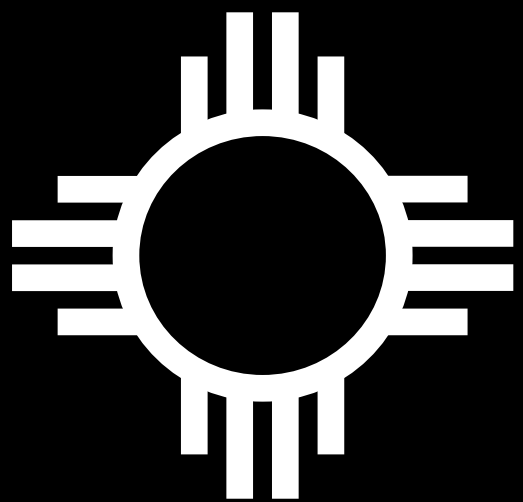


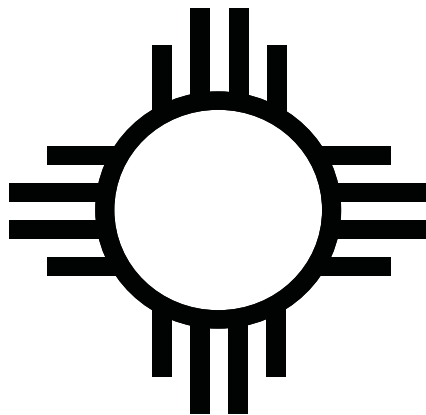
**NEW
MEXICO
REGISTER**



Volume XXIV
Issue Number 13
July 15, 2013

New Mexico Register

Volume XXIV, Issue Number 13
July 15, 2013



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

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2013

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New Mexico Register

Volume XXIV, Number 13

July 15, 2013

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A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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19.34.5 NMAC	R	Wildlife Management Areas
19.30.4 NMAC	N	Boundary Descriptions for Game Management Units
19.30.10 NMAC	N	New Mexico Hunter-Trapper Reporting System
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Notices of Rulemaking and Proposed Rules

NEW MEXICO GENERAL SERVICES DEPARTMENT

Notice of Proposed Rulemaking

The General Services Department (“GSD” or “Department”) hereby gives notice that the Department will conduct a public hearing as indicated to obtain input on amending the following rules:

1.4.1 General Government Administration, State Procurement, Procurement Code Regulations

1.4.7 General Government Administration, State Procurement, Suspension or Debarment of Bidders, Offerors or Contractors

A public hearing regarding these rules will be held on August 6, 2013 in the State Purchasing Bid Room located at 1100 St. Francis Drive, Joseph Montoya Building, Santa Fe, New Mexico. The time for the hearing on the proposed rules is 9:00 AM.

Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking relating to the Procurement Code Regulations and the Suspension or Debarment of Bidders, Offerors or Contractors to Paul Kippert, Contracts Manager, New Mexico General Services Department, 1100 St. Francis Drive, Joseph Montoya Building, Santa Fe, New Mexico 87505 or paul.kippert@state.nm.us or fax (505) 827-2484. Written comments must be received no later than 5:00 PM on July 19, 2013. The proposed rulemaking actions specific to the Procurement Code Regulations and the Suspension or Debarment of Bidders, Offerors or Contractors may be accessed on the Department’s State Purchasing Division website at: (<http://www.generalservices.state.nm.us/statepurchasing/>) or obtained from Paul Kippert at the contacts listed above.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this hearing are asked to contact Paul Kippert as soon as possible. The Department requests at least ten days advanced notice to provide requested special accommodations.

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

The Human Services Department (the Department), thru its Medical Assistance Division (MAD), is proposing to renumber and reformat the following rules from NMAC-1 to the current NMAC-2 version:

The following 000 NMAC Identifications are now found in the renumbered 400, 500 and 600 rules.

8 NMAC 4.CSM.000, Cases Closed Wholly or in Part Due to Child Support (CSM), NMAC Identification, filed 12-30-94

8 NMAC 4.CYM.000, Medicaid for Recipients Under Eighteen Years of Age for Whom the Children, Youth and Families Department has Full or Partial Financial Responsibility, NMAC Identification, filed 12-30-94

8 NMAC 4.IAF.000, Medicaid Coverage When Deemed Income or Resources Results in AFDC Ineligibility, NMAC Identification, filed 12-30-94

8 NMAC 4.ISS.000, SSI Ineligibility Due to Deemed Income or Resources from Stepparent or Alien Sponsor, NMAC Identification, NMAC Identification, filed 12-30-94

8 NMAC 4.QDS.000, Qualified Disabled Working Individuals, NMAC Identification, NMAC Identification, filed 12-30-94

8 NMAC 4.QMB.000, Qualified Medicare Beneficiaries, NMAC Identification, filed 12-30-94

8 NMAC 4.RMO.000, Refugee Medical Assistance Only, NMAC Identification, filed 12-30-94

8 NMAC 4.RSD.000, Refugee Medical Assistance Spend Down Only, NMAC Identification, filed 12-30-94

8 NMAC 4.SSI.000, /Supplemental Security Income Methodology, NMAC Identification, filed 12-30-94

8 NMAC 4.TME.000, Transitional Medicaid, NMAC Identification, filed 12-30-94

8 NMAC 4.CSM.600, Benefit Description, filed 12-30-94 - renumbered to 8.227.600 NMAC

8 NMAC 4.CYM.600, Benefit Description, filed 12-30-94 - renumbered to 8.206.600 NMAC

8 NMAC 4.IAF.500, Income and Resource Standards, filed 12-30-94 - renumbered to 8.233.500 NMAC

8 NMAC 4.IAF.600, Benefit Description, filed 12-30-94 - renumbered to 8.233.600 NMAC

8 NMAC 4.ISS.400, Recipient Policies, filed 12-30-94 - renumbered to 8.234.400 NMAC

8 NMAC 4.ISS.500, Income and Resource Standards, filed 12-30-94 - renumbered to 8.234.500 NMAC

8 NMAC 4.ISS.600, Benefit Description, filed 12-30-94 - renumbered to 8.234.600 NMAC

8 NMAC 4.QDS.400, Recipient Policies, filed 12-30-94 - renumbered to 8.242.400 NMAC

8 NMAC 4.QDS.500, Income and Resource Standards, filed 12-30-94 - renumbered to 8.242.500 NMAC

8 NMAC 4.QDS.600, Benefit Description, filed 12-30-94 - renumbered to 8.242.600 NMAC

8 NMAC 4.QMB.600, Benefit Description, filed 12-30-94 - renumbered to 8.240.600 NMAC

8 NMAC 4.RMO.400, Recipient Policies, filed 12-30-94 - renumbered to 8.249.400 NMAC

8 NMAC 4.RMO.600, Benefit Description, filed 12-30-94 - renumbered to 8.249.600 NMAC

8 NMAC 4.RSD.600, Benefit Description, filed 12-30-94 - renumbered to 8.259.600 NMAC

8 NMAC 4.SSI.400, Recipient Policies, filed 12-30-94 - renumbered to 8.215.400 NMAC

8 NMAC 4.SSI.600, Benefit Description, filed 12-30-94 - renumbered to 8.215.600 NMAC

8 NMAC 4.TME.500, Income and Resource Standards, filed 6-30-95 - renumbered to 8.228.500 NMAC

8 NMAC 4.TME.600, Benefit Description, filed 2-14-00 - renumbered to 8.228.600 NMAC

No content changes are being made to these renumbered/reformatted rules. Public testimony and written comments will be accepted on the Department’s action to renumber and reformat only.

A public hearing to receive testimony on these proposed repeals will be held at South Park Plaza conference room, 2055 S. Pacheco on August 19, 2013 at 9 a.m.

This register is available on the Medical Assistance Division web site at www.hsd.state.nm.us/mad . If you do not have Internet access, a copy of the rules may be requested by contacting the Medical Assistance Division at 505-827-3152. Interested persons may submit written comments no later than 5:00 p.m., July 15, 2013 to Sidonie Squier, Secretary, Human Services Department, PO 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 the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3152. In Santa Fe call 827-3152. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (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.

NEW MEXICO MEDICAL BOARD

NEW MEXICO MEDICAL BOARD

Notice of Public Rule Hearing

The New Mexico Medical Board will convene a regular Board Meeting on Thursday, August 15, 2013 at 8:30 a.m. and conduct a public rule hearing on Friday, August 16, 2013 at 9:00 a.m. at the Board Office Conference Room, located at 2055 S. Pacheco Street, Building 400, Santa Fe, New Mexico 87505. The Board will reconvene after the Hearing to take action on the proposed rule amendments. The Board may enter into Executive Session during the meeting to discuss licensing or limited personnel issues.

The purpose of the Rule Hearing is to consider amending 16.10.2 NMAC (Medicine and Surgery Practitioners Licensure Requirements), 16.10.15 NMAC (Physician Assistants: Licensure and Practice Requirements), 16.10.19 NMAC (Qualifications and Licensure for Anesthesiologist Assistants), 16.10.20 NMAC (Polysomnographic Technologists: Licensure and Practice Requirements), 16.10.21 NMAC (Genetic Counselors: Licensure and Practice Requirements) and 16.6.1 and 16.6.7 NMAC (Naprathic Practitioners General Provisions and Licensure by Endorsement and Examination).

Copies of the proposed rules are available upon request from the Board office at the address listed above, by phone (505) 476-7220, or on the Board's website at www.nmmb@state.nm.us.

Persons desiring to present their views on the proposed rule may appear in person at said time and place or may submit

written comments no later than 5:00 p.m., August 5, 2013, to the board office, 2055 S. Pacheco, Building 400, Santa Fe, NM, 87505.

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 Samantha Breen, Administrative Assistant at 2055 S. Pacheco, Building 400, Santa Fe, NM at least one week prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats.

NEW MEXICO RACING COMMISSION

NEW MEXICO RACING COMMISSION NOTICE OF RULEMAKING AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN

that the New Mexico Racing Commission will hold a Regular Meeting and Rule Hearing on July 18, 2013. The hearing will be held during the Commission's regular business meeting, beginning at 8:30 a.m. with executive session. Public session will begin at 10:30 a.m. The meeting will be held in the Boardroom at 4900 Alameda Blvd. NE, Albuquerque, NM.

The purpose of the Rule Hearing is to consider adoption of the proposed amendments and additions to the following Rules Governing Horse Racing in New Mexico No. 15.2.6 NMAC. The comments submitted and discussion heard during the Rule Hearing will be considered and discussed by the Commission during the open meeting following the Rule Hearing. The Commission will vote on the proposed rules during the meeting.

Copies of the proposed rules may be obtained from Vince Mares, Executive Director, New Mexico Racing Commission, 4900 Alameda Blvd NE, Albuquerque, New Mexico 87113, (505) 222-0700. Interested persons may submit their views on the proposed rules to the commission at the above address and/or may appear at the scheduled meeting and make a brief verbal presentation of their view.

Anyone who requires special accommodations is requested to notify the commission of such needs at least five days prior to the meeting.

