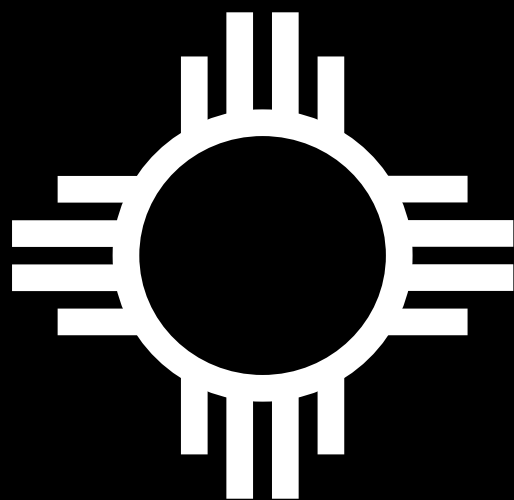


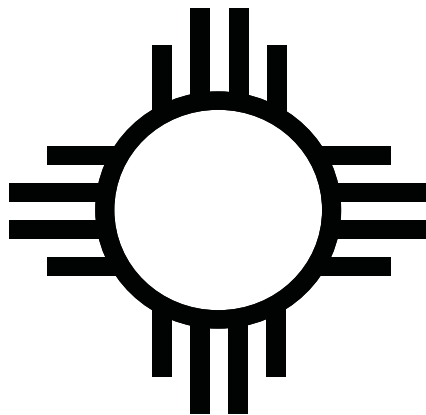
**NEW
MEXICO
REGISTER**



Volume XXII
Issue Number 22
November 30, 2011

New Mexico Register

Volume XXII, Issue Number 22
November 30, 2011



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

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2011

COPYRIGHT © 2011
BY
THE STATE OF NEW MEXICO

ALL RIGHTS RESERVED

New Mexico Register

Volume XXII, Number 22

November 30, 2011

Table of Contents Notices of Rulemaking and Proposed Rules

Albuquerque-Bernalillo County Air Quality Control Board	
Notice of Hearing and Regular Meeting	773
Game Commission	
Public Meeting and Rule Making Notice	773
Human Services Department	
Medical Assistance Division	
Notice of Public Hearing	774
Mining Commission	
Notice of Public Meeting and Hearing of the New Mexico Mining Commission	774
Psychologist Examiners, Board of	
Public Rule Hearing and Regular Board Meeting Notice	774
Public Education Department	
Notice of Proposed Rulemaking	775
Secretary of State	
Public Rules Hearing	775
Workforce Solutions, Department of	
Notice of Public Hearing	775

Adopted Rules

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A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

Albuquerque-Bernalillo County Air Quality Control Board		
20.11.63 NMAC A	New Source Performance Standards for Stationary Sources	777
20.11.64 NMAC A	Emission Standards for Hazardous Air Pollutants for Stationary Sources	777
Environmental Improvement Board		
20.7.11 NMAC A	Liquid Waste Treatment and Disposal Fees	777
Game and Fish, Department of		
19.30.8 NMAC R	Guide and Outfitter Registration	778
19.30.8 NMAC N	Guide and Outfitter Registration	778
Public Regulation Commission		
12.3.1 NMAC A	Business Associations: General Provisions	781

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

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

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

Notices of Rulemaking and Proposed Rules

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING AND REGULAR MEETING

On January 11, 2012, at 5:30 pm, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, NM.

The hearing will address: a proposed revision to the New Mexico State Implementation Plan for air quality (SIP) under Section 110(a)(1) and (2) of the Federal Clean Air Act (CAA) for the revised National Ambient Air Quality Standard (NAAQS) for Lead. Section 110(a)(1) of the CAA addresses the timing requirement for the submissions of any "Infrastructure SIP" revisions, while Section 110(a)(2) of the CAA lists the required elements that comprise the "Infrastructure SIP". On October 15, 2008, the Administrator of the U.S. Environmental Protection Agency (EPA) revised the primary and secondary Lead (Pb) NAAQS from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 0.15 $\mu\text{g}/\text{m}^3$ [Federal Register November 12, 2008, Vol. 73, No. 219, pp. 66964-67062], effective January 12, 2009. Pursuant to sections 110(a)(1) and 110(a)(2) of the CAA, each State is required to submit a plan to provide for the implementation, maintenance, and enforcement of a newly promulgated or revised NAAQS within 3 years of promulgation of a new or revised standard. Therefore, this plan or "Infrastructure SIP" addressing the requirements of Sections 110(a)(2)(A)-(M) of the CAA is due October 15, 2011. This "Infrastructure SIP" is a compilation of elements that demonstrates how Albuquerque-Bernalillo County will implement, maintain and enforce the revised lead NAAQS, including: enforceable emission limitations and control measures, air quality monitoring and modeling, a permitting program, adequate funding and personnel, authority under state law to carry out the plan, emissions reporting, emergency powers, public participation, and fee collection.

Following the hearing, the Air Board will

hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed Infrastructure SIP for Lead.

The Air Board is the federally delegated air quality authority for Albuquerque and Bernalillo County. Local delegation authorizes the Air Board to administer and enforce the CAA and the New Mexico Air Quality Control Act, and to require local air pollution sources to comply with air quality standards and regulations.

Hearings and meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6.

Anyone intending to present technical testimony is required by 20.11.82 NMAC, *Rulemaking Procedures - AQCB*, to submit a written Notice Of Intent (NOI) before 5:00 pm on December 27, 2011, to: Attn: Neal Butt, Air Quality Division, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or in person at the Environmental Health Department, Suite 3023, 400 Marquette Avenue NW. The NOI shall identify the person's name, address and affiliation.

In addition, written comments to be incorporated into the public record should be received at the above P.O. Box, or Environmental Health Department office, before 5:00pm on January 4, 2012. The comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Mr. Neal Butt, Air Quality Division, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or by phone 768-2660, or by e-mail at nbutt@cabq.gov, or by downloading a copy from the City of Albuquerque Air Quality Division website.

DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes.

NEW MEXICO GAME COMMISSION

STATE GAME COMMISSION PUBLIC MEETING AND RULE MAKING NOTICE

On Thursday, December 15, 2011, beginning at 9 a.m., at the University of New Mexico Continuing Education Conference Center, Room C, the State Game Commission will meet to hear and consider action as appropriate on the following: Revocations of individuals' hunting, fishing and trapping privileges; Final amendments to the Upland Game Rule; Final amendments to the Fisheries Rule related to northern pike in Eagle Nest Lake; Final amendments to the application rule for hunting and fishing licenses, which will modify requirements for Youth Encouragement Hunts.

