requested, the deadline for the board's final action shall be extended for one month.

(5) Ex parte communication with board members or hearing officers concerning a decision that is on appeal is prohibited.

(6) The board may remand a recommended decision to the hearing officer for additional findings, conclusions, clarification [and/or] or the taking of additional evidence. Such a remand shall restart the time frames contained in this rule.

(7) The board shall approve, disapprove or modify the recommended decision, and shall enter a final order concerning the matter being appealed. The board may modify the proposed conclusions of law based on the proposed findings of fact. If the board wishes to modify the proposed findings of fact, it may do so only after review of the record before the hearing officer. The board shall provide a reasoned basis for changing the hearing officer's recommendation.

[10-15-97; 11-15-97; 12-15-99; 2.80.1500.10 NMAC - Rn, 2 NMAC 80.1500.10, 12-28-01; A, 9-30-03; A, 8-31-04; A, 9-30-10]

NEW MEXICO TAXATION AND REVENUE DEPARTMENT

TITLE 3: TAXATION CHAPTER 13: BUSINESS TAX CREDITS PART 9: FILM PRODUCTION TAX CREDIT

3.13.9.1 **ISSUING AGENCY:** Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630

[3.13.9.1 NMAC - N, 9/30/10]

3.13.9.2 **SCOPE:** This part applies to all film production companies who may be eligible to obtain the film production tax credit.

[3.13.9.2 NMAC - N, 9/30/10]

3.13.9.3 **S T A T U T O R Y AUTHORITY:** Sections 7-2F-1 and 9-11-6.2 NMSA 1978.

[3.13.9.3 NMAC - N, 9/30/10]

3.13.9.4 **D U R A T I O N :** Permanent.

[3.13.9.4 NMAC - N, 9/30/10]

3.13.9.5 **EFFECTIVE DATE:** 9/30/10, unless a later date is cited at the end

of a section, in which case the later date is the effective date.

[3.13.9.5 NMAC - N, 9/30/10]

3.13.9.6 **OBJECTIVE :** The objective of this part is to interpret, exemplify, implement and enforce the provisions of the film production tax credit.

[3.13.9.6 NMAC - N, 9/30/10]

3.13.9.7 **DEFINITIONS:** The terms defined in 3.13.9.7 NMAC apply to the implementation of the film production tax credit.

A. "Direct production expenditures" as defined in Subsection B of Section 7-2F-2 NMSA 1978 includes only those expenditures directly incurred and paid by the qualified production company to the vendor of the services or property and does not include expenditures incurred and paid by a third party even if incurred on behalf of the qualified production company.

B. "Performing artist" as used in Paragraph 2 of Subsection B of Section 7-2F-2 NMSA 1978 includes "stunt coordinators" when the stunt coordinator contracts with the production company under a standard stunt performer's contract.

[3.13.9.7 NMAC - N, 9/30/10]

History of 3.13.9 NMAC: [Reserved]

NEW MEXICO TAXATION AND REVENUE DEPARTMENT

This is an amendment to 3.2.1 NMAC, Sections 12 and 19 effective 9/30/2010.

3.2.1.12 ENGAGING IN BUSINESS

A. **A f f i l i a t e d corporations:**

(1) When a corporation is carrying on or causing to be carried on, with a wholly owned subsidiary, any activity with the purpose of direct or indirect benefit, both the corporation and the subsidiary are "engaging in business".

(2) Example: B corporation, which operates a hotel supply house, sells supplies only to C Hotel Corporation, which owns all the stock in B Corporation. B claims that since it sells only to C, its parent corporation, it is not engaging in business. B and C are each engaging in business because the purpose of their activities is to benefit either or both corporations.

B. **Corporation not for profit:** When a corporation not for profit is carrying on or is causing to be carried on any activity with the purpose of direct or indirect benefit it is "engaging in business".

C. **Leasing property:**

(1) Persons leasing property

employed in New Mexico are engaging in business within the state for the purpose of direct or indirect benefit.