Vince Mares
Executive Director

Dated: June 28, 2013

End of Notices and Proposed Rules Section

Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

The State Game Commission repeals its rule entitled Boundary Descriptions for Wildlife Management Areas, 19.30.4 NMAC, filed 10/8/2009, and replaces it with 19.30.4 NMAC entitled Boundary Descriptions for Game Management Units, effective 7/15/2013.

The State Game Commission repeals its rule entitled New Mexico Hunter-Trapper Reporting System, 19.30.10 NMAC, filed 5/31/2006, and replaces it with 19.30.10 NMAC entitled New Mexico Hunter-Trapper Reporting System, effective 7/15/2013.

The State Game Commission repeals its rule entitled Wildlife Management Areas, 19.34.5 NMAC, filed 12/1/1999, and replaces it with 19.34.5 NMAC entitled Wildlife Management Areas, effective 7/15/2013.

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 4 B O U N D A R Y DESCRIPTIONS F O R G A M E MANAGEMENT UNITS

19.30.4.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.30.4.1 NMAC - Rp, 19.30.4.1 NMAC,
7-15-13]

19.30.4.2 SCOPE: Department
staff and licensed hunters and trappers.
[19.30.4.2 NMAC - Rp, 19.30.4.2 NMAC,
7-15-13]

**19.30.4.3 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.
[19.30.4.3 NMAC - Rp, 19.30.4.3 NMAC,
7-15-13]

19.30.4.4 D U R A T I O N :
Permanent.
[19.30.4.4 NMAC - Rp, 19.30.4.4 NMAC,
7-15-13]

19.30.4.5 EFFECTIVE DATE:
July 15, 2013, unless a different date is cited
at the end of a section.
[19.30.4.5 NMAC - Rp, 19.30.4.5 NMAC,
7-15-13]

19.30.4.6 O B J E C T I V E :
Establishing boundary descriptions for game
management units, game management sub-
units, and other unique areas.
[19.30.4.6 NMAC - Rp, 19.30.4.6 NMAC,
7-15-13]

19.30.4.7 DEFINITIONS:
**A. "Game management
unit" or "GMU"** as used herein, shall be a
subdivision of the state used to manage the
game species and their hunters.

**B. "Game management
sub-unit"** as used herein, shall be a
subdivision of the above-described game
management units.
[19.30.4.7 NMAC - Rp, 19.30.4.7 NMAC,
7-15-13]

**19.30.4.8 GAME MANAGEMENT
UNITS:**

A. GMU 1: The Ute
mountain and Navajo Indian reservations.

B. GMU 2: Beginning
at the junction of the east boundary of the
Ute mountain Indian reservation and the
Colorado-New Mexico state line and running
east along the state line to the western
boundary of the Jicarilla Apache Indian
reservation, then south, west and south along
the reservation boundary to its intersection
with US 550, then northwest along US 550
to its intersection with the San Juan river
south of Bloomfield, then west along the San
Juan river to the east boundary of the Navajo
Indian reservation just west of water flow,
then north along the east boundary of the
Navajo reservation to its junction with the
south boundary of the Ute mountain Indian
reservation, then east and north along the
Ute reservation boundary to the Colorado-
New Mexico state line.

C. GMU 3: The Jicarilla
Apache Indian reservation.

D. GMU 4: Beginning
at the junction of the east boundary of the
Jicarilla Apache Indian reservation and
the Colorado-New Mexico state line and
running east along the state line to the
eastern boundary of the Tierra Amarilla
grant, then south along the east boundary
of the Tierra Amarilla grant and west along
its south boundary to its junction with the
east boundary of the Jicarilla Apache
Indian reservation, then north along the east
boundary of the reservation to its junction
with the Colorado-New Mexico state line.

E. GMU 5: Beginning

at the intersection of the east boundary of
the Jicarilla Apache Indian reservation, the
south boundary of the Tierra Amarilla grant
and the Rio Chama, running south along
the Rio Chama to its intersection with the
Piedra Lumbre grant boundary line, then
northeast along the Piedra Lumbre grant
boundary line to its intersection with US
84, then south along US 84 to its junction
with NM 96 northwest of Abiquiu, then west
along NM 96 to its junction with NM 595
north of Regina, then west along NM 595
to its intersection with the east boundary
of the Jicarilla Apache Indian reservation,
then northerly along the east boundary of
the reservation to its junction with the south
boundary of the Tierra Amarilla grant and
the Rio Chama.

F. GMU 6: Beginning
at the junction of I-25 and US 550 near
Bernalillo and running northwest and
west along US 550 past San Ysidro to its
intersection with the boundary of the Zia
Indian reservation, then south, west, and
north along the Zia reservation boundary to
the boundary of the Jemez Indian reservation,
then west, north and east along the Jemez
reservation boundary to its intersection with
US 550 near La Ventana, then north and
west along US 550 to its intersection with
the south boundary of the Jicarilla Apache
Indian reservation, then east along the south
boundary of the reservation and north along
its east boundary to its intersection with NM
595, then east along NM 595 to its junction
with NM 96, then east along NM 96 to its
junction with US 84 northwest of Abiquiu,
then southeast along US 84 to its junction
with I-25 at Santa Fe, then southwest along
I-25 to its junction with US 550.

G. GMU 7: Beginning at
the intersection of the east boundary of the
Navajo reservation and the road between
Crownpoint and Standing Rock and running
north along the reservation boundary to the
northeastern corner immediately west of
Farmington, then east along the San Juan
river to its intersection with US 550 at
Bloomfield, then southeast along US 550
to its intersection with the west boundary
of the Jicarilla Apache Indian reservation,
then south along the west boundary of the
reservation and east along its south boundary
to its intersection with US 550, then east
and south along US 550 to its intersection
with the north boundary of the Jemez Indian
reservation south of La Ventana, then west
along the north boundary of the reservation
and south along its west boundary to its
intersection with BLM road 1103 (the
San Luis road, leading from US 550 to
Cabezon and Mount Taylor), then southwest
along BLM road 1103/San Luis road to its
intersection with arroyo Chico, then west up

arroyo Chico to its junction with Voght draw, then west up Voght draw to its junction with Inditos draw, then west up Inditos draw to its intersection with CR 19, south of Hospah, then southwest along the CR 19 to its junction with the continental divide (near Borrego pass), then westerly along the continental divide to its intersection with NM 371, then north along NM 371 to its junction with the Crownpoint-Standing Rock road, then northwest along the Crownpoint-Standing Rock road to its intersection with the east boundary of the Navajo Indian reservation.

H. GMU 8: Beginning at the intersection of I-40 and I-25 at Albuquerque and running northeast along I-25 to its junction with NM 14, then south along NM 14 to Santa Fe county road 42, then southeast along the county road to its junction with NM 41 at Galisteo, then south along NM 41 to its intersection with I-40 at Moriarty, then west along I-40 to its intersection with I-25.

I. GMU 9: Beginning at Prewitt at the junction of I-40 and CR 19 (the road to Hospah) and running north along the CR 19 to its intersection with Inditos draw, then south and east down Inditos draw to its junction with Voght draw, then east down Voght draw to its junction with arroyo Chico, then east down arroyo Chico to its intersection with the BLM road 1103 (the San Luis road, leading from Cabezon to US 550), then northeast along BLM road 1103/San Luis road to its intersection with the west boundary of the Jemez Indian reservation, then south and east along the Jemez reservation boundary to the boundary of the Zia Indian reservation, then south, east, and north along the Zia reservation boundary to its intersection with US 550 west of San Ysidro, then east and southeast along US 550 to its junction with I-25 at Bernalillo, then south along I-25 to its junction with NM 6 at Los Lunas, then west and northwest along NM 6 to its junction with I-40, then west along I-40 to Prewitt.

J. GMU 10: Beginning at the junction of the north boundary of the Zuni Indian reservation with the Arizona-New Mexico state line and running north along the state line to the south boundary of the Navajo Indian reservation, then east along the south boundary of the Navajo reservation and north along its east boundary to its intersection with the Standing Rock-Crownpoint road, then southeast along the Standing Rock-Crownpoint road to its junction with NM 371, then east and south along NM 371 to its intersection with the continental divide, then east along the continental divide to its junction with CR 19 (the road running southerly from Hospah) near Borrego pass, then south along CR 19 to its junction with I-40 at Prewitt, then southeast along I-40 to its junction with NM 53 near Grants, then south and

west along NM 53 to its intersection with the east boundary of the Zuni reservation, then north along the east boundary of the Zuni reservation and west along its north boundary to its junction with the Arizona-New Mexico state line.

K. GMU 11: The Zuni Indian reservation.

L. GMU 12: Beginning at the intersection of US 60 and the Arizona-New Mexico state line and running north along the state line to the south boundary of the Zuni Indian reservation, then east along the south boundary of the reservation and north along its east boundary to its intersection with NM 53, then east along NM 53 to its junction with Cibola county road 42, then south along Cibola county road 42 to its junction with NM 117, then east along NM 117 to its junction with Cibola county road 41, then south along Cibola county road 41 to its junction with Catron county road A083, then south along Catron county road A083 to its junction with NM 603, then south along NM 603 to its junction with US 60 at Pie Town thence west along US 60 to the Arizona-New Mexico state line.

M. GMU 13: Beginning at the junction of NM 53 and I-40 west of Grants and running east along I-40 to its junction with NM 6, then southeast along NM 6 to its junction with I-25 at Los Lunas, then south along I-25 to its junction with US 60 at Socorro, then west along US 60 to its junction with NM 12 at Datil, then southwest along NM 12 to its junction with Catron county road B034, then northwest along Catron county road B034 to its junction with Catron county road B045, then west and north along Catron county road B045 to its junction with Catron county road A056, then north along Catron county road A056 to Pie Town, then north along NM 603 to its junction with Catron county road A083, then north along Catron county road A083 to its junction with Cibola county road 41, then north along Cibola county road 41 to its junction with NM 117, then west along NM 117 to its junction with Cibola county road 42, then north along Cibola county road 42 to its junction with NM 53, then east and north along NM 53 to its junction with I-40 west of Grants.

N. GMU 14: Beginning at the junction of US 60 and I-25 at Bernardo and running north along I-25 to its intersection with I-40 at Albuquerque, then east along I-40 to its intersection with NM 41 at Moriarty, then south along NM 41 to its junction with US 60 at Willard, then west along US 60 to its junction with I-25.

O. GMU 15: Beginning at the intersection of the Arizona-New Mexico state line and US 60 and running east along US 60 to its intersection with NM 603 at Pie Town, then south and east along A056 to its junction with B040, then east along B040

to its junction with NM 12 south of Datil, then southwest along NM 12 to its junction with US 180 west of Reserve, then northwest along US 180 to its intersection with the Arizona-New Mexico state line, then north along the Arizona-New Mexico state line to its intersection with US 60.