Proposals for the following rules are available for public comment and discussion and discussion by the commission: Bighorn Sheep hunting agreements with private landowners; Options for the future allocation of Habitat Stamp Program funds.

A copy of the full agenda and any of the affected rules can be obtained from the Office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504 or on the Department's website. This agenda is subject to change up to 24 hours prior to the meeting. Please contact the Director's office at (505) 476-8008, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Sonya Quintana at (505) 476-8027. Please contact Ms. Quintana at least 3 working days prior to the meeting date. Public documents, including the Agenda and Minutes can be provided in various accessible forms upon request.

NOTICE FOR PERSON WITH

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

NOTICE

The New Mexico Human Services Department (HSD) is scheduling a public hearing on Wednesday, January 4, 2012, at 10:00 a.m. in the South Park Conference Room, Ste. 500-590, 2055 S. Pacheco, Santa Fe, NM.

The subject of the hearing is Trusts, Asset Transfers and Definitions for Medicaid Eligibility for Categories that use SSI Income Methodologies. The New Mexico Human Services Department is proposing to repeal the trust provisions for Medicaid Eligibility for Institutional Care found at 8.281.500.15 NMAC, *trusts*. New and revised trust language will be more appropriately placed as the newly created trust provisions found in 8.281.510 NMAC, *Trust Standards*. Language has also been added to provide more detailed descriptions of trust types and their potential effects on Medicaid eligibility. Other language changes are being made for clarity. In addition, the resource provisions for the Home and Community-Based Waivers, Qualified Medicare Beneficiaries, Specified Low-Income Medicare Beneficiaries, Qualified Individuals I, Supplemental Security Income Medicaid Extension, and the Working Disabled Individuals programs will be updated to refer to 8.281.510 NMAC.

The Department is also adding language to 8.281.500.7 NMAC, *definitions*, is correcting the dollar amount in equity value in Subsection E of 8.281.500.13 NMAC, *resource exclusions*, to correspond to Subsection A of 8.200.510.15 NMAC, *excess home equity amount for long-term care services*; and is clarifying language in Section 8.281.500.14 NMAC, *asset transfers*, in the Medicaid Eligibility for Institutional Care provisions.

Interested persons may submit written comments no later than 5:00 p.m., January 4, 2012, to Sidonie Squier, Secretary, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be considered prior to issuance of the final regulation.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program or services, please contact the NM Human Services Department toll-free at 1-888-997-2583, in Santa Fe at 827-3156, or through the department TDD system, 1-800-

609-4833, in Santa Fe call 827-3184. The Department requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Medical Assistance Division upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

Copies of the Human Services Register and their proposed rules are available for review on our Website at www.hsd.state.nm.us/mad/registers/2011 or by sending a self-addressed stamped envelope to Medical Assistance Division, Benefits Services Bureau, P.O. Box 2348, Santa Fe, NM. 87504-2348.

NEW MEXICO MINING COMMISSION

NOTICE OF PUBLIC MEETING AND HEARING OF THE NEW MEXICO MINING COMMISSION

The New Mexico Mining Commission will hold a regular meeting and a public hearing at **9:00 A.M. Thursday, January 12, 2012** in Porter Hall on the 1st floor of the Wendell Chino Building located at **1220 South Saint Francis Drive** in Santa Fe, NM.

During the meeting, the Mining Commission will conduct a public hearing on a petition for rulemaking submitted by the Mining and Minerals Division (MMD) on October 12, 2011 (**Petition 11-01**). The petition proposes to revise the Mining Act Rules: Fees, 19.10.2 NMAC. The proposed changes include an extension of the sunset date for fee collection from March 31, 2012 until December 31, 2013; and the inclusion of a late fee provision.

At the conclusion of the hearing, the Mining Commission may deliberate and take action on the petition. The Mining Commission will also consider other items on its agenda which may include the Mining Act Reclamation Program's annual report. In addition, the Commission may consider other issues that come before it.

The Commission's Guidelines for Rulemaking can be found at <http://www.emnrd.state.nm.us/MMD/NMMC/documents/guidelinesforrulemaking.pdf>. Any person intending to present technical testimony at the public hearing must submit a notice of intent that identifies the party and the name of the technical witness, summarizes the testimony, includes any recommended modifications to the regulatory proposal and lists and describes

all anticipated exhibits. Notices of intent to present technical testimony must be received by John Pfeil, Clerk of the Mining Commission, C/O Mining and Minerals Division, 1220 South St. Francis Drive, Santa Fe, New Mexico 87505 not later than 5 p.m. Monday, January 2, 2012 and should reference the petition number and the date of the hearing. Any member of the public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any person may submit a written statement at the hearing, or may file the written statement prior to the hearing to the address listed in this notice.

A copy of the petition and the proposed regulatory change can be obtained on the MMD website at <http://www.emnrd.state.nm.us/MMD/NMMC/NMMCPropRuleChanges.htm> or by contacting John Pfeil at 476-3400. A copy of the draft agenda for the meeting/hearing will be available 24 hours before the meeting and may be obtained by contacting John Pfeil at 476-3400. If you need 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 John Pfeil at 476-3400 at least 48 hours prior to the hearing. Public documents can be provided in various accessible forms.

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

NEW MEXICO PSYCHOLOGIST EXAMINERS BOARD

PUBLIC RULE HEARING AND REGULAR BOARD MEETING NOTICE

Notice is hereby given that the New Mexico Psychologist Examiners Board will convene a public rule hearing at 9:00 a.m. on Friday, January 6, 2012. The hearing will be held at the Toney Anaya Bldg., 2nd Floor located at 2550 Cerrillos Road in Santa Fe, New Mexico.

The purpose of the rule hearing is to consider for adoption proposed amendments to the following Board Regulations in 16.23 NMAC:

Part 1 General Provisions
Part 5 Application Procedures and Requirements for Licensure as a Psychologist
Part 6 Pre-Doctoral and Post-Doctoral Supervised Experience
Part 8 License Expiration and Renewal
Part 12 Educational Requirements and Conditions of Practice for Psychologist

Associates
Part 13 Fees

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at 2550 Cerrillos Road, Santa Fe, New Mexico 87505; or call (505) 476-4622 or access them in the “News” link on the Board’s Website at www.rld.state.nm.us/b&c/rcb. A draft of the proposed changes will be available thirty days prior to the hearing. All written comments mailed to the Board office or e-mailed to mary.james2@state.nm.us or must be submitted no later than Friday, December 16, 2011, in order for the Board members to receive the comments in their packets for review before the rule hearing. Persons wishing to present their comments at the hearing will need eight (8) copies of any comments or proposed changes for distribution to the Board and staff at the hearing.