(2) Example: X, an out-of-state business, leases construction machinery to Y who employs the leased property in New Mexico. X asks if X is engaged in business in New Mexico for purpose of registration, reporting and paying the gross receipts tax. X is engaged in business in New Mexico.

D. Hotels and motels providing interstate telecommunications service to guests:

(1) Hotels, motels and similar establishments offering interstate telecommunications service to guests in conjunction with the rental of rooms or other facilities are not "engaging in interstate telecommunications business" for purposes of the Interstate Telecommunications Gross Receipts Tax Act.

(2) A hotel, motel or similar establishment is primarily engaged in the business of renting rooms and meeting facilities to the general public. Providing interstate telephone service or other interstate telecommunications services to guests is incidental to the primary business of the hotel, motel or similar establishment. Receipts from providing such service are additional receipts from engaging in the primary business and are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(3) Subsection D of [Section] 3.2.1.12 NMAC is retroactively applicable to transactions occurring on or after July 1, 1992.

E. Persons not engaging in business - foster parents: Individuals who enter into an agreement with the state of New Mexico to provide foster family care for children placed with them by the state are not thereby engaging in business. Receipts of the individuals from providing foster care pursuant to such an agreement are not receipts from engaging in business.

F. Persons not engaging in business - certain caretakers: Individuals who enter into an agreement with the state of New Mexico to provide non-medical personal care and housekeeping assistance to low income disabled adults pursuant to the critical in home care program are not thereby engaging in business. Receipts of the individuals from such caretaking activities are not receipts from engaging in business.

G. Persons not engaging in business - home care for developmentally disabled family members: Any individual who enters into an agreement with the state of New Mexico to provide home based support services for developmentally disabled individuals in the home of the developmentally disabled individuals or the home of the support provider and receives payments which under 26 USCA 131 are

"qualified foster care payments" is not thereby engaging in business. Receipts of the individuals which are "qualified foster care payments" from providing such home based support services pursuant to such an agreement are not receipts from engaging in business.

H. Owner engages in business when selling to owned entity:

(1) When an owner of an entity sells property in New Mexico to, leases property employed in New Mexico to, or performs services in New Mexico for the entity or other owners of the entity, the owner is engaging in business in New Mexico except when the transaction may be characterized for federal income tax purposes as a contribution of capital.

(2) For the purposes of Subsection H of [Section] 3.2.1.12 NMAC, an "entity" means any business organization or association other than a sole proprietorship.

I. Persons not engaging in business - sale or exchange of renewable-fueled electricity generated from a system installed in a personal residence. Any individual who sells or transfers electricity to an entity engaged in the business of selling electricity, for which the individual receives monetary compensation or credit against a future month's electricity use, is not engaged in business if the electricity is generated from a renewable-fueled system installed in a personal residence.

[12/5/69, 3/9/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 9/3/92, 7/19/94, 11/15/96, 5/14/99, 6/15/99, 10/29/99; 3.2.1.12 NMAC - Rn & A, 3 NMAC 2.1.12, 4/30/01; A, 9/30/10]

3.2.1.19 GROSS RECEIPTS; RECEIPTS OF AGENTS.

A. Nonemployee agents.

(1) The receipts of nonemployee agents are subject to the gross receipts tax to the extent the education provided by Section 7-9-66 NMSA 1978 is not applicable. The indicia outlined in [Section] 3.2.105.7 NMAC will be considered in determining whether a person is an employee or a nonemployee agent.

(2) Example 1: S is a nonemployee salesperson for Z Corporation, an out-of-state business. Z Corporation arranges for S to sell securities belonging to corporation shareholders. Z accepts payment from the purchasers of the security, deposits this payment in a trust account, pays S the commission and then distributes the balance to the seller of the securities. Z does not incur gross receipts tax liability as the result of its activity because it is not selling property or performing services in New Mexico for a consideration. The commissions received by S for selling securities in New Mexico are receipts for performing services in New Mexico and are subject to the gross receipts

tax.