P. GMU 16: Beginning at the junction of NM 12 and US 60 at Datil and running east along US 60 to its intersection with NM 52, then southwest along NM 52 to its intersection with NM 163/USFS road 150, then southwest along NM 163 to its intersection with the continental divide, then south and southwest along the continental divide to its intersection with the Grant-Sierra county line at Reed's peak, then south along the Grant-Sierra county line to its intersection with USFS road 152 at Board Gate saddle, then northwest and southwest along USFS road 152 to its junction with NM 35, then northwest along NM 35 to its junction with Sapillo creek, then west along Sapillo creek to its junction with the Gila river, then northwest along the Gila river to its intersection with Turkey creek, then northwest along Turkey creek to its intersection with forest trail 158, then northwest along forest trail 158 through Woodrow canyon to Mogollon creek, then northwest along Mogollon creek to its junction with the west fork of Mogollon creek and forest trail 224, then northwest along the west fork of Mogollon creek and forest trail 224 to its junction with forest trail 182, then north and west on forest trail 182 to its junction with Bursum road (NM 159/USFS road 28) at Sandy point, then west on Bursum road to its junction with US 180 south of Alma, then north on US 180 to its intersection with NM 12 thence northeast along NM 12 to its junction with US 60 at Datil.

Q. GMU 17: Beginning at the junction of NM 52 and US 60 east of Datil and running east along US 60 to its junction with I-25 at Socorro, then south along I-25 to its junction with NM 52 east of Cuchillo, then west along NM 52 to its junction with NM 142, then northwest along NM 142 to its junction with Alamosa creek at Monticello, then northwest along Alamosa creek through Monticello canyon to its junction with NM 52 south of Dusty, then north along NM 52 to its junction with US 60.

R. GMU 18: Beginning at the junction of US 380 and I-25 at San Antonio and running north along I-25 to its junction with US 60 at Bernardo, then east along US 60 to NM 55 at Mountainair, then south and southeast along NM 55 to its junction with US 54, then south along US 54 to its intersection with the Lincoln-Otero county line, then west along the county line to the east boundary of White Sands missile range, then north along the east boundary and west along the north boundary of White

Sands missile range to the northwest corner of the missile range, then due north to US 380, then west along US 380 to its junction with I-25 at San Antonio.

S. GMU 19: Beginning at the intersection of US 70 and the west boundary of the White Sands missile range east of Organ and running north along the west boundary, east along the north boundary, and south along the east boundary of White Sands missile range to its intersection with US 54 south of Orogrande, then south along US 54 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with I-10, then northwest along I-10 to its junction with US 70 at Las Cruces, then east along US 70 to its intersection with the west boundary of the White Sands missile range.

T. GMU 20: Beginning at the junction of US 70 and I-25 at Las Cruces and running north along I-25 to its junction with US 380 at San Antonio, then east along US 380 to a point due north of the northwestern corner of the White Sands missile range, then due south to the northwestern corner of the missile range, then south along the west boundary of the missile range to its intersection with US 70 east of Organ, then west along US 70 to its junction with I-25.

U. GMU 21: Beginning at the junction of US 180 and NM 26 north of Deming and running northeast along NM 26 to its junction with NM 27 at Nutt, then northwest along NM 27 to its intersection with the Sierra-Luna county line, then west along the south boundary of Sierra county and north along its west boundary to the junction of the county line and the continental divide, then north along the continental divide to its intersection with NM 163, then northeast along NM 163 to its junction with NM 52, then southeast along NM 52 to its intersection with Alamosa creek south of Dusty, then southeast along Alamosa creek through Monticello canyon to its intersection with NM 142 at Monticello, then southeast along NM 142 to its intersection with NM 52, then southeast along NM 52 to its junction with I-25, then south along I-25 to its junction with US 180 at Las Cruces, then west along US 180 to Deming and north along US 180 to its junction with NM 26.

V. GMU 22: Beginning at the intersection of the Gila river and US 180 south of Cliff running north along US 180 to its junction with Bursum road (NM 159/USFS road 28), then east along Bursum road to its junction with forest trail 182 at Sandy point, then south along forest trail 182 to its junction with forest trail 224 at the west fork saddle, then south on forest trail 224 down the west fork of Mogollon creek to its junction with the main Mogollon creek, then easterly along Mogollon creek to the junction of forest trail 158 at Woodrow

canyon, then south along forest trail 158 to main Turkey creek, then south along Turkey creek to its junction at the Gila river, then southwest along the Gila river to its junction with US 180.

W. GMU 23: Beginning at the intersection of US 180 and the Arizona-New Mexico state line west of Luna, then south along the state line to its intersection with US 70, then southeast along US 70 to its junction with US 180 at Deming; thence northwest along US 180 to its junction with the Arizona-New Mexico state line.

X. GMU 24: Beginning at the junction of NM 26 and US 180 north of Deming and running northwest along US 180 to its intersection with the Gila river south of Cliff, then northeast along the Gila river to its junction with Sapillo creek, then east along Sapillo creek to NM 35, then east and south on NM 35 to its junction with USFS road 152, then northeast along USFS road 152 to its junction with the Grant-Sierra county line southwest of Board gate saddle, then south along the west boundary of Sierra county and east along its south boundary to its intersection with NM 27, then south along NM 27 to its junction with NM 26, then southwest along NM 26 to its junction with US 180.

Y. GMU 25: Beginning at the junction of the United States-Mexico boundary with the west boundary of Luna county and running north along the county line to its intersection with NM 9, then northwest along NM 9 to its intersection with NM 146 (old NM 81) at Hachita, then north along NM 146 (old NM 81) to its junction with I-10, then east and south along I-10 to its intersection with the Texas-New Mexico state line, then west and south along the Texas state line to the United States-Mexico boundary, then west along the international boundary to the west boundary of Luna county.

Z. GMU 26: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with NM 338 approximately 100 yards west of Cloverdale and running north along NM 338 to its intersection with I-10, then north and east along I-10 to its intersection with NM 146 (old NM 81), then south along NM 146 (old NM 81) to its intersection with NM 9 at Hachita, then east along NM 9 to its intersection with the west boundary of Luna county, then south along the Luna county line to the United States-Mexico boundary, then south and west along the international boundary to Paskle gate.

AA. GMU 27: Beginning at Paskle gate on the United States-Mexico boundary, near international boundary marker No. 69, then north on the private dirt road from Paskle gate to its intersection with

NM 338 approximately 100 yards west of Cloverdale, then north along NM 338 to its intersection with I-10, then east along I-10 to its intersection with US 70 at Lordsburg, then northwest along US 70 to the Arizona-New Mexico state line, then south along the state line to its intersection with the United States-Mexico boundary, then east along the international boundary to Paskle gate.

BB. GMU 28: The Fort Bliss military reservation, excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

CC. GMU 29: Beginning at the junction of the New Mexico-Texas state line and the east boundary of the Fort Bliss military reservation and running northeast along the military reservation boundary to its intersection with NM 506/CR E038 leading to Pinon, then east, north and east along NM 506/CR E038 to its intersection with NM 24 at Pinon, then east on NM 24 approximately three miles to its intersection with NM 506/CR E038, then running south, east, south and southwest along NM 506/CR E038 through Cornucopia draw and Crow flats to its intersection with the New Mexico-Texas state line near Dell City, Texas, then west along the state line to the east boundary of the Fort Bliss military reservation.

DD. GMU 30: Beginning at the New Mexico-Texas state line near Dell City, Texas, and its intersection with NM 506/CR E038, then northeast, north, west and north along NM 506/CR E038 through Crow flats and Cornucopia draw to its junction with NM 24 east of Pinon, then northeast along NM 24 to its junction with US 82 north of Dunkin, then east along US 82 to its intersection with US 285 at Artesia, then south and southeast along US 285 to its junction with US 180 at Carlsbad, then south along US 180 to its intersection with the New Mexico-Texas state line, then west along the state line to its intersection with NM 506/CR E038.

EE. GMU 31: Beginning at the intersection of the New Mexico-Texas state line and US 180, southwest of Carlsbad, and running northeast along US 180 to its junction with US 285 at Carlsbad, then north along US 285 to its intersection with US 82 at Artesia, then east along US 82 to its junction with NM 249 at Maljamar, then north along NM 249 to its junction with NM 172, then north along NM 172 to its junction with US 380 west of Caprock, then north along Button Mesa road/Lea county road 156, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, NM 330/RR AK, to its junction at Elida, then north along NM 330 to its junction with NM 267 west of Floyd, then north along NM 267 to its junction with US 60 east of Melrose, then east along US 60 to the New Mexico-Texas state line, then south and west along

the state line to its intersection with US 180, southwest of Carlsbad.

FF. GMU 32: Beginning at the intersection of US 380 and the east boundary of Lincoln county and running north along the east boundary of Lincoln county to the west boundary of De Baca county, then north along the west boundary of De Baca county to its intersection with US 60, then east along US 60 to its junction with NM 267 east of Melrose, then south along NM 267 to its junction with NM 330 west of Floyd, then south along NM 330 to its junction with US 70 at Elida, then southwest along US 70 to its intersection with the Pecos river, then south along the Pecos river to its intersection with NM 249 at Hagerman, then west along NM 249 to its junction with NM 2, then south along NM 2 to its intersection with US 285, north of Artesia, then south on US 285 to its intersection with US 82 at Artesia, then west along US 82 to its junction with Chaves county road C433, near mile marker 60, then north along CR C433 to its intersection with CR C437, near Flying H, then west along CR C437 to its intersection with CR C434, then north along CR C434 to its intersection with Lincoln county road E030, then north and northeast along CR E030 to its intersection with CR E028, then north along CR E028 to its junction with US 380 about a mile west of Picacho, then east along US 380 to its intersection with the east boundary of Lincoln county.

GG. GMU 33: Beginning at the intersection of US 82 and US 285 at Artesia and running north along US 285 to its junction with NM 2, then north on NM 2 to its intersection with NM 249 at Hagerman, then east along NM 249 to its intersection with the Pecos river, then north along the Pecos river to its intersection with US 70, then northeast along US 70 to NM 330/RR AK at Elida, then south along NM 330/RR AK, Reserve road/CR 156, LeDoux road, then to Reserve road/CR 156, Button Mesa road/ Lea county road 156, and NM 172 to US 82, then west along US 82 to US 285 at Artesia.

HH. GMU 34: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running east along CR B006 to its junction with CR B009, then north on CR B009 to its intersection with US 54, then running south along US 54 to its intersection with US 70 at Tularosa, then running northeast along US 70 to its intersection with the west boundary of the Mescalero Apache Indian reservation, then south along the west boundary of the reservation, east along its south boundary, and north along its east boundary to the Lincoln-Chaves county line, then east along the county line approximately two miles to its intersection with CR C434, then southerly along CR C434 to its intersection with

CR C437, then east along CR C437 to its intersection with CR C433, then south along CR C433 to its intersection with US 82, then west along US 82 to its junction with NM 24 north of Dunken, then south along NM 24 to its intersection with NM 506/CR E038, at Pinon, then west, south, and west on NM 506/CR E038 to the east boundary of the Fort Bliss military reservation, then north and west along the boundary of the Fort Bliss military reservation to its intersection with the Sacramento division of the Lincoln national forest, then west and north along the boundary of the Sacramento division of the Lincoln national forest to its intersection with the north boundary of the Fort Bliss military reservation, then west along the boundary of the Fort Bliss military reservation to US 54 south of Valmont, then south along US 54 to its junction with the east boundary of the White Sands missile range south of Orogrande, then north along the east boundary to its intersection of Otero CR B006 at Tularosa gate.