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

If you have questions, or if you are an individual with a disability who wishes to attend the hearing or meeting, but you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please call the Board office at (505) 476-4622 at least two weeks prior to the meeting or as soon as possible.

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

The Public Education Department hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, on January 4, 2012 from 9:00 a.m. to 10:00 a.m. The purpose of the public hearing will be to obtain input on the following rule:

Amend:
6.10.7 NMAC Statewide Standardized Testing Security Issues and Irregularities

Interested individuals may testify either at the public hearing or submit written comments regarding the proposed rulemaking to Tom Dauphinee, Deputy Director, Assessment and Accountability, New Mexico Public Education Department, Jerry Apodaca

Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (Tom.Dauphinee@state.nm.us) (505) 827-6528, fax: (505) 827-6689

Written comments must be received no later than 5:00 p.m. on January 4, 2012. However, submission of written comments as soon as possible is encouraged.

The proposed rulemaking actions may be accessed on the Department’s website (<http://ped.state.nm.us>) or obtained from Tom Dauphinee, Deputy Director, Assessment and Accountability, New Mexico Public Education Department, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786 (Tom.Dauphinee@state.nm.us) (505) 827-6528, fax: (505) 827-6689. The proposed rule will be made available at least thirty days prior to the hearings.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting are asked to contact Tom Dauphinee (Tom.Dauphinee@state.nm.us) or at (505) 827-6528 as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

NEW MEXICO SECRETARY OF STATE

Secretary of State Public Rules Hearing

The Secretary of State’s Office will convene a Public Rules Hearing in Santa Fe, New Mexico on January 9, 2012. The hearing will be held beginning at 10:00 a.m. with the specific site location to be determined

The purpose of the Rules Hearing is

1. to consider adopting amendments to Secretary of State rules:

Rule 1.10.12 NMAC related to Absentee Voting;

Rule 1.10.22 NMAC related to Provisional Voting; and

2. to consider adoption of Secretary of State Rule 1.10.35 NMAC related to the Voter Records System; and

3. to consider the repeal of Secretary of State rules:

Rule 1.10.3 NMAC related to Fail Safe Voting

Rule 1.10.15 NMAC

related to Optec III
Rule 1.10.28 NMAC related to Distribution of Voter Information; and
Rule 1.10.26 NMAC related to Inactive Voter List

Persons desiring to present their views on the proposed changes may appear in person at said time and place or may submit written comments no later than 5:00 p.m. January 17, 2012 to the Secretary of State, Elections Bureau, 325 Don Gaspar, Santa Fe, New Mexico, 87501, attention, Bobbi Shearer. A copy of the proposed amendments, the proposed new rule, and the rules proposed for repeal are available on request from the Secretary of State’s office at the address listed above, by phone (505) 827-3600, or on the Internet at www.sos.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 in order to attend or participate in the hearing, please contact the Secretary of State’s office, 505-827-3600, or at 325 Don Gaspar, Santa Fe, New Mexico prior to the meeting. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Secretary of State’s office if a summary or other type of accessible format is needed.

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS

NEW MEXICO DEPARTMENT OF WORKFORCE SOLUTIONS

The New Mexico Department of Workforce Solutions (“Department”) hereby gives notice that the Department will conduct a public hearing in the auditorium of the State Personnel Office located at 2600 Cerrillos Road, Santa Fe, New Mexico on Thursday, January 11, 2012 from 3:00 P.M. until 5:00 P.M. The purpose of the public hearing will be to obtain input on amendments to 11.1.2 NMAC the Public Works Minimum Wage Act Policy Manual.

Interested individuals may testify at the public hearing or submit written comments to State of New Mexico Department of Workforce Solutions, 401 Broadway NE, P.O. Box 1928, Albuquerque, N.M., 87103, attention Rudolph Arnold. Written comments must be received no later than 5 p.m. on January 10, 2012. However, the submission of written comments as soon as possible is encouraged.

Copies of the amended rules may be accessed at <http://www.dws.state.nm.us/> or obtained from Rudolph Arnold Tel.: (505) 841-8672 rudolph.arnold@state.nm.us. The amended rules will be made available at least thirty days prior to the hearings.

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

**End of Notices and Proposed
Rules Section**

Adopted Rules

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

This is an amendment to 20.11.63 NMAC, amending Sections 2, 8, & 11, effective December 12, 2011.

20.11.63.2 SCOPE: 20.11.63 NMAC is applicable to all stationary sources of air pollutants located within Bernalillo county, which are subject to the requirements of 40 CFR Part 60, as amended in the *Federal Register* through [August 1, 2008] August 29, 2011.

A. Exempt: 20.11.63 NMAC does not apply to sources within Bernalillo county that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.

B. Exclusions:
(1) 40 CFR 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.
(2) Reserved.

C. Variances: The variance provisions of 20.11.7 NMAC, *Variance Procedure*, Revised Ordinances of Albuquerque 1994 Section 9-5-1-8, Bernalillo County Ordinance 94-5, Section 8, and NMSA 1978 Section 74-2-8 shall not apply to 20.11.63 NMAC or the incorporated federal standards.

[1/1/2000; 20.11.63.2 NMAC - Rn, 20 NMAC 11.63.2, 10/1/02; A, 1/1/05; A, 1/1/06; A, 1/15/07; A, 2/16/09; A, 12/12/11]

20.11.63.8 SAVINGS CLAUSE: Any amendment to 20.11.63 NMAC, *New Source Performance Standards for Stationary [Source] Sources* that is filed with the state records center and archives shall not affect actions pending for violation of a city or county ordinance or the version of 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, in effect prior to amendment. Prosecution for a violation under prior regulation wording shall be governed and prosecuted under the ordinance, part, or regulation section in effect at the time the violation was committed.

[1/1/2000; 20.11.63.8 NMAC - Rn, 20 NMAC 11.63.8, 10/1/02; A, 1/1/05; A, 12/12/11]

20.11.63.11 INCORPORATION OF FEDERAL STANDARDS: Except as otherwise provided in 20.11.63 NMAC, the New Source Performance Standards promulgated by the United

States environmental protection agency, and codified at 40 CFR Part 60, including Subpart A-General Provisions thereto, as amended in the *Federal Register* through [August 1, 2008] August 29, 2011, are hereby incorporated into 20.11.63 NMAC.