(3) Example 2: The receipts of a nonemployee agent or sub-agent derived from commissions received from (a) correspondence schools for enrolling persons in those schools, (b) freight companies, bus transportation firms, and similar business concerns for rendering services, and (c) the owner of trailers [and/or] or trucks for leasing those trailers or trucks, are subject to gross receipts tax.

B. Receipts of condominium and other real property owners associations.

(1) As of March 8, 1988, the provisions of this subsection do not apply to receipts which are exempt under the provisions of Section 7-9-20 NMSA 1978.

(2) Associations in which common areas are owned by unit owners.

(a) Amounts received by this type of association from unit owners (owners of homes, offices, apartments or other real property) for accumulation in a trust account owned by the unit owners and expended to provide insurance and pay taxes on the common areas, elements or facilities are not taxable gross receipts since such amounts are not receipts of the association.

(b) Amounts received by an association of this type from unit owners for accumulation in a trust account owned by the unit owners for current or future expenditures for the improvement, maintenance or rehabilitation of the common areas, elements or facilities are not taxable gross receipts since such amounts are not receipts of the association. However, with respect to receipts not exempt under Section 7-9-20 NMSA 1978, when payments are made from the trust account to the association or its employees, officers or representatives for the improvement, maintenance or rehabilitation, these payments are taxable gross receipts of the association under Section 7-9-3.5 NMSA 1978. When payments are made directly from the account to third parties, those third parties will be liable for the gross receipts tax on those receipts.

(c) With respect to receipts which are not exempt under Section 7-9-20 NMSA 1978, associations of this type which bill unit owners may issue nontaxable transaction certificates (NTTCs) when appropriate under Section 7-9-48 NMSA 1978 (sale of a service for resale) to suppliers of these services, unless the service is deductible by the association under the Internal Revenue Code as an ordinary and necessary business expense. The association must report and pay gross receipts taxes on all its receipts for services, including those for which NTTCs are given. This version of Paragraph (2) of Subsection B of [Section] 3.2.1.19 NMAC applies to transactions occurring on or after July 1, 2000.

(3) Example A 1: Property Owners

Association A receives monthly payments from each individual owner of property located in XYZ condominiums. The funds are held in a separate trust account by Association A for the XYZ unit owners to pay, on behalf of themselves, the property tax accruing to the common areas, insurance covering the common areas, maintenance and repair of the common areas and future improvements and additions to the common areas. On November 10, Association A, as trustee of such funds, issues a check directly from the trust account to the county treasurer for payment of property taxes on the common areas. This payment goes from the trust account directly to the county treasurer with Association A acting as agent for the actual owners of property; therefore, these funds do not become a part of Association A's gross receipts.

(4) *Example A 2:* Association A employs a maintenance person to maintain and clean the common areas. The maintenance person is responsible for mowing lawns, maintaining the landscape, cleaning halls, lobbies and other common areas and making minor repairs to common facilities. Funds received by Association A from the trust account to pay the maintenance person's wages and to pay various payroll taxes and employee benefits are gross receipts for the performance of service on which Association A is required to pay tax.

(5) *Example A 3:* NMO Construction Co. contracts to paint and remodel the halls, lobbies and other common areas of the condominiums. Association A, acting as agent, draws funds from the trust account which are paid directly to NMO Construction Co. Since such funds do not become receipts of Association A, the association is not liable for tax on these funds. The funds pass directly to NMO Construction Co. who becomes liable for the gross receipts tax on its receipts for performing construction services.

(6) *Example A 4:* For the last ten years, funds have accumulated in the trust for construction of a swimming pool. A Pool Co. builds the pool and is paid directly from the trust account. A Pool Co. is subject to gross receipts tax on the receipts from the construction of the pool. Association A, acting as agent for the property owners, has no receipts and pays no tax on this transaction.