II. GMU 35: The Mescalero Apache Indian reservation.

JJ. GMU 36: Beginning at the junction of Otero county road B006 and the east boundary of the White Sands missile range at Tularosa gate and running north along the east boundary to its intersection with the Lincoln-Otero county line, then east along the county line to its intersection with US 54, then north along US 54 to its intersection with US 380 at Carrizozo, then east along US 380 to its junction with CR E028, approximately 1 mile west of Picacho, then south along CR E028 to its intersection with CR E030, then south and west along E030 to its intersection with the Lincoln-Chaves county line, then west along the county line to the east boundary of the Mescalero Apache Indian reservation, then north along the east boundary of the reservation, west along its north boundary, and south along its west boundary to its intersection with US 70, then west along US 70 to its junction with US 54 at Tularosa, then north along US 54 to its junction with CR B009, then south along CR B009 to its junction with CR B006, then west along CR B006 to its junction with the east boundary of White Sands missile range at Tularosa gate.

KK. GMU 37: Beginning at the intersection of US 380 and US 54 at Carrizozo and running north along US 54 to its junction with NM 462 west of Ancho, then east along NM 462 to its intersection with the Southern Pacific railroad tracks, then north along the railroad tracks to Hasparos canyon, then east down Hasparos canyon to the east boundary of Lincoln county, then south along the east boundary of Lincoln county to its intersection with US 380, then west along US 380 to its intersection with US 54 at Carrizozo.

LL. GMU 38: Beginning at the junction of US 54 and NM 55 and running northwesterly along NM 55 to its junction with US 60 at Mountainair, then east along US 60 to the Guadalupe-De Baca county line, then south along the county line and along the east boundary of Lincoln county to its intersection with Hasparos canyon, then west up Hasparos canyon to the Southern Pacific railroad tracks northeast of Ancho, then south along the railroad tracks to their intersection with NM 462 at Ancho, then west along NM 462 to its junction with US 54, then south along US 54 to its junction with NM 55.

MM. GMU 39: Beginning at the junction of US 60 and NM 41 west of Willard and running north along NM 41 to its intersection with I-40 at Moriarty, then east along I-40 to its junction with US 84 east of Santa Rosa, then southeast along US 84 to its junction with US 60 at Fort Sumner, then west along US 60 to its junction with NM 41 west of Willard.

NN. GMU 40: Beginning at the junction of US 84 and I-40 east of Santa Rosa and running east along I-40 to the New Mexico-Texas state line, then south along the state line to its intersection with US 84, then west and north along US 84 to its junction with I-40.

OO. GMU 41: Beginning at the junction of I-40 and NM 469 at San Jon and running north along NM 469 to its junction with US 54 south of Logan, then north along US 54 to its intersection with NM 39 north of Logan, then northwest along NM 39 to its junction with NM 102 east of Mosquero, then east, north and east along NM 102 to its intersection with NM 402 north of Amistad, then north along NM 402 to its intersection with NM 421 north of Stead, then east along NM 421 to the New Mexico-Texas state line, then south along the state line to its intersection with I-40, then west along I-40 to its intersection with NM 469 at San Jon.

PP. GMU 42: Beginning at the intersection of I-40 and the Pecos river at Santa Rosa and running northwest up the Pecos river to its intersection with US 84 at Dilia, then northwest along US 84 to its junction with I-25 at Romeroville, then northeast along I-25 to its intersection with the Mora river at Watrous, then east down the Mora river to the Canadian river, then south down the Canadian river to its intersection with NM 419 south of Sabinoso, then northeast along NM 419 to its junction with NM 39 northwest of Mosquero, then southeast along NM 39 to its intersection with US 54, then south along US 54 to its intersection with NM 469, then south along 469 to its intersection with I-40 at San Jon, then west along I-40 to its intersection with the Pecos river.

QQ. GMU 43: Beginning

at the intersection of I-40 and NM 41 at Moriarty and running north along NM 41 to the junction at Galisteo with Santa Fe county road 42, then west along the county road to the junction with NM 14, then north along NM 14 to its junction with I-25, then northeast along I-25 to Santa Fe and east along I-25 to its junction with US 84 at Romeroville, then southeast along US 84 to its intersection with the Pecos river at Dilia, then east and south along the Pecos river to its intersection with I-40 at Santa Rosa, then west along I-40 to its intersection with NM 41.

RR. GMU 45: Beginning at Glorieta on US 84, and running west and north along US 84 to its intersection with NM 68 at Espanola, then northeast along NM 68 to its intersection with NM 75 at Embudo, then east along NM 75 to its intersection with NM 518, then east along NM 518 to its intersection with the Santa Fe national forest boundary line near Holman hill, then south along the Santa Fe national forest boundary line to its intersection with the Tecolote land grant boundary line, then south along the Tecolote land grant boundary line to its intersection with US 84/I-25, then west along US 84/I-25 to Glorieta.

SS. GMU 46: Beginning at the junction of I-25 and NM 120 at Wagon Mound and running northwest along NM 120 to its junction with NM 434, Black lake area, then north on NM 434 to Carson national forest road 76 and forest boundary, then south following the Carson national forest boundary to the Santa Fe national forest boundary at Holman hill, then continue south along the Santa Fe national forest boundary to the Tecolote land grant boundary, then south along the Tecolote land grant boundary to I-25, then north along I-25 to the junction of I-25 and NM 120 at Wagon Mound.

TT. GMU 47: Beginning at the intersection of the Mora river and I-25 near Watrous and running northeast along I-25 to its junction with US 56 at Springer, then east along US 56 to its junction with NM 39 at Abbott, then south and southeast along NM 39 to its junction with NM 419 southeast of Solano, then southwest along NM 419 to its intersection with the Canadian river, then northwest up the Canadian river to the Mora river, then west up the Mora river to its intersection with I-25.

UU. GMU 48: Beginning at the intersection of I-25 and NM 120 at Wagon Mound, then northwest along NM 120 to its intersection with the south boundary of the Maxwell grant, then east along the south boundary of the Maxwell grant to its intersection with I-25, then south along I-25 to its intersection with NM 120 at Wagon Mound.

VV. GMU 49: Beginning on the Rio Grande at Embudo creek and running

north along the Rio Grande to its intersection with NM 567 at Taos junction bridge, then east on NM 567 to NM 570, then northeast on NM 570 to its junction with NM 68 immediately south of Ranchos de Taos, then north along NM 68 to the south boundary of the Taos pueblo lands, then east along the pueblo's south boundary to the Taos county line, then south along the Taos county line to its intersection with US 64, then east along US 64 to its junction with NM 434 north of Black lake, then south along NM 434 to the Carson national forest boundary at forest road 76, then south along Carson national forest boundary to intersection of NM 518 at Holman hill, then westerly along NM 518 to its junction with NM 75, then west along NM 75 to NM 68, then south on NM 68 to Embudo creek; and west on Embudo creek to the Rio Grande.

WW. GMU 50: Beginning at the junction of US 84 and NM 554 east of Abiquiu and running north and east along NM 554 to its junction with NM 111, then southeast along NM 111 to its junction with US 285, then north along US 285 to the Colorado-New Mexico state line, then east along the state line to its intersection with the Rio Grande, then south along the Rio Grande to its junction with Embudo creek, then east up Embudo creek to NM 68 at Embudo, then southwest along NM 68 to its junction with US 84 at Espanola, then northwest along US 84 to its junction with NM 554.

XX. GMU 51: Beginning at the intersection of US 64 and the eastern boundary of the Tierra Amarilla grant, running south then west along the Tierra Amarilla grant boundary line to its intersection with the Rio Chama, then south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84 northwest of Abiquiu, then southeast along US 84 to its intersection with NM 554 east of Abiquiu, then north and east along NM 554 to its intersection with NM 111, then south along NM 111 to its intersection with US 285 north of Ojo Caliente, then east and north along US 285 to its intersection with US 64 at Tres Piedras, then west along US 64 to its intersection with the Tierra Amarilla grant boundary.

YY. GMU 52: Beginning at the intersection of US 64 and the east boundary of the Tierra Amarilla grant and running north along the eastern boundary of the grant to the Colorado-New Mexico state line, then east along the state line to its intersection with US 285, then south along US 285 to its junction with US 64 at Tres Piedras, then west along US 64 to its intersection with the east boundary of the Tierra Amarilla grant.

ZZ. GMU 53: Beginning at the intersection of NM 567 and the Rio

Grande and running north along the Rio Grande to the Colorado-New Mexico state line, then east along the state line to its junction with NM 522, then south along NM 522 to the south boundary of the Sangre de Cristo grant, then east along the grant boundary to the Taos-Colfax county line, then south along the Colfax county line to the south boundary of the Taos pueblo, then west along the south boundary of the Taos pueblo to NM 68, then south along NM 68 to NM 570 immediately south of Ranchos de Taos, then west along NM 570 to its junction with NM 567, then west along NM 567 to its intersection with the Rio Grande river.

AAA. GMU 54: Beginning at the intersection of the south boundary of the Maxwell grant and NM 434 and running north along NM 434 to its junction with US 64, then north and east along US 64 to its junction with NM 21 west of Cimarron then south and east along NM 21 to its junction with I-25 south of Springer, then south along I-25 to its intersection with the south boundary of the Maxwell grant, then west along the south boundary of the grant to its intersection with NM 434.

BBB. GMU 55: Beginning at the junction of NM 21 and US 64 west of Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass, then north along the Colfax county line to the south boundary of the Sangre de Cristo grant, then north and west along the Sangre de Cristo grant's south boundary to NM 522, then north along NM 522 to the Colorado-New Mexico state line, then east along the state line to its intersection with I-25, then south along I-25 to its junction with NM 21 at Springer, then west and north along NM 21 to its junction with US 64 west of Cimarron.

CCC. GMU 56: Beginning at the junction of US 56 and I-25 at Springer and running north along I-25 to its junction with US 64 at Raton, then east along US 64 to its junction with US 56 at Clayton, then west along US 56 to its junction with I-25.

DDD. GMU 57: Beginning at the junction of US 64 and I-25 at Raton and running north along I-25 to the Colorado-New Mexico state line, then east along the state line to NM 551, then south along NM 551 to its junction with NM 456, then southwest along NM 456 to its junction with NM 325, then southwest along NM 325 to its junction with US 64, then west along US 64 to its junction with I-25.

EEE. GMU 58: Beginning at the junction of US 64 and NM 325 at Capulin and running northeast along NM 325 to its junction with NM 456, then northeast along NM 456 to its junction with NM 551, then north along NM 551 to the Colorado-New Mexico state line, then east along the state line to the Oklahoma-New Mexico state line, then south along the state line to its

intersection with US 64, then west along US 64 to its junction with NM 325.