[1/1/2000; 20.11.63.11 NMAC - Rn, 20 NMAC 11.63.11, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

This is an amendment to 20.11.64 NMAC, amending Sections 2, 11 & 12, effective December 12, 2011.

20.11.64.2 SCOPE: 20.11.64 NMAC is applicable to all stationary sources of air pollutants located within Bernalillo county, which are subject to any requirements of 40 CFR Part 61 or Part 63, as amended in the *Federal Register* through [August 1, 2008] August 29, 2011.

A. Exempt: 20.11.64 NMAC does not apply to sources within Bernalillo county, that are located on Indian lands over which the Albuquerque-Bernalillo county air quality control board lacks jurisdiction.

B. Exclusions:
(1) 40 CFR 61, Subpart B, National Emission Standards for Radon Emissions From Underground Uranium Mines;
(2) 40 CFR 61, Subpart H, National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities;
(3) 40 CFR 61, Subpart I, National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H;

(4) 40 CFR 61, Subpart K, National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants;
(5) 40 CFR 61, Subpart Q, National Emission Standards for Radon Emissions From Department of Energy Facilities;

(6) 40 CFR 61, Subpart R, National Emission Standards for Radon Emissions From Phosphogypsum Stacks;

(7) 40 CFR 61, Subpart T, National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings; and

(8) 40 CFR 61, Subpart W, National Emission Standards for Radon Emissions From Operating Mill Tailings.

C. Variances: The

variance provisions of [20-11-07] 20.11.7 NMAC, *Variance Procedure*, Revised Ordinances of Albuquerque 1994 Section 9-5-1-8, Bernalillo County Ordinance 94-5, Section 8 and NMSA 1978 Section 74-2-8 shall not apply to 20.11.64 NMAC or the incorporated federal standards.

[1/1/2000; 20.11.64.2 NMAC - Rn, 20 NMAC 11.64.2, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

20.11.64.11 INCORPORATION OF FEDERAL STANDARDS CODIFIED AT 40 CFR PART 61:

Except as otherwise provided, the National Emission Standards for Hazardous Air Pollutants, promulgated by the United States environmental protection agency, and codified at 40 CFR Part 61, including Subpart-A, General Provisions thereto, as amended in the *Federal Register* through [August 1, 2008] August 29, 2011, are hereby incorporated into 20.11.64 NMAC.

[1/1/2000; 20.11.64.11 NMAC - Rn, 20 NMAC 11.64.11, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

20.11.64.12 INCORPORATION OF FEDERAL STANDARDS CODIFIED AT 40 CFR PART 63:

Except as otherwise provided, the National Emissions Standards for Hazardous Air Pollutants for Source Categories, promulgated by the United States environmental protection agency, and codified at 40 CFR Part 63, including Subpart-A, General Provisions thereto, as amended in the *Federal Register* through [August 1, 2008] August 29, 2011, are hereby incorporated into 20.11.64 NMAC.

[1/1/2000; 20.11.64.12 NMAC - Rn, 20 NMAC 11.64.12, 10/1/02; A, 1/1/05; A, 1/15/07; A, 2/16/09; A, 12/12/11]

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

This is an amendment to 20.7.11 NMAC, Sections 6, 7 and 14, effective 12/15/2011.

20.7.11.6 OBJECTIVE: The objective of this rule is to provide for liquid waste treatment and disposal fees [to meet expenses in] for the administration [and operation] of the state liquid waste [treatment and disposal program] regulations. The purpose of the state liquid waste treatment and disposal program is to protect the health and welfare of present and future citizens of New Mexico by providing for the prevention and abatement of public health hazards [to public health] and surface and ground water contamination from on-site liquid waste disposal practices.

[20.7.11.6 NMAC - N, 2/1/2002; A, 12/15/2011]

20.7.11.7 DEFINITIONS:

A. Unless otherwise defined in this part, the words and phrases used in this part have the same meanings as in 20.7.3.7 NMAC, Liquid Waste Disposal.

B. As used in this part:

(1) "advanced treatment" means any process of water renovation that upgrades liquid waste to meet specific reuse requirements; advanced treatment may include general cleanup of wastewater or removal of specific types of wastes, such as nitrates or other nitrogen compounds, insufficiently removed by primary or secondary treatment processes; advanced treatment may include physical or chemical treatments;

(2) "alternative system" means any on-site liquid waste system utilizing a method of liquid waste treatment and disposal used in lieu of a conventional system, including modifications ~~[to, a conventional system]~~ that is ~~[not]~~ recognized and allowed by ~~[20.7.3.7 NMAC]~~ 20.7.3 NMAC or by the New Mexico Design Standards;

(3) "commercial unit" means a structure without bedrooms but which has sewage producing fixtures such as sinks, baths, showers, toilets, urinals, dish- and clothes-washers, or floor drains for receiving liquid waste;

(4) "conventional system" means an on-site liquid waste system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent constructed in accordance with the standards set forth in 20.7.3 NMAC;

(5) "hazard to public health" means the indicated presence in water or soil of biological, chemical or other contaminants under such conditions that could adversely impact human health, including without limitation surfacing liquid waste, damage to a domestic water supply source, presence of a cesspool or an open tank, or exposure of liquid waste or septage in a manner that allows possible transmission of disease;

~~[(6) "liquid waste" means graywater or blackwater which may contain without limitation human excreta and water-carried waste from typical residential plumbing fixtures and activities, including, but not limited to, wastes from toilets, sinks, showers, baths, clothes- and dish-washing machines, and floor drains; "liquid waste" also includes non-water-carried wastes discharged into holding tanks and vaults; specifically excluded from the definition of "liquid waste" are commercial process wastewaters, roof drainage, mine or mill tailings or wastes, and wastes containing high concentrations of stabilizing or deodorizing agents;~~

(7) "modify" means:

~~(a) to change the method of on-site liquid waste treatment or disposal;~~

~~(b) to expand the on-site liquid waste system;~~

~~(c) to alter the horizontal or vertical location of the on-site liquid waste system;~~

~~(d) to increase the amount of design flow or load received by the on-site liquid waste system above the original design flow or load;~~

~~(e) to remove or replace component materials in a disposal system; or~~

~~(f) to change the size or boundaries of a lot with an existing on-site liquid waste system so that the total design flow for the lot exceeds the total design flow limitation provided by the formula in Subsection ~~11.C.1~~ of 20.7.3 NMAC;~~

~~(8) [(6)]~~ "notice of non-approval" means notification that inspection of a permitted liquid waste system is not in compliance with 20.7.3 NMAC;

~~[(9)] [(7)]~~ "on-site liquid waste system" means a liquid waste system, or part thereof, serving a dwelling, establishment or group, and using a liquid waste treatment unit designed to receive liquid waste followed by either a soil treatment or other type of disposal system; on-site liquid waste systems include enclosed systems and privies but do not include systems or facilities designed to receive or treat mine or mill tailings or wastes;

~~[(10)] [(8)]~~ "septic tank" means liquid waste treatment units designed to provide primary treatment and anaerobic treatment prior to disposal.