(7) *Example A 5:* Association A purchases, with its own funds, chemicals which its employee will use to maintain the new swimming pool. To recover this expense, Association A increases the amount it charges the property owners each month and draws funds from the trust account which it places with its own funds. These receipts of Association A are subject to the tax since Association A is performing services for the property owners. This treatment of receipts

applies to purchases of other maintenance or cleaning supplies which Association A consumes in the performance of maintenance and cleaning services. Association A may not execute a non-taxable transaction certificate for the purchase of these chemicals or other cleaning supplies, because the chemicals and supplies are consumed in the performance of services by the association.

(8) Associations in which common areas are owned by the association with long-term real property rights held by individual unit owners.

(a) An association of unit owners in a real estate development in which the common elements, areas or facilities are owned by the association but subject to long-term (10 or more years) real property rights of the unit owners (as defined in Paragraph (2) of Subsection B of [Section] 3.2.1.19 NMAC) granted by deed or covenant, appurtenant to and inseparable from unit ownership, transferable only by the unit owner or upon acceptance of deed, and not extinguishable by the association shall be subject to tax in the same manner as associations described in Subsection B of this section [(3.2.1.19 NMAC)]. If the unit owners cease to hold or possess such real property rights, the association shall become subject to tax in the same manner as associations described in Paragraph (9) of Subsection B of [Section] 3.2.1.19 NMAC.

(b) All examples in Paragraphs (3) through (7) of Subsection B of [Section] 3.2.1.19 NMAC also apply to associations of unit owners identified in Paragraph (8) of Subsection B of [Section] 3.2.1.19 NMAC.

(9) Associations in which common areas are owned by association. Different treatment is required for an association of unit owners in a real estate development in which the common elements, areas or facilities are owned by the association and the unit owners (as defined in Subparagraph (a) of Paragraph (2) of Subsection B of [Section] 3.2.1.19 NMAC) do not possess the real property rights to the common elements described in Paragraphs (2) and (8) of Subsection B of [Section] 3.2.1.19 NMAC. All receipts of this type of association (e.g., payments by unit owners for maintenance and use of the common areas) are fully taxable and no NTTCs may be issued for services purchased. Because of the association's status as owner and the absence of real property rights of the unit owners in the common areas, the association is not acting as the unit owners' agent, nor is it reselling a service.

(10) *Example C 1:* Association C holds title to all common areas of a development which includes a clubhouse, golf course, swimming pool and tennis courts. Each owner of property within the development is a member of Association C and pays a membership fee. In consideration

for the fees received, Association C grants each member a license to use facilities owned by the association. Association C is liable for gross receipts tax on its receipts from granting the licenses to use the facilities.

(11) *Example C 2:* Association C contracts with a security services company to provide a security officer to patrol the facilities which the association owns. Association C does not resell these services provided by the security services company and may not execute a non-taxable transaction certificate to purchase these services.

(12) *Example C 3:* Association A, Association B and Association C maintain vending machines from which soft drinks, snacks and other items of tangible personal property are sold. The associations are deriving gross receipts from the sale of tangible personal property and must pay gross receipts tax on these receipts. However, they may also execute a non-taxable transaction certificate when purchasing the soft drinks, snacks and other tangibles, since these items are resold by the associations.

(13) Repealed.

C. Reimbursed expenditures.

(1) The receipts of any person received as a reimbursement of expenditures incurred in connection with the performance of a service or the sale or lease of property are gross receipts as defined by Section 7-9-3.5 NMSA 1978, unless that person incurs such expense as agent on behalf of a principal while acting in a disclosed agency capacity. An agency relationship exists if a person has the power to bind a principal in a contract with a third party so that the third party can enforce the contractual obligation against the principal.

(2) Receipts from the reimbursement of expenses incurred as agent on behalf of a principal while acting in a disclosed agency capacity are not included in the agent's gross receipts if:

(a) ~~the agent accounts for such receipts in the agent's books and records as a reduction of the expense and not as revenue; and~~

~~—(b) the expenses are separately stated on the agent's billing to the client and are identified in the agent's books and records as reimbursements of expenses incurred on behalf of the principal party.~~

(3) If these requirements are not met, the reimbursement of expenses are included in the agent's gross receipts.