FFF. GMU 59: Beginning at the intersection of NM 39 and US 56 at Abbott, then east along US 56 to the New Mexico-Texas state line, then south along the New Mexico-Texas state line to NM 421 east of Sedan, then west along NM 421 to its intersection with NM 402 north of Stead, then south along NM 402 to its intersection with NM 102 north of Amistad, then west, south, and west along NM 102 to its intersection with NM 39 east of Mosquero, then north along NM 39 to its intersection with US 56 at Abbott.
[19.30.4.8 NMAC - Rp, 19.30.4.8 NMAC, 7-15-13]

19.30.4.9 GAME MANAGEMENT SUB-UNITS:

A. Sub-unit 2A: That portion of GMU 2 west of the Los Pinos river (Pine Arm of Navajo reservoir) and north of the San Juan river.

B. Sub-unit 2B: That portion of GMU 2 east and north of the following line: from the junction of the New Mexico/Colorado state line and Pine river, then south along the Pine river to its junction with the San Juan river, then south and west along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to the Jicarilla Apache Indian reservation boundary.

C. Sub-unit 2C: That portion of GMU 2 south and west of the following line: from the junction of US 550 and the San Juan river at Bloomfield, then east along the San Juan river to its junction with Largo canyon, then south and east along the central wash of Largo canyon to its junction with Cereza canyon, then south and east along the central wash of Cereza canyon to the Jicarilla Apache Indian reservation boundary.

D. Sub-unit 5A (Freeman Davis unit): That portion of GMU 5 beginning at the junction of the northwest boundary of the Santa Fe national forest and junction with the Jicarilla Apache Indian reservation north of Lindrith and following the forest boundary south towards Lindrith, then northeasterly past Llaves: thence southerly to its intersection with NM 96, then west along NM 96 to its junction with NM 595 north of Regina, then west along NM 595 to its intersection with the east boundary of the Jicarilla Apache Indian reservation, then following the reservation boundary north to its intersection with the northwest corner of the Santa Fe national forest boundary.

E. Sub-unit 5B: That portion of GMU 5 beginning at the

intersection of the east boundary of the Jicarilla Apache Indian reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama, running south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84, then south along US 84 to its junction with NM 96 northwest of Abiquiu, then west along NM 96 to its junction with the Santa Fe national forest boundary west of Gallina, then following the boundary north then west past Llaves then southwesterly to south of Lindrith then north along the forest service boundary line to its intersection with the Jicarilla Apache Indian reservation, then east along the boundary line to the junction of the reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama.

F. Sub-unit 6A: That portion of GMU 6 starting at the junction of interstate 25 and US 550 at Bernalillo and running northwest and west along US 550 past San Ysidro to its intersection with the boundary of the Zia Indian reservation, then south, west, and north along the Zia reservation boundary of the Jemez Indian reservation, then west, north, and east along Jemez Indian reservation boundary to its intersection with US 550 near La Ventana, then north and west along US 550 to its intersection with the south boundary of the Jicarilla Apache Indian reservation, then east along the south boundary of the Jicarilla Apache Indian reservation and north along its east boundary to its intersection with NM 595, then east along NM 595 to its junction with NM 96, then east along NM 96 to its junction with forest road (FR) 103, then south along FR 103 to its junction with FR 117, then south along FR 117 to its junction with FR 527 (Pipeline road), then east along FR 527 to its junction with the west boundary of the Valles Caldera national preserve, then south and east along the boundary of the Valles Caldera national preserve to its junction with FR 280 and NM 4, then south along FR 280 to its junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along FR 266, then south and east along FR 266 to its junction with NM 16, then along NM 16 to its junction with I-25, then south and west along I-25 to its junction with US 550 at Bernalillo.

G. Sub-unit 6B: That portion of GMU 6 comprised of all lands within the fenced or posted boundary of the Valles Caldera national preserve as fenced or posted by the United States forest service.

H. Sub-unit 6C: That portion of GMU 6 starting at the junction of NM 96 and forest road (FR) 103 east of Gallina and running south along FR 103 to its junction with FR 117, then south along

FR 117 to its junction with FR 527 (Pipeline road), then east along FR 527 to its junction with the west boundary of the Valles Caldera national preserve, then north, east, south and west along the boundary of the Valles Caldera national preserve to its junction with NM 4 and FR 280, then south along FR 280 to its junction with forest service trail (FT) 140, then south along FT 140 to Peralta creek, then south and east along Peralta creek to its junction with FR 266, then south and east along FR 266 to its junction with NM 16, then south and east along NM 16 to its junction with interstate I-25, then north along I-25 to its junction with US 84 at Santa Fe, then north along US 84 to its junction with NM 96 west of Abiquiu, then west along NM 96 to its junction with FR 103.

I. Sub-unit 16A: That portion of GMU 16 beginning at the junction of Bursum road (NM 159/USFS road 28) and US 180, then north along US 180 to its junction with NM 12, then northeast along NM 12 to its junction with NM 435, then south along NM 435 to its junction with Negrito creek south of Reserve, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with USFS road 94 at Collins park, then south on USFS road 94 to its junction with USFS road 28, then southeasterly on USFS road 28 to its junction with USFS road 30, then southeasterly on USFS road 30 to its junction with USFS road 142, then southwesterly on USFS road 142 to its junction with USFS road 142C west of Cooney prairie, then south on USFS road 142C to the Gila wilderness boundary, then west along the Gila wilderness boundary to its junction with Snow creek below Snow lake, then south along Snow creek to its junction with Gilita creek, then west along Gilita creek to its junction with Willow creek, then west along Willow creek to its junction with USFS trail 138, then westerly along USFS trail 138 to its junction with USFS trail 182, then north on USFS trail 182 to its junction with Bursum road (NM159/USFS road 28) at Sandy point, then west along Bursum road (NM 159/USFS road 28) to its junction with US 180.

J. Sub-unit 16B: That portion of GMU 16 beginning at the junction of USFS road 152 and the Grant-Sierra county line southwest of Board Gate saddle, then north along the Grant-Sierra county line to Reeds peak and the continental divide, thence north along the continental divide to its intersection with USFS trail 42, then west along USFS trail 42 to its junction with USFS trail 40 at Diamond creek, then west along USFS trail 40 and Diamond creek to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to its junction with USFS road 18, then northwest along USFS road 18 to

its junction with USFS road 704, then west along USFS road 704 to USFS trail 772, then northwesterly along USFS trail 772 to Black mountain, then west from Black mountain along USFS trail 812 to its intersection with the south fork of Christie canyon and the wilderness boundary, then west along the wilderness boundary to Snow creek, then south along Snow creek to Gilita creek, then west along Gilita creek to Willow creek, then west along Willow creek to USFS trail 138, then westerly along USFS trail 138 to USFS trail 182, then south and east on USFS trail 182 to its junction with USFS trail 224 at west fork saddle, then south along USFS trail 224 and down the west fork of Mogollon creek to its junction with Mogollon creek, then easterly along Mogollon creek to USFS trail 158 at Woodrow canyon, then southeast along USFS trail 158 to Turkey creek, then south along Turkey creek to the Gila river, then east along the Gila river to Sapillo creek, then east along Sapillo creek to NM 35, then east along NM 35 to its intersection with USFS road 152, then northeast along USFS road 152 to its junction with the Sierra-Grant county line southwest of Board Gate saddle.

K. Sub-unit 16C: That portion of GMU 16 beginning at the road junction of USFS road 150 and USFS road 30 in Railroad canyon, then northeast along USFS road 150 to its junction with NM 163/USFS road 150, then northeast along NM 163 to the continental divide, then south along the continental divide to USFS trail 42, then south along USFS trail 42 to USFS trail 40, then west on USFS trail 40 to and across USFS road 150 to USFS road 225 (old USFS road 19), then southwest along USFS road 225 (old USFS road 19) to USFS road 18, then northwest along USFS road 18 to USFS road 704, then west along USFS road 704 to USFS trail 772, then northwest along USFS trail 772 to USFS trail 812 on Black mountain, then northwest along USFS trail 812 to south fork of Christie canyon, then north and west along south fork of Christie canyon to USFS road 142C, then north along USFS road 142C to USFS road 142, then northeast along USFS road 142 to its junction with USFS road 30, then east along USFS road 30 to its junction with USFS road 150 in Railroad canyon.

L. Sub-unit 16D: That portion of GMU 16 beginning at Apache creek and continuing south and west along NM 12 to its junction with NM 435 at Reserve, then south along NM 435 to its junction with Negrito creek, then east along Negrito creek to its junction with the north fork of Negrito creek, then east along the north fork of Negrito creek to its junction with SFS road 94 at Collins park, then south along USFS road 94 to its junction with NM 28, then east along NM 28 to junction with USFS 30, then southeast along USFS

road 30 to its intersection with USFS road 551, then north and west along USFS road 551 to its junction with USFS road 28, then north along USFS road 28 to its intersection with NM 12, then west on NM 12 to Apache creek.

M. Sub-unit 16E: That portion of GMU 16 beginning at the intersection of USFS road 551 and USFS road 30, proceed northwesterly along USFS road 551 to its intersection with USFS road 28, then north on USFS road 28 to its intersection with NM 12, then east on NM 12 to its intersection with NM 60 at Datil, then east on NM 60 to its intersection with NM 52, then south on NM 52 to its intersection with NM 163, then west on NM 163 to its intersection with USFS road 150, then west on USFS road 150 to its intersection with USFS road 30, then west on USFS road 30 to its intersection with USFS road 551.

N. Sub-unit 21A: That northwest portion of GMU 21 that lies within the Gila national forest boundary.

O. Sub-unit 21B: That portion of GMU 21 that lies outside the Gila national forest boundary.

P. Sub-unit 51A: That portion of GMU 51 beginning at the intersection of US 64 and the eastern boundary of the Tierra Amarilla grant, running south then west along the Tierra Amarilla grant boundary line to its junction with US 84, then southeast along US 84 to its intersection with NM 554 east of Abiquiu, then north and east along NM 554 to its intersection with NM 111, then south along NM 111 to its intersection with US 285 north of Ojo Caliente, then east and north along US 285 to its intersection with US 64 at Tres Piedras, then west along US 64 to its intersection with the Tierra Amarilla grant boundary.

Q. Sub-unit 51B: That portion of GMU 51 beginning at the intersection of the east boundary of the Jicarilla Apache Indian reservation, the south boundary of the Tierra Amarilla grant and the Rio Chama, running south along the Rio Chama to its intersection with the Piedra Lumbre grant boundary line, then northeast along the Piedra Lumbre grant boundary line to its intersection with US 84, then north along US 84 to its junction with the south boundary of the Tierra Amarilla grant, then west along the south boundary of the Tierra Amarilla grant to its junction with the Rio Chama.

R. Sub-unit 55A: That portion of GMU 55 beginning at the junction of NM 58 and US 64 at Cimarron and running west and south along US 64 to the Colfax-Taos county line at Palo Flechado pass; then north along the Colfax county line to the south boundary of the Sangre de Cristo grant; then north and west along the Sangre De Cristo grant's south boundary to NM 522

then north along NM 522 to the Colorado-New Mexico state line; then east along the state line to its intersection with I-25; then south along I-25 to its junction with US 64 thence southwest along US 64 to its junction with NM 58 at Cimarron.