[20.7.11.7 NMAC - N, 2/1/2002; A, 12/15/2011]

20.7.11.14 PERIODIC REVIEW:

~~[In July 2002, the department shall review the fees in this part and shall provide a report to the environmental improvement board. The department shall revise the fees as necessary in accordance with Section 74-1-7(A), NMSA 1978. The department shall repeat said review and report in January 2003 and every six months thereafter.] In order for the environmental improvement board to fulfill its obligation to establish onsite liquid system fees in accordance with Section 74-1-8(A)(3), NMSA 1978, the department shall provide information by January 15th of each year to the environmental improvement board as follows:~~

~~A. liquid waste fund revenues for the previous fiscal year;~~

~~B. liquid waste fund expenditures for the previous fiscal year:~~

~~(1) personal services and benefits;~~

~~(2) contracts;~~

~~(3) other costs;~~

~~(4) indirect;~~

~~C. external audit report for the previous fiscal year;~~

~~D. current fiscal year budget for field operations bureau approved by the department of finance and administration and the legislative finance committee;~~

~~E. report on contiguous states' fees:~~

~~(1) for Arizona, Oklahoma and Texas: report of state program fee schedules (although some Texas counties have their own fee schedules);~~

~~(2) Colorado and Utah: report of fee schedule for each county or health district;~~

~~F. performance measures report for previous fiscal year;~~

~~G. copy of liquid waste annual strategic plan;~~

~~H. copy of training plan, if any, for the upcoming year.~~

[20.7.11.14 NMAC - N, 2/1/2002; A, 12/15/2011]

NEW MEXICO DEPARTMENT OF GAME AND FISH

19.30.8 NMAC, Guide and Outfitter Registration, filed 4/16/2003 is repealed and replaced by 19.30.8 NMAC, Guide and Outfitter Registration, effective 11/30/2011.

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 N A T U R A L RESOURCES AND WILDLIFE CHAPTER 30 W I L D L I F E ADMINISTRATION PART 8 GUIDE AND OUTFITTER REGISTRATION

19.30.8.1 ISSUING AGENCY: New Mexico Department of Game and Fish. [19.30.8.1 NMAC - Rp, 19.30.8.1 NMAC, 11/30/2011]

19.30.8.2 SCOPE: Hunting outfitters, guides, and hunters for New Mexico. [19.30.8.2 NMAC - Rp, 19.30.8.2 NMAC, 11/30/2011]

19.30.8.3 S T A T U T O R Y AUTHORITY: Sections 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 species. Additional authority may be found in Sections 17-2A-1, 17-2A-3 and 17-3-16, NMSA 1978. [19.30.8.3 NMAC - Rp, 19.30.8.3 NMAC, 11/30/2011]

19.30.8.4 D U R A T I O N :
Permanent.
[19.30.8.4 NMAC - Rp, 19.30.8.4 NMAC, 11/30/2011]

19.30.8.5 EFFECTIVE DATE:
November 30, 2011, unless a later date is cited at the end of a section.
[19.30.8.5 NMAC - Rp, 19.30.8.5 NMAC, 11/30/2011]

19.30.8.6 OBJECTIVE: To register, regulate and set professional standards for guides, outfitters and their operations within New Mexico.
[19.30.8.6 NMAC - Rp, 19.30.8.6 NMAC, 11/30/2011]

19.30.8.7 DEFINITIONS:
A. "Agent" shall mean anyone employed or contracted in writing by a landowner to oversee the hunting operations or to outfit or guide for a landowner on the landowner's deeded property or, pursuant to a landowner's permit, on a shared public or private unit.
B. "Department" shall mean the New Mexico department of game and fish.
C. "Director" shall mean the director of the department of game and fish.
D. "Guide" shall mean any person employed or contracted by a registered outfitter to furnish personal services for the purpose of hunting or taking game animals except a 'guide' does not include a person who only cooks, cuts wood, wrangles horses or escorts clients between camp and vehicle, retrieves downed game, or otherwise solely provides services not directly related to hunting or taking of game animals.
E. "History of violation" shall mean any one court conviction or multiple convictions or one or multiple citations issued from any natural resource agency for violation(s) of hunting, outfitting or guiding rules that have been satisfied by the paying of fines of any related federal laws or land-use regulations related to outfitting, guiding or hunting, during the three-year period immediately preceding the application for registration, provided that the violation committed, if committed in New Mexico, would equal or exceed the 20-point equivalent. It shall also include any conviction for any felony, no matter when the felony was committed or any conviction(s) as an accessory for the described crimes.
F. "Hunter-client" shall mean an individual that contracts or wishes to utilize the hunting services of a registered outfitter or is taken into the field by an outfitter or guide.
G. "Landowner permit" shall be a license issued pursuant to

landowner authorization.
H. "License year" shall mean that period beginning April 1 and ending March 31 each year for the purposes of hunting or outfitter and guide registration.
I. "New Mexico outfitter" shall mean an outfitter that is qualified by the department to participate in the special drawing pool by utilizing their outfitter number as established 17-3-16 NMSA, comp.
J. "Outfitter" shall mean any person who advertises or holds himself out for hire to the public or accepts compensation for providing, within a game management unit where a hunt occurs, equipment or services for hunting activities.
K. "Registered outfitter" shall be an outfitter who has met all the requirements described herein and has been issued a registration number by the department.
L. "Supervision" shall mean that outfitters are required to ensure all guides employed by them are informed of all pertinent geographic hunt boundaries and statutes and regulations regarding lawful hunting, guiding and outfitting.
M. "Special drawing pool" shall refer to the 10 percent allocation of special draw licenses available to the public who have contracted with a qualified New Mexico outfitter to provide professional guide services.
[19.30.8.7 NMAC - Rp, 19.30.8.7 NMAC, 11/30/2011]