(4) *Example 1:* A, an accountant, whose office location is in Albuquerque is engaged to audit the financial statements of C, A's client. To facilitate the audit A must travel to Deming to examine the operations and records of C's business location in Deming. In addition to the normal fee for A's service, A charges C for A's expenses for

travel, meals and lodging which A incurred in traveling to Deming. A's gross receipts include the total amount of consideration received from C, including amounts received to cover A's expense of travel.

(5) *Example 2:* L, an attorney, pays a filing fee to the clerk of the district court on behalf of C, L's client. In billing for the professional services rendered, L separately states on the billing the amount of the filing fee which was paid to the court clerk. L is an agent for C in the instance of filing documents with the court. When L paid the filing fee, L was acting within the terms of a disclosed agency relationship. L should exclude the amount received for reimbursement for L's expenditure in paying the court filing fee.

(6) *Example 3:* R, an architect, whose office is located in Santa Fe, is engaged by C to design and oversee the construction of a project in Albuquerque. In the course of performing those services for C, R incurs charges for long distance telephone calls. R charges C for the long distance telephone calls under the terms of R's contract with C. R's gross receipts include the amounts it collects from C for long distance calls. No disclosed agency relationship exists which would enable the telephone company to hold C liable for the long distance charges incurred by R.

(7) *Example 4:* X contracts with company Y to perform administrative functions relating to the employment relationship between Y and its workers. Y pays X the costs for Y's employees' payroll, payroll taxes, worker's compensation, contributions to employee benefits and healthcare and other amounts X pays to or on behalf of Y's workers. Y separately pays X a two percent (2%) fee for the administrative services. Y or X recruits workers, selects them for work assignments, establishes their rate of pay, assigns their schedule, instructs them when and where to work, assigns them their duties, supervises and monitors the performance of their duties, authorizes leaves of absence, handles worker's complaints, union grievances or disputes, and disciplines, lays off or terminates the workers. X issues payroll checks, with X as payor. The checks are distributed by Y to workers. X also secures worker's compensation coverage for the workers, calculates, withhold and submits payroll taxes to appropriate taxing authorities, calculates and makes contributions to union health, pension and welfare benefit trust funds for workers, funds unemployment insurance contributions and responds to unemployment compensation claims, and processes garnishment orders. X can require Y to post a bond or other security for the payment of payroll. Y agrees to indemnify X against worker's claims for non-payment of wages, any claims arising from the acts

of worker at the work site, grievances by unions representing the worker arising from acts of Y, wage and hour claims, tax claims, and failure of Y to provide training to workers. X has no gross receipts from the amount representing the payroll, payroll taxes, worker's compensation and benefits; this amount is not subject to the gross receipts tax. The additional two percent (2%), however is X's fee for performing services and is subject to tax.

(8) *Example 5:* A enters into an agreement with its client B to provide temporary workers to B. The agreement provides that A retains the right to select and hire employees, to control when the employees are paid, and the right to replace employees. A issues the payroll checks to employees with A as payor. The employees are unaware of any principal-agent relationship between A and B. All receipts A receives from B for payroll and A's commission or fee for its services to B are subject to gross receipts tax.

[(7)](9) All receipts or fees for services provided by an agent are subject to the gross receipts tax.

D. Reimbursement of expenditures made to volunteers.

(1) A volunteer who contributes time, effort or talent without expectation of consideration or remuneration is not selling the services performed. When a volunteer receives reimbursement for out-of-pocket expenses incurred in the performance of a service as a volunteer which were directly related to the work volunteered, reimbursement of those expenses is not gross receipts.

(2) For purposes of Paragraph (1) of Subsection D of [Section] 3.2.1.19 NMAC, the term "volunteer" means any person who contributes time, effort or talent for the direct benefit of an organization which is exempt from taxation under the Internal Revenue Code. The term also extends to any person who contributes time, effort or talent without the receipt of consideration or remuneration to the state of New Mexico or any agency or any political subdivision of the state, or to the United States or any agency of the United States. "Volunteer" further includes any elected official serving without consideration or remuneration and any appointive non-employee member of any public commission or board serving without consideration or remuneration, whether the appointment was made by the governor, any other elected official or a public body.