S. Sub-unit 55B: That portion of GMU 55 beginning at the junction of I-25 and US 64 south of Raton, then south and west along US 64 to its junction with NM 21 west of Cimarron, then south and east along NM 21 to its junction with I-25 south of Springer, then north along I-25 to its junction with US 64 south of Raton.

[19.30.4.9 NMAC - Rp, 19.30.4.9 NMAC, 7-15-13]

19.30.4.10 OTHER DESIGNATED AREAS

A. GMU 9 (Laguna Indian reservation): That portion of GMU 9 comprising all tribal trust lands designated as the Laguna Indian reservation.

B. GMU 13 (Acoma Indian reservation): That portion of GMU 13 comprising all tribal trust lands designated as the Acoma Indian reservation.

C. GMU 19 (Organ mountain hunt area): That portion of GMU 19 beginning at the intersection of I-25 and US 70, then south along I-25 to its intersection with I-10, then south along I-10 to its intersection with the New Mexico\Texas state line, then east along the New Mexico\Texas state line to its intersection with Ft. Bliss military reservation boundary, then northeast, then west and then north along the Ft. Bliss military reservation boundary to its junction with the White Sands missile range boundary, then north, west and north along the White Sands missile range boundary to its intersection with US 70, then west along US 70 to its junction with I-25.

D. GMU 19 (White Sands missile range hunt area): Those portions of White Sands missile range as documented on maps and descriptions made available by the department.

E. GMU 23 (Burro Mountain hunt area): That portion of GMU 23 comprised of the Big Burro Mountains portion of the Gila national forest and shall include all private land lying within the national forest boundary.

F. GMU 24 (Fort Bayard special management area): That portion of GMU 24 beginning at the NW corner of section 22, T. 17 S., R. 13 W. south along the west section line of sections 22, 27 and 34 to the north right-of-way fence of U.S. highway 180; thence easterly along the north right-of-way fence of U.S. highway 180 through sections 34 and 35 to the east right-of-way fence of the road entering Fort Bayard medical center; thence northwesterly along this east right of-way fence through sections 35 and 26 for approximately 1 1/4

miles to the forest boundary fence; thence northeasterly along the forest boundary fence for approximately 5/8 mile; thence easterly along the forest boundary fence through sections 26 and 25 for approximately 3/4 mile; thence southerly along the forest boundary fence for approximately 1/2 mile; thence easterly along the forest boundary fence for approximately 5/8 mile to the west right-of-way fence of state road 90; thence northeasterly along the right-of-way fence for about 1/2 mile to the intersection with the forest boundary fence; thence northerly along the forest boundary fence through sections 30, 19, 18, and 7 for about 3 3/4 miles; thence westerly along the forest boundary fence for approximately 1/4 mile to the southeastern corner of the pear tree pasture fence; thence northerly along the eastern boundary of the pear tree pasture fence for approximately one mile; thence westerly along the northern fenced boundary through sections 1, 2, and 3 of T. 17 S., R. 13 W of the Pear Tree, Castle Knob, Twin Sisters, and Enclosure pasture fences for approximately 3 1/2 miles to corner of west section line of Section 3; thence southerly along west sections lines of Sections 3, 10, and 15 for approximately 2 3/4 miles to the point of origin.

G. GMU 25 (Florida mountains): That portion of GMU 25 comprised of the main Florida Mountain range and Little Floridas, bounded by Interstate 10 on the north, the Luna-Dona Ana county line on the east, the Mexico-New Mexico line on the south and NM highway 11 on the west.

H. GMU 26 (Big Hatchet special management area): That portion of GMU 26 bounded by a line starting at the Hatchet ranch headquarters and following a road in a southeast direction through sections 14, 13 and 24, of T. 30 S., R. 15 W., and sections 19, 30, 29, 32, 33 and 34 of T.30 S., R. 14 W., and sections 3, 2, 1, 12 and 13 of T. 31 S., R. 14 W.; thence south through sections 13, 24, 25, 36 and 35 of T. 31 S., R. 14 W.; thence sections 2, 11, 14, 23 and 26 of T. 32 S., R. 14 W.; thence west through sections 27, 28, 29, 30 and 19 of T. 32 S., R. 14 W., and sections 24, 23, 22, 21, 20, 17 and 18 of T. 32 S., R. 15 W., and section 13 of T. 32 S., Rs. 16 W.; thence south along the section line between sections 13 and 14, and sections 23 and 24, of T. 32 S., R. 16 W. to the intersection of the road to the Humble Oil and Refining Company test well no. 1; thence northwest along the road through sections 23 and 14; thence west along the section line between sections 10 and 15; thence north along the fence line and section line between sections 9 and 10 and sections 3 and 4 of T. 32 S., R. 16 W.; thence east approximately on-half mile along the section line of section 3, T. 32 S., R. 16 W., and section 34 of T. 31 S., R. 16 W.; thence north

along a road and fence line through sections 34, 27, 22 and 15 to the intersection of the road to Romney well; thence west along the Romney well road through sections 10 and 9 to state road 81; thence north along state road 81 through sections 9 and 4 of T.31 S., R. 16 W., and sections 33, 34, 27 and 22, thence east along the section line between sections 22, and 15; thence east approximately one-half mile between the section line between sections 23 and 14; thence north one-half mile between the section line between sections 23 and 14; thence north on-half mile to the northwest corner of the SW1/4 of the NE1/4 of section 14; thence northeast along the fence to the section line between sections 14 and 13; thence north along the fence and section line between sections 14 and 13, 11, and 12; thence east along the fence line through section 12 to the intersection of the road to the Hatchet farm; thence southeast along the road through section 12 of T. 30 S., R. 16 W., and sections 7, 8, 17, 16, 15, 22, 23 and thence north through sections 23 and 14 of T. 30 S., R. 15 W. to the Hatchet ranch headquarters and the point of beginning.

I. GMU 28 (McGregor range portion): Those portions of GMU 28 located on the Fort Bliss military reservation, as follows:

(1) Public hunt area: That portion of the Fort Bliss military reservation lying north of NM 506 excluding that part of the Sacramento division of the Lincoln national forest lying within the McGregor range co-use area.

(2) Military only area: That portion of the Fort Bliss military reservation lying south of NM 506 as defined and restricted by Fort Bliss McGregor range personnel.

J. GMU 32 (Fort Sumner hunt area): That portion of GMU 32 beginning at the intersection of NM state highway 20 and US highway 60, then running south along NM state highway 20 to its junction with Tumbleweed road, then south along Tumbleweed road to its junction with Lone Wolf road, then east along Lone Wolf road to the southwest corner of section 16 of T1N, R26E, then east along the south section lines of sections 16 and 15 of T1N, R26E to the Pecos river, then north along the Pecos river to the southern section line of section 36 of T2N, R26E, then east along the southern section line of section 36 of T2N, R26E to James Spring road, then north and west along James Spring road to the southeast corner of section 26 of T2N, R26E, then north along the east section lines of sections 26, 23, 14, 11 and 2 of T2N, R26E, and sections 35 and 26 of T3N, R26E to US highway 60, then west along US highway 60 to its junction with NM state highway 20.

K. GMU 32 (Roswell hunt area): That portion of GMU 32 beginning at the intersection of US highway 285 and NM state highway 557, then east along NM

state highway 557 to its junction with NM state highway 2, then north along NM state highway 2 to its junction with NM state highway 249, then east along NM state highway 249 to the Pecos river, then north along the Pecos river to the north section line of section 2 of T9S, R25E, then west along the north township lines of T9S, R25E and T9S, R24E to US highway 285, then south along US highway 285 to the northeast corner of section 32 of T9S, R24E, then west along the north section lines of sections 32 and 31 of T9S, R24E, sections 36, 35, 34, 33, 32 and 31 of T9S, R23E, and sections 36, 35, 34 and 33 of T9S, R22E, then south along the west section lines of section 33 of T9S, R22E, sections 4, 9, 16, 21, 28 and 33 of T10S, R22E, sections 4, 9, 16, 21, 28 and 33 of T11S, R22E, sections 4, 9, 16, 21, 28 and 33 of T12S, R22E, then east along the south section lines of sections 33 and 34 of T12S, R22E to the northwest corner of section 1 of T13S, R22E, then south along the west section lines of sections 1, 12, and 13 of T13S, R22E, then east along the south section lines of section 13 of T13S, R22E, sections 18, 17, 16, 15, 14 and 13 of T13S, R23E and section 18 of T13S, R24E to Old YO Crossing road, then south and west along Old YO Crossing road to its junction with NM state highway 13, then east along NM state highway 13 to its junction with US highway 285, then south along US highway 285 to its junction with NM state highway 557.

L. GMU 36 (Fort Stanton hunt area): That portion of GMU 36 comprised of those lands owned and administered by the bureau of land management within the historic Fort Stanton military reservation.

M. GMU 49 (Taos valley overlook): That portion of GMU 49 comprised of those lands owned and administered by the bureau of land management, bounded by the Rio Grande on the west, U. S. Highway 68 on the east, and the Arroyo Hondo canyon on the south.

N. GMU 53 (Cerro portion): That portion of GMU 53 beginning at the intersection of NM 522 and NM 378, then north on NM 522 approximately 3.1 miles to its intersection with CR B-041 (Buena Vista road), then west on CR B-041 1 mile to the dirt road on the boundary of townships T30N and T29N, then west on that dirt road 2 miles to its intersection with CR B-048 (Sunshine-Jarosa road), then south on CR B-048 approximately 1.3 miles to its intersection with NM 378, then southeasterly on NM 378 approximately 3.5 miles to its intersection with NM 522.

O. GMU 55 (Valle Vidal area): That portion of GMU55 comprised of the Valle Vidal unit of the Carson national forest and the Greenwood area of the Vermejo Park Ranch, Inc.

P. GMU 57 (Sugarite canyon state park): That portion of GMU 57 comprised of the Sugarite canyon property owned by the city of Raton and administered by the state parks division of the New Mexico energy, minerals and natural resources department. [19.30.4.10 NMAC - Rp, 19.30.4.11 NMAC, 7-15-13]

**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 10 NEW MEXICO
HUNTER-TRAPPER REPORTING
SYSTEM**

19.30.10.1 ISSUING AGENCY: New Mexico Department of Game and Fish. [19.30.10.1 NMAC - Rp, 19.30.10.1 NMAC, 7-15-13]

19.30.10.2 SCOPE: New Mexico hunters and furbearer hunters and trappers. [19.30.10.2 NMAC - Rp, 19.30.10.2 NMAC, 7-15-13]

**19.30.10.3 S T A T U T O R Y
AUTHORITY:** 17-1-14, 17-3-5, 17-3-7, and 17-3-12 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. [19.30.10.3 NMAC - Rp, 19.30.10.3 NMAC, 7-15-13]

19.30.10.4 D U R A T I O N : Permanent. [19.30.10.4 NMAC - Rp, 19.30.10.4 NMAC, 7-15-13]

19.30.10.5 EFFECTIVE DATE: July 15, 2013, unless a later date is cited at the end of a section. [19.30.10.5 NMAC - Rp, 19.30.10.5 NMAC, 7-15-13]

19.30.10.6 O B J E C T I V E : Establishing a system to collect hunting and trapping information from persons buying certain hunting and trapping licenses in New Mexico. [19.30.10.6 NMAC - Rp, 19.30.10.6 NMAC, 7-15-13]

19.30.10.7 DEFINITIONS:
A. "Confirmation code" shall mean a unique alpha-numeric code that identifies a specific transaction of

information.