19.30.8.8 G E N E R A L REGISTRATION PROCEDURES AND REQUIREMENTS:

A. Application form: Applications to guide and outfit as defined in Section 17-2A-3 NMSA 1978 and 19.30.8 NMAC, shall be made on forms provided by the department as prescribed by the director.
B. Application deadlines: An outfitter or guide may register at any time by completing and submitting the proper application form. No one shall be a registered outfitter or guide until they successfully complete all requirements and are issued a valid registration number by the department.
C. Unlawful guiding or outfitting: It shall be unlawful for any person to guide or outfit in New Mexico without completing all requirements and receive a valid registration number from the department.
D. Examinations for guiding and outfitting:
(1) Exams will be conducted during posted testing periods at department offices or by appointment, at any location approved by the outfitter guide registrar.
(2) An applicant shall only be allowed to take the examination once per

day.
(3) Applicant must successfully pass a department approved examination with a minimum passing grade of 70 percent.
(4) If an applicant fails to renew their registration for two or more years, all registration requirements must be completed, including successfully passing a department approved exam prior to being registered.

E. Registration fees:
(1) The annual registration fee for an outfitter or guide is required prior to registration as established in 17-2A-3 (NMSA, 1978).
(2) All registration fees, except a fifty dollars (\$50.00) administrative fee, may be refunded if an applicant is rejected or fails to complete the registration process. No other refunds shall be permitted.
(3) Emergency fee and criteria: In an emergency situation, a temporary guide registration may be issued by the department. The temporary registration is only valid for seven days and may be renewed only once per emergency situation. The fee shall be ten dollars (\$10.00). A guide registered pursuant to the emergency situation may only be used once in a license year by the registered outfitter requesting the replacement of a registered guide who has become ill, injured or has a bona fide emergency, and may not be used to accommodate additional hunters.

F. Registration exemption: A landowner or his agent who is guiding and outfitting on the landowner's property or pursuant to a landowner permit, is exempt from the registration process. Nothing in this exemption shall prevent a landowner or his agent from registering, if they choose. It shall be unlawful for a landowner or his agent to submit another person's application in the special drawing pool unless the landowner or his agent is a registered New Mexico outfitter.
[19.30.8.8 NMAC - Rp, 19.30.8.8 NMAC, 11/30/2011]

19.30.8.9 G E N E R A L OUTFITTER REGISTRATION REQUIREMENTS:

A. Outfitter registration:
(1) Applicant must be at least 21 years of age.
(2) Applicant cannot be a convicted felon or have a history of violation of any related federal land-use or state game and fish laws or regulations or guide and outfitter licensing or registration laws.
(3) An applicant must have operated as a New Mexico registered guide for three years, or have been granted an interim outfitter's registration, or must submit evidence, as approved by and to the satisfaction of the department, of three years of outfitting experience or other substantial knowledge of guiding or outfitting. The evidence must be submitted with the

application and may consist of federal land use permits, business records, etc.

(4) Applicant must provide acceptable proof of commercial liability insurance of at least five hundred thousand dollars (\$500,000) for the registration period April 1 through March 31 of the following year. Failure to provide proof of coverage during the registration period shall result in suspension of the registration for the period in which such insurance is required to be maintained.

(5) Applicant shall register with the taxation and revenue department and provide proof of registration to the department.

(6) Applicant shall not have had a guide or outfitter license, registration, permit or certificate suspended (if not reinstated) or revoked in any state.

(7) Applicant shall not have had his/her outfitter's license, permit or registration revoked or denied for cause by any controlling government land management agency. The applicant shall not be registered by the state during the term of the revocation or pendency of the denial.

(8) Applicant for an outfitter registration shall not submit any materially false statements or fail to disclose any material facts requested in connection with an application for registration.

(9) Effective September 1, 1997, applicant must pass a department approved examination with a minimum passing grade of 70 percent.

(10) Applicant shall have successfully completed a certified hunter education course from the state of New Mexico or other similar qualifying hunter education course acceptable to the department prior to making application.

(11) Insurance: An outfitter applicant shall submit with their application a copy of a certificate from an insurance company stating they will insure the applicant for a minimum of five hundred thousand dollars (\$500,000) when the applicant is registered for the current license year beginning April 1.

(a) A copy of the insurance certificate that indicates who is insured, effective dates, policy number and amounts of coverage, must be provided to the department upon issuance by the insurer and prior to engaging in any outfitting activity.

(b) If an outfitter applicant or a registered outfitter fails to submit a copy of a valid insurance certificate before the insurance certificate on file with the department expires, the non-compliance notice will be sent to the outfitter by the department. The outfitter shall be required to submit a copy of a valid insurance certificate and a fifty dollars (\$50.00) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.

(c) If the outfitter fails to comply with the non-compliance notice; the department shall issue the outfitter a notice of contemplated commission action. The outfitter shall then be required to submit a copy of a valid insurance certificate and a two hundred and fifty dollars (\$250.00) administrative fee. No outfitter will be registered until the administrative fee has been paid in full.

(d) If the insurance is not in effect, at any time while conducting any outfitting activity as defined herein, the outfitter's registration will be declared void and the outfitter's registration shall be suspended until a valid insurance certificate and administrative fees are satisfied.

(12) Inactive status:

(a) Registered outfitters shall request in writing to place their registration on "inactive" status and must do so prior to the expiration of their current registration by March 31.

(b) An outfitter shall only be returned to active status by submitting the appropriate fees and by completing the following:

(i) Submit renewing application on the forms provided by the department.

(ii) A copy of the insurance certificate that indicates who is insured, effective dates, policy number and amounts of coverage.

(iii) Any outfitter placed on inactive status by the department for four or more years shall also be required to successfully pass the guide and outfitting exam as specified above.

B. New Mexico outfitter qualifications for special draw hunts:

(1) Deadline date to qualify as a New Mexico outfitter: All new and renewing applicants must apply by February 15 to be eligible to participate in the special drawing pool of resident/nonresident hunter applicants for the next hunting season. New and renewal applications received after February 15 but before the close of business on March 15 will be eligible to have a hunter-client in special draw hunts.

(2) New Mexico outfitter late fee: An applicant for a New Mexico outfitter who renews after February 15 will be subject to an administrative fee of one hundred dollars (\$100.00), in addition to the normal application fees.

(3) New Mexico outfitter ineligibility: An applicant for a New Mexico outfitter that fails to successfully complete the department's process by March 15 will be ineligible to have a hunter-client use their registration number for the special drawing pool established in 17-3-16 NMSA, 1978.