(3) For purposes of Paragraph (1) of Subsection D of [Section] 3.2.1.19 NMAC, "reimbursement" includes per diem amounts set by statute to reimburse uncompensated elected and appointed governmental officials for the expense of carrying out official duties.

[E. ~~Employee leasing~~

(1) A person who engages in the leased employee business in New Mexico is performing services in New Mexico. The person's receipts from performing the employee leasing services in New Mexico are subject to the gross receipts tax, except as provided otherwise in Paragraph (2) of Subsection E of Section 3.2.1.19 NMAC.

(2) When a person engaging in the leased employee business is a "joint employer", as that term is used by the United States department of labor for purposes of enforcing federal labor law, then the person's receipts of amounts comprising wages, taxes withheld with respect to the wages, Federal Insurance Contributions Act payments, unemployment compensation payments and the like with respect to the joint employees of the client and the person engaging in the leased employee business are not receipts from performing employee leasing services and are not subject to the gross receipts tax. Such receipts instead are receipts of a disclosed agent on behalf of others.

(3) *Example:* X engages in the leased employee business in New Mexico. Under the terms of its contracts, X is primarily responsible and liable for payment of employee wages, all payroll taxes, employer contributions required under the Federal Insurance Contributions Act and for providing an employee benefits package which includes health insurance and other benefits as specified in each contract. If X fails to properly pay the payroll, payroll taxes or unemployment insurance or if X fails to comply with other administrative functions, X's client, as joint employer, is responsible for such compliance or payment. X has determined itself to be a "joint employer" as that term is used by the United States department of labor for the purpose of enforcing federal labor law. The client is also required to place a cash deposit to guarantee payment of the client's obligations under the contract. Every week each of X's clients is required to pay X the client's payroll obligation for the week plus an additional two percent (2%) as X's fee. X has no gross receipts from the amount representing the payroll obligation; this amount is not subject to the gross receipts tax. The additional two percent (2%), however is X's fee for performing employee leasing services and is subject to tax.]

[3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 6/8/87, 1/29/88, 12/14/88, 12/29/89, 4/20/90, 11/26/90, 11/15/96, 10/31/97, 9/30/98, 3.2.1.19 NMAC - Rn & A, 3 NMAC 2.1.19, 10/31/00; A, 12/30/03; A, 9/30/10]

**NEW MEXICO TAXATION
AND REVENUE
DEPARTMENT**

This is an amendment to 3.2.234 NMAC,
Section 10 effective 9/30/2010.

**3.2.234.10 ITEMS THAT
ARE NOT PRESCRIPTION DRUGS:**

Tangible personal property that may be sold or dispensed for human consumption or administered to a human without a prescription of a person, such as a medical doctor, licensed to prescribe the property's use or to administer it are not "prescription drugs". Items that do not require a prescription, such as medical equipment, vitamins and aspirin are not "prescription drugs" even if prescribed by a licensed medical doctor. Tangible personal property sold or dispensed for non-human consumption or administered to a non-human are not "prescription drugs" [unless a veterinarian is required to prescribe the use of or to administer the property].

[3.2.234.10 NMAC - N, 10/31/2000; A, 5/15/2008; A, 9/30/2010]

End of Adopted Rules Section

Submittal Deadlines and Publication Dates 2010

Volume XXI	Submittal Deadline	Publication Date
Issue Number 1	January 4	January 15
Issue Number 2	January 19	January 29
Issue Number 3	February 1	February 12
Issue Number 4	February 15	February 26
Issue Number 5	March 1	March 15
Issue Number 6	March 16	March 31
Issue Number 7	April 1	April 15
Issue Number 8	April 16	April 30
Issue Number 9	May 3	May 14
Issue Number 10	May 17	May 28
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