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

C. "Hunting or trapping report" shall mean the provision of required information, as determined by the department, by any person licensed or permitted to hunt deer, elk, pronghorn antelope, javelina, Barbary sheep, oryx, Persian ibex and turkey or hunt and trap furbearers in New Mexico, regarding their hunting or trapping activities.

D. "Landowner authorization" shall mean the document generated by the department and issued to a private landowner that authorizes the holder to purchase a specified license.

E. "Private land only deer hunters" shall mean persons that hunt deer during designated private land only hunts.

F. "Special entry hunt" shall mean hunts where hunter numbers are limited by rule and application for license or permit is required.

G. "Application" shall mean any form, approved by the department that requires an individual to supply information that may result in the issuance of a hunting or trapping license or permit.

H. "Application rejected" shall mean that applications for hunting licenses or permits may be rejected by the department pursuant to Subsection H of 19.31.3.8 NMAC, including hunting and trapping activity reporting requirements established herein.

I. "Customer identification number" or "CIN" shall mean that number permanently assigned by the department to uniquely identify a person purchasing a permit or license from the department. [19.30.10.7 NMAC - Rp, 19.30.10.7 NMAC, 7-15-13]

**19.30.10.8 R E P O R T I N G
REQUIREMENTS FOR CERTAIN
LICENSED OR PERMITTED
HUNTERS AND FURBEARER
HUNTERS AND TRAPPERS:**

A. Individuals licensed or permitted to hunt deer, elk, pronghorn antelope, javelina, Barbary sheep, oryx, Persian ibex and turkey or hunt or trap furbearers in the same license year must submit a report for each species using procedures specified by the department. These licensed or permitted hunters and trappers must provide their customer identification number or their first name, last name, date of birth and the last four digits of their social security number at the start of the reporting procedure.

B. Individuals licensed or permitted to hunt deer, elk, pronghorn antelope, javelina, Barbary sheep, oryx,

Persian ibex and turkey or hunt or trap furbearers but not engaging in any hunting or trapping activity must still submit a report.

C. The department shall make available to each hunter or trapper a toll-free telephone number and a website address that can be accessed to provide reports of hunting activities.

D. February 15 reporting deadline: All licensed or permitted deer, elk, pronghorn antelope, and turkey hunters must report the results of their hunting activities, including harvest outcome, no later than February 15th annually for licenses or permits held in that license year. For hunters of pronghorn antelope and turkey, this annual reporting requirement shall not commence until the license year beginning April 1, 2013. Licensed or permitted hunters who fail to report the results of their hunting activities by February 15 for deer, elk, pronghorn antelope, and turkey will incur a late fee pursuant to Subsection F of 19.30.10.8 NMAC.

E. April 7 reporting deadline: All licensed and permitted javelina, Barbary sheep, oryx, and Persian ibex hunters and furbearer hunters and trappers must report the results of their hunting or trapping activities, including harvest outcome, no later than April 7 annually for licenses or permits held in the previous license year. For hunters of javelina, Barbary sheep, oryx, and Persian ibex hunters, this annual reporting requirement shall not commence until the license year beginning April 1, 2013. Licensed or permitted hunters or trappers who fail to report the results of their hunting or trapping activities by April 7 for javelina, Barbary sheep, oryx, and Persian ibex hunters and furbearer hunters and trappers will incur a late fee pursuant to Subsection F of 19.30.10.8 NMAC.

F. Individuals licensed or permitted to hunt deer, elk, pronghorn antelope, javelina, Barbary sheep, oryx, Persian ibex and turkey or hunt or trap furbearers, who fail to report the results of their hunting or trapping activities by specified deadlines may submit their hunting or trapping report late with payment of a fee specified by the department not to exceed \$20 for each late report. Licensed or permitted hunters who fail to report the results of their hunting activities prior to the annual specified deadlines for any special entry hunt application(s), population management authorization(s) or private land authorization(s), submitted for the following license year, will have their applications rejected.

G. Upon submission of a hunting or trapping report for each species, the department shall issue the hunter or trapper a confirmation code validating a fulfillment of the reporting requirement for each species.

[19.30.10.8 NMAC - N, 7-15-13]

19.30.10.9 TRUTH IN REPORTING: Licensed or permitted deer, elk, pronghorn antelope, javelina, Barbary sheep, oryx, Persian ibex and turkey hunters and licensed trappers or furbearer hunters who provide false or fraudulent information regarding the results of hunting or trapping activities shall be assessed revocation points pursuant to 19.31.2 NMAC.

[19.30.10.9 NMAC - Rp, 19.30.10.11 NMAC, 7-15-13]

HISTORY OF 19.30.10 NMAC: 19.30.10 NMAC, New Mexico Hunter-Trapper Reporting System, filed 5-31-2006 - Repealed effective 7-15-2013.

NEW MEXICO DEPARTMENT OF GAME AND FISH

TITLE 19 NATURAL RESOURCES AND WILDLIFE CHAPTER 34 WILDLIFE HABITAT AND LANDS PART 5 WILDLIFE MANAGEMENT AREAS

19.34.5.1 ISSUING AGENCY: New Mexico Department of Game and Fish. [19.34.5.1 NMAC - Rp, 19.34.5.1 NMAC, 7-15-13]

19.34.5.2 SCOPE: Department staff, licensed hunters, anglers and trappers and GAIN permit holders. [19.34.5.2 NMAC - Rp, 19.34.5.2 NMAC, 7-15-13]

19.34.5.3 STATUTORY AUTHORITY: Sections 17-1-14 and 17-1-26 NMSA 1978 provide the New Mexico state game commission with the authority to identify game refuges and to establish rules and regulations that it may deem necessary to carry out the purposes of Chapter 17 NMSA 1978. [19.34.5.3 NMAC - Rp, 19.34.5.3 NMAC, 7-15-13]

19.34.5.4 DURATION: Permanent. [19.34.5.4 NMAC - Rp, 19.34.5.4 NMAC, 7-15-13]

19.34.5.5 EFFECTIVE DATE: July 15, 2013, unless a different date is cited at the end of a section. [19.34.5.5 NMAC - Rp, 19.34.5.5 NMAC, 7-15-13]

19.34.5.6 OBJECTIVE: To identify wildlife management areas created

by the state game commission. [19.34.5.6 NMAC - Rp, 19.34.5.6 NMAC, 7-15-13]

19.34.5.7 DEFINITION: **A.** Wildlife management area (WMA) means an area of land owned or controlled by the state game commission and designated by the commission or department as a WMA.

B. [RESERVED] [19.34.5.7 NMAC - Rp, 19.34.5.7 NMAC, 7-15-13]

19.34.5.8 WILDLIFE MANAGEMENT AREAS:

A. Bear Canyon lake wildlife management area is located approximately 2 miles north of Mimbres and is more fully described in deeds on file in Grant county and with the department.

B. Belen wildlife management area is part of the Ladd S. Gordon complex and is located approximately 2 miles south of Belen and is more fully described in deeds on file in Valencia county and with the department.

C. Bernardo wildlife management area is part of the Ladd S. Gordon complex and is located approximately 15 miles south of Belen and is more fully described in deeds on file in Socorro county and with the department.

D. Bernardo wildlife management area, Simms donation is part of the Ladd S. Gordon complex and is located approximately 16 miles south of Belen and is more fully described in deeds on file in Socorro county and with the department.

E. Bert Clancy wildlife management area is located between Pecos and Cowles and is more fully described in deeds on file in San Miguel county and with the department.

F. Bill Evans lake wildlife management area is located approximately 8 miles south of Cliff and is more fully described in deeds on file in Grant county and with the department.

G. Bluebird wildlife management area is located approximately 6 miles southeast of Cuba on state road 126 and is more fully described in deeds on file in Sandoval county and with the department.

H. Casa Colorada wildlife management area (Ladd S. Gordon complex) is located approximately 7 miles southeast of Belen on the east side of the Rio Grande and is more fully described in deeds on file in Valencia county and with the department.

I. Charette lakes wildlife management area is located approximately 23 miles southwest of Springer and is more fully described in deeds on file in Mora county and with the department.

J. Clayton lake wildlife management area is located approximately

15 miles north of Clayton and is more fully described in deeds on file in Union county and with the department.

K. Colin Neblett wildlife management area is located immediately east of the village of Eagle Nest and Eagle Nest lake and is more fully described in deeds on file in Colfax county and with the department.

L. Eagle Nest lake wildlife management area is located immediately south of the village of Eagle Nest and is more fully described in deeds on file in Colfax county and with the department.

M. Edward Sargent wildlife management area is located immediately north of Chama and is more fully described in deeds on file in Rio Arriba county and with the department.

N. Elliott Barker wildlife management area is located approximately 15 miles northwest of Cimarron and is more fully described in deeds on file in Colfax county and with the department.

O. Fenton lake wildlife management area is located approximately 9 miles north of Jemez Springs and is more fully described in deeds on file in Sandoval county and with the department.

P. Hammond Tract wildlife management area is located approximately 2 miles east of Blanco and is more fully described in deeds on file in San Juan county and with the department.

Q. Heart Bar wildlife management area is located approximately 36 miles north of Silver City and is more fully described in deeds on file in Grant and Catron counties, and with the department.

R. Jackson lake wildlife management area is located approximately 8 miles northwest of Farmington along the La Plata river and includes management of state land office section 16 and bureau of land management section 21 and is more fully described in deeds on file in San Juan county and with the department.

S. La Joya wildlife management area (Ladd S. Gordon complex) is located approximately 20 miles south of Belen and is more fully described in deeds on file in Socorro county and with the department.

T. Lake Roberts wildlife management area is located approximately 20 miles north of Silver City and is more fully described in deeds on file in Grant county and with the department.

U. McAllister lake wildlife management area is located approximately 7 miles southeast of Las Vegas and is more fully described in deeds on file in San Miguel county and with the department.

V. Marquez wildlife management area is located approximately 25 miles north of Laguna and is more fully described in deeds on file in McKinley and

Sandoval counties and with the department.

W. Pine river wildlife management area is located approximately 1 mile south of the Colorado border off state road 511 and is more fully described in deeds on file in San Juan county and with the department.

X. Prairie-chicken wildlife management areas are located throughout Chaves, DeBaca, Lea, and Roosevelt counties and are more fully described in deeds on file in said counties and with the department.

Y. Red Rock wildlife management area is approximately 26 miles north of Lordsburg and is more fully described in deeds on file in Grant county and with the department.

Z. Retherford wildlife management area is located approximately 3 miles southeast of Bloomfield and is more fully described in deeds on file in San Juan county and with the department.

AA. Rio Chama wildlife management area is located approximately 14 miles south of Chama, bordering El Vado reservoir and the Chama river and is more fully described in deeds on file in Rio Arriba county and with the department.

BB. Rio de los Pinos wildlife management area is located approximately 10 miles southwest of Antonito, Colorado and is more fully described in deeds on file in Rio Arriba county and with the department.

CC. Socorro-Escondida wildlife management area is located approximately 3 miles northeast of Socorro and is more fully described in deeds on file in Socorro county and with the department.

DD. Tres Piedras wildlife management area is located approximately 5 miles southeast of Tres Piedras and is more fully described in deeds on file in Taos county and with the department.

EE. Tucumcari lake wildlife management area is located immediately east of Tukumcari and is more fully described in deeds on file in Quay county and with the department.

FF. Urraca wildlife management area is located approximately 12 miles north of Questa and is more fully described in deeds on file in Taos county and with the department.

GG. Wagon Mound wildlife management area is located approximately 1 mile north of Wagon Mound and is more fully described in deeds on file in Mora county and with the department.

HH. Water canyon wildlife management area is located approximately 18 miles northeast of Grants by Mount Taylor and is more fully described in deeds on file in Cibola county and with the department.

II. William S. Huey wildlife management area is comprised of the Artesia and Karr farms and is located

approximately 2 miles north of Artesia and is more fully described in deeds on file in Eddy county and with the department.

JJ. William A. Humphries wildlife management area is located approximately 10 miles west of Chama, south of US highway 64/84 and is more fully described in deeds on file in Rio Arriba county and with the department. [19.34.5.8 NMAC - Rp, 19.34.5.8 NMAC, 7-15-13]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.34.3 NMAC, Sections 2, 5, 7, 9, 11, 12, 13, and 14 effective 7-15-2013.

19.34.3.2 SCOPE: [General public] Department staff, licensed hunters, anglers and trappers and GAIN permit holders. [19.34.3.2 NMAC - Rp, 19.34.3.2 NMAC, 10/30/09; A, 7/15/13]

19.34.3.5 EFFECTIVE DATE: October 30, 2009, unless a later date is cited at the end of [this] a section. [19.34.3.5 NMAC - Rp, 19.34.3.5 NMAC, 10/30/09; A, 7/15/13]

19.34.3.7 DEFINITIONS:
[A. ~~“Activity authorization” shall mean a department document or sign placed on designated land approved by the director that provides dates of use, allowable activities and restrictions or prohibitions applicable to a specific land.~~

~~B. “Commercial” means any wildlife associated activity conducted within land in which any consideration or anything of value is received, by an operator or operator’s agent, except for hunting activities conducted by an outfitter registered with the department.~~

~~C. “Commission” shall mean the New Mexico state game commission.~~

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

~~E. “Department” shall mean the New Mexico department of game and fish.~~

~~F. “Designated land” shall mean dommission owned, operated or controlled properties designated for GAIN activities in accordance with Subsection A of 19.34.3.11 NMAC.~~

~~G. “Gaining access into nature (GAIN)” shall mean a program to provide broadly based wildlife-associated recreation opportunity, not to include~~

~~hunting, trapping or fishing.~~

~~H. “GAIN permit - annual” shall mean a permit purchased from the department or a license vendor authorizing the permit holder to access designated land for purposes of wildlife associated recreation subject to any restrictions and prohibitions in the activity authorization. Such permit shall be valid only during the license year in which it is issued.~~

~~I. “GAIN permit - temporary 5-day” shall mean a permit purchased from the department or a licensed vendor authorizing the permit holder to access desginated land for purposes of wildlife associated recreation subject to any restrictions and prohibitions in the activity authorization. Such permit shall be valid only during the 5-day period specified on the permit.~~

~~J. “Land” shall mean property owned, controlled or operated by the commission except for state parks operated by the energy, minerals, and natural resources department, state parks division on commission-owned property. Activities within state parks that the energy, minerals and natural resources department, state parks division operates on commission-owned property shall be subject to state parks division rules.~~

~~K. “License year” shall mean the period of April 1 through March 31.~~

~~L. “Operator” shall mean the owner of a business and their employees who operate a commercial activity on land pursuant to a commercial permit issued by the department.~~

~~M. “Permit” shall mean any annual, 5-day, or commercial GAIN permit.]~~

A. “Activity authorization” shall mean a department document or a sign placed on designated land approved by the director and subject to 19.34.3.13 NMAC that provides allowable activities and restrictions or prohibitions applicable to a specific land.

B. “Commercial activity” means any wildlife associated activity conducted within land for which a fee is charged or compensation or anything else of value is received by the person or business conducting the activity, except for hunting activities conducted by an outfitter registered with the department.

C. “Commission” shall mean the New Mexico state game commission.

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

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

F. “Designated land” shall mean commission owned, operated

or controlled properties that are designated for GAIN activities in accordance with Subsection A of 19.34.3.11 NMAC.

G. "Gaining access into nature" or "GAIN" shall mean a program to provide broadly based wildlife-associated recreation opportunity, not to include hunting, trapping or fishing.

H. "GAIN activities" shall mean activities conducted on designated land that are specifically authorized by the director by means of an activity authorization.

I. "GAIN permit - annual" shall mean a permit purchased from the department or a license vendor authorizing the permit holder to access designated land for purposes of wildlife associated recreation subject to any restrictions and prohibitions in the activity authorization. Such permit shall be valid only during the license year in which it is issued.

J. "GAIN permit - temporary 5-day" shall mean a permit purchased from the department or a licensed vendor authorizing the permit holder to access designated land for purposes of wildlife associated recreation subject to any restrictions and prohibitions in the activity authorization. Such permit shall be valid only during the 5-day period specified on the permit.

K. "Land" shall mean property owned or controlled by the commission except property upon which state parks are located and operated by the state parks division of the energy, minerals, and natural resources department. Activities on commission-owned land within state parks operated by the state parks division of the energy, minerals and natural resources department shall be subject to state parks division rules.

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

M. "Operator" shall mean any person or entity that conducts commercial activity on land pursuant to a commercial permit issued by the department and that person's or entity's agents.

N. "Permit" shall mean any annual, 5-day, or commercial GAIN permit. [19.34.3.7 NMAC - Rp, 19.34.3.7 NMAC, 10/30/09; A, 7/15/13]

19.34.3.9 USE OF PROPERTIES: Participation in GAIN activities on designated land is a privilege and the issuance of a permit [for] to engage in GAIN activities[; including] and activities authorized by commercial permits, does not constitute a right of use for other uses of the properties and is subject to revocation upon violation of rules and conditions of the property or terms of the permit. [19.34.3.9 NMAC - Rp, 19.34.3.9 NMAC,

10/30/09; A, 7/15/13]

19.34.3.11 PERMITTING PROCEDURE

A. The director may designate land on which wildlife-associated recreation activities other than, or in addition to, hunting, fishing, and trapping may take place subject to commission rule. Such designation shall include the times and places when and where access for such activities is available, terms and condition of access to the land, the activities authorized and the form of a waiver and release, if any, to be executed and delivered to the department as a condition to any access and shall be set forth on the activity authorization for such land.

B. ~~[Upon application on a form approved by the director the department shall issue a permit as requested authorizing the permittee to engage in the activities as designated by the activity authorization for designated land. Permits shall be subject to restrictions and limitations as determined by the department to protect habitat and wildlife interests associated with the property for which a permit is issued.]~~ Upon application on a form approved by the director, the department shall issue a permit authorizing the permittee to engage in GAIN activities on designated land as provided by the activity authorization for such designated land. Permits shall be subject to restrictions and limitations as determined by the department to protect habitat and wildlife interests associated with the property for which a permit is issued.

C. Applications for the Jamie Koch community shelter shall be accepted only at the main office in Santa Fe. Reservations are made on a first come first serve basis. The fee shall cover the day use shelter for a 24 hour period up to [4] four consecutive days. The permit fee shall be established in the activity authorization.

D. The department may charge a fee for the issuance of permits in an amount that shall not exceed the costs to the department for administration associated with each permit, including any application processing costs. Those permit types and fees include the following, and may be less if department accounting indicates such reduced costs, but may not be more without commission approval.

- (1) Accompany department wildlife management actions/surveys - \$81.
- (2) Permit - annual - \$20.
- (3) Permit - temporary 5-day - \$5.
- (4) Department/cooperator-led wildlife viewing event - \$56.
- (5) Department transported wildlife viewing - \$74.
- (6) Commercial permit - to be determined by the director based on the scope of the proposed activity [requested]

specified in the application.

(7) Daily per vehicle fee as designated in the activity authorization.

E. The director shall specify restrictions for each activity designated in Subsection A of 19.34.3.11 NMAC. Such restrictions shall be posted on each property on which a designated activity is permitted, and such restrictions shall be available on the department web site (www.wildlife.state.nm.us).

F. A permit may be revoked by the department upon its determination that a permittee has persistently, flagrantly, or knowingly violated any terms, conditions, or limitations to which the permit is subject, any violations of terms and conditions set forth in the activity authorization, or a violation of any provision of Chapter 17, NMSA 1978 or of any of the rules enacted there under. A revocation under this provision shall be subject to the procedural provisions of Section 17-3-34 NMSA 1978. Such revocation shall preclude issuance of a permit to the permittee for a period designated by the commission, upon recommendation by the department. [19.34.3.11 NMAC - Rp, 19.34.3.11 NMAC, 10/30/09; A, 7/15/13]

19.34.3.12 AUTHORITY OF DIRECTOR: The director shall have the authority to close, in whole or in part, or otherwise restrict the use of land when in the opinion of the director such closure or restriction is reasonably necessary for the protection of such land, wildlife, habitat, the public or otherwise, to respond to circumstances concerning such land. The director shall have the authority to authorize by permit an activity not otherwise specified by an activity authorization on land when in the opinion of the director such activity is not detrimental to the land, wildlife or [purpose for which the land is managed] purpose(s) for which the land is managed and will not result in any expenditure from the game protection fund that is inconsistent with Sections 17-1-28 and 17-1-29 NMSA 1978.

[19.34.3.12 NMAC - Rp, 19.34.3.12 NMAC, 10/30/09; A, 7/15/13]

19.34.3.13 USE OF LAND:

A. It shall be unlawful to conduct any activity on land unless provided for by commission rule, permit or agreement.

B. It shall be unlawful to operate any vehicle off of established roads or on closed roads within land, except as allowed by the director through permit or commission rule, or any county, state or federal law enforcement officer in the discharge of his/her official duties.

C. It shall be unlawful for any person 18 years of age or older to

enter designated land without having in his or her possession either a current hunting, fishing, trapping or limited use license, a permit, a valid park permit issued for a state park associated with that land, or special activity permit where required; and a habitat management and access validation (HMAV). A permit and HMAV shall not be required for that portion of a designated land upon which a New Mexico state park is operated.

D. It shall be unlawful to deface or remove rocks, minerals, plants, animals, firewood