(4) Hunter-client contract: A New Mexico outfitter shall execute a signed contract with each special draw applicant

prior to the applicant applying for any special drawing pool licenses.

(a) Each contract shall be retained by the New Mexico outfitter for a period of not less than three years.

(b) A New Mexico outfitter shall provide any contract for hunting to the department upon request.

(c) A New Mexico outfitter shall ensure that the hunter-client is accompanied by the outfitter or their registered guide for at least two days in the area where the hunter-client's license is valid. There is no specific time requirement per day, but shall be specified per the outfitter's contract with the hunter-client. Failure for an outfitter to specify this allotted time requirement in their contract with a hunter-client shall be considered misconduct.

(5) An applicant shall successfully complete and submit all required forms by the department's deadline prior to becoming or renewing as a New Mexico outfitter.

C. Audit requirements:

(1) A New Mexico outfitter, including a renewing outfitter applicant, shall submit to the department any additional documentation requested by the department.

(2) Failure to submit requested documents by the department's deadline shall make an outfitter applicant ineligible to participate as a New Mexico outfitter.

D. Code of conduct: All regulating procedures and code of conduct established in 19.30.8 NMAC shall apply to a New Mexico outfitter.

[19.30.8.9 NMAC - Rp, 19.30.8.9 NMAC, 11/30/2011]

19.30.8.10 ADDITIONAL QUALIFICATIONS FOR GUIDE REGISTRATION:

Applicants for a guide's registration shall be at least 18 years of age and meet all the qualifications set forth 19.30.8.8 NMAC and in Section 17-2A-3 NMSA 1978.

[19.30.8.10 NMAC - Rp, 19.30.8.10 NMAC, 11/30/2011]

19.30.8.11 REGULATING CONDUCT FOR ALL REGISTERED OUTFITTERS:

A. Contracts:

(1) An outfitter shall execute a signed contract with all hunter-clients before the hunt begins (except as further specified in Subsection B of 19.30.8.9 NMAC). The contract must be dated, signed by all parties to the contract and shall designate the terms, the compensation charged and the services to be provided. An outfitter that executes a multi-year contract shall be required to sign an updated contract with the hunter-client every three years from the initial signature date.

(2) An outfitter may release a contracted hunter-client to another qualified

registered outfitter provided that the original contract was valid, in place prior to the application deadline and only if it is mutually agreed upon by all parties. The release shall be in writing and shall be signed by all parties. A record shall be retained by the outfitter for a period of not less than three years. A hunter-client may enter into a new contract with a qualified registered outfitter provided it is in place and signed by all parties prior to hunting.

B. Guides provided: Outfitters shall provide one registered guide or outfitter in the field for every four or fewer hunters who are contracted for guided hunting services with the outfitter.

C. Guide supervision: Outfitters shall responsibly supervise each registered guide working under the outfitter's direction.

[19.30.8.11 NMAC - Rp, 19.30.8.11 NMAC, 11/30/2011]

19.30.8.12 OUTFITTER MISCONDUCT:

A. Misrepresentation: An outfitter shall not engage in fraud, deceit, misrepresentation or concealment of any material fact in advertising, soliciting or providing professional services to the public.

B. Unregistered services: An outfitter shall not allow or use an unregistered person to perform outfitting or guiding services for the outfitter.

C. Failure to report illegal activity: An outfitter shall report illegal hunting activities or any violation of local, state or federal law that he has witnessed, or is made aware of to any commissioned conservation officer or to the appropriate agency.

D. Failure to comply: An outfitter shall comply with all local, state and federal laws and regulations pertaining to outfitting, hunting, fishing and wildlife.

E. Aiding or concealing: An outfitter shall not condone or willfully allow a violation of applicable conservation and game and fish laws by their hunter-client.

F. Breach of contract: An outfitter shall not breach a contract, as determined by a court of competent jurisdiction, with any person using outfitting or guiding services of the outfitter.

G. Violation of terms: An outfitter shall not violate the terms and conditions under which the license, permit or registration is issued.

H. Failure to specify: A New Mexico outfitter shall not fail to specify the time a hunter-client is accompanied in the field on each contract.

I. Failure to disclose: An outfitter or outfitter applicant shall not submit false or fraudulent documentation or knowingly omit material facts to the

department relating to their registration.

[19.30.8.12 NMAC - Rp, 19.30.8.11 NMAC, 11/30/2011]

19.30.8.13 GUIDE MISCONDUCT:

A. Misrepresentation: A guide shall not engage in fraud, deceit, misrepresentation or concealment of any material fact in advertising, soliciting or providing professional services to the hunter-client or the public.

B. Failure to report illegal activity: A guide shall report illegal hunting activities or any violation of local, state or federal law that he has witnessed, to any commissioned conservation officer or to the appropriate agency.

C. Failure to comply: A guide shall comply with all local, state and federal laws and regulations pertaining to outfitting, guiding, hunting, fishing and wildlife.

D. Aiding or concealing: A guide shall not condone or willfully allow a violation of applicable conservation and game and fish laws by their hunter-client.

E. Violation of terms: A guide shall not violate the terms and conditions under which the license, permit or registration is issued.

F. Failure to disclose: A guide or guide applicant that submits false or fraudulent documentation or knowingly omits material facts to the department relating to their registration.

G. Mandatory supervision: A guide shall not work with any hunter-client except under the supervision of a New Mexico registered outfitter and shall follow the direction of the outfitter while working with the hunter-client.

[19.30.8.13 NMAC - N, 11/30/2011]

19.30.8.14 ADDITIONAL PROHIBITIONS:

A. It is unlawful to apply for or receive an outfitter or guide registration while on revocation.

B. It is unlawful for a guide to book or service a hunter-client unless employed or contracted to do so by a registered outfitter.

C. It is unlawful to use an outfitter or guide registration issued to another.

[19.30.8.14 NMAC - Rp, 19.30.8.13 NMAC, 11/30/2011]

19.30.8.15 APPLYING IN THE SPECIAL DRAWING POOL:

A. It is unlawful to apply in the special drawing pool using a New Mexico outfitter number prior to having a valid, signed contract with the same New Mexico outfitter.

B. It is unlawful to hunt

with a license obtained through the special drawing pool designated for New Mexico outfitters without having a valid, signed contract with the same New Mexico outfitter prior to making the application. A hunter-client shall be allowed to transfer to another qualified outfitter as permitted by 19.30.8.11 NMAC.

[19.30.8.15 NMAC - N, 11/30/2011]

19.30.8.16 REVOCATION POINT SYSTEM: Any person in violation of this section is subject to revocation and point assessments pursuant to 19.31.2 NMAC.

[19.30.8.16 NMAC - Rp, 19.30.8.14 NMAC, 11/30/2011]

19.30.8.17 CRIMINAL PENALTY PROVIDED: A violation of any criminal provision of this rule or Section 17-2A-3 (NMSA 1978) that is a criminal violation, shall be punished in accordance with the provisions of Section 17-2-10 (NMSA 1978).

[19.30.8.17 NMAC - Rp, 19.30.8.15 NMAC, 11/30/2011]

19.30.8.18 HEARING REQUESTED: A registration revocation hearing may be requested and will be provided in accordance with 19.31.2 NMAC.

[19.30.8.18 NMAC - Rp, 19.30.8.16 NMAC, 11/30/2011]

HISTORY OF 19.30.8 NMAC:

History of Repealed Material:

19.30.8 NMAC, Guide and Outfitter Registration, filed 4/16/2003 - Repealed effective 11/30/2011 and replaced by 19.30.8 NMAC, Guide and Outfitter Registration, effective 11/30/2011.

NEW MEXICO PUBLIC REGULATION COMMISSION

This is an amendment to 12.3.1 NMAC, Section 9, effective 11-30-11

12.3.1.9 REQUIREMENTS FOR FILED DOCUMENTS: In addition to the requirements stated here, particular rules may include other filing requirements. All documents required by these rules to be filed with the commission shall be filed with the bureau as follows.

A. Address for filing documents.

(1) Documents filed by mail shall be sent to the New Mexico Public Regulation Commission Corporations Bureau, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

(2) Documents filed in person or by delivery service shall be delivered to the New Mexico Public Regulation

Commission, Corporations Bureau Filing Desk, P.E.R.A. Building, Room 346, 1120 Paseo de Peralta, Santa Fe, New Mexico 87501.

(3) The commission's official website shall include a list of the types of documents that may be filed electronically and shall, when feasible, include forms for such documents.

B. Required format. All reports, articles, applications and other documents filed with the commission shall be typewritten, clearly legible, on good quality white paper 8 1/2 x 11 inches in size, have a 1 inch margin on each side and at least a one-inch margin at the top and bottom of each page, and be signed or executed in black or blue-black ink. The bureau will accept for filing documents or certificates provided by foreign jurisdictions on paper that is of another size.

C. Good standing required. A corporation or other legal entity may not file, and the bureau will not accept, any document unless the corporation or entity is in good standing. For purposes of this subsection, good standing means the corporation or entity has timely filed all required reports and has paid all assessed fees, penalties, and interest.

D. Electronic filing and requests by facsimile. Documents filed electronically will be accepted as long as the commission's web-posted list includes the type of document being filed electronically, the document being filed electronically originated as a form on the commission's official website, and the filing is made through the commission's official website, at www.nmprc.state.nm.us. Any person may obtain a current telephone number for facsimile filing, and may make requests, by calling the bureau at 505-827-4508. The bureau will accept documents filed by facsimile or electronic means in the following situations:

(1) when a certificate of good standing and compliance is received from the appropriate official of another state or country, for the purpose required by NMSA 1978 Sections 53-8-69, 53-17-6, and 53-19-48, provided that the certificate is sent directly to the bureau by the appropriate official;

(2) requests for certificates, certified copies, or other documents pursuant to 12.3.1.13 NMAC; and

(3) requests for forms pursuant to 12.3.1.10 NMAC.

E. Date of filing. The commission shall consider any document filed pursuant to this rule as filed on the date it was received and stamped by the bureau, unless the document is returned pursuant to 12.3.1.11 NMAC except that:

(1) if a report required by the Corporate Reports Act, NMSA 1978

Sections 53-5-1 through 53-5-9, is mailed to the commission, the commission shall add three days to the postmark date for purposes of NMSA 1978 Section 53-5-7; and

(2) if the commission receives a document after regular business hours, the commission shall stamp and consider it received on the next regular business day.

F. Filing fees. The commission shall not accept any document for filing unless it is accompanied by the appropriate filing fee, paid as required by 12.3.1.14 NMAC.

G. Expedited filing fees.

(1) **Expedited request form required.** Each application for expedited filing shall be accompanied by an expedited request form provided by the bureau.

(2) **Nonrefundable separate payment required.** All expedited filing fees are nonrefundable. Each nonrefundable expedited filing fee shall be paid by separate payment in addition to all other filing fees required by law.

(3) **Expedited filing fee schedule.** The commission shall accept applications for expedited filing according to the following fee schedule.

(a) **Same business day filing.** For a [~~\$300.00~~] \$150.00 expedited filing fee, the commission shall process an application for an expedited filing on the same business day the application is received by the bureau if the application is received by the bureau before 2:00 p.m. If an application for an expedited filing fee is received by the bureau after 2:00 p.m., the commission shall process the application for expedited filing by the end of the next business day for the same [~~\$300.00~~] \$150.00 expedited filing fee.

(b) **Two business days filing.** For a [~~\$200.00~~] \$100.00 expedited filing fee, the commission shall process an application for an expedited filing within two business days of the date on which the application for expedited filing is received by the bureau.

(4) **Refund for failure to timely process.** If the bureau is unable to provide the requested expedited filing service, the bureau shall return the expedited filing fee to the applicant for expedited filing services.

H. Required addresses. All reports filed by corporations and other regulated entities shall include the street address of the registered office and addresses for each of the entity's directors and officers. The report shall clearly indicate the titles of all officers and directors.

I. Electronic signature. A person submitting an electronic filing shall verify at the time of submission the complete name and title of the person filling out the form, a statement that such person has lawful authority to submit the report, a statement that the report is true and correct under penalty of perjury, and the date the report is submitted.

[12.3.1.9 NMAC - N, 7-15-05; A, 12-15-09; A/E, 3-25-10; A, 11-30-11]

End of Adopted Rules Section

Submittal Deadlines and Publication Dates 2011

Volume XXII	Submittal Deadline	Publication Date
Issue Number 18	September 16	September 30
Issue Number 19	October 3	October 17
Issue Number 20	October 18	October 31
Issue Number 21	November 1	November 15
Issue Number 22	November 16	November 30
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

Submittal Deadlines and Publication Dates 2012

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

The *New Mexico Register* is the official publication for all notices of rule making, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

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

For further information, call 505-476-7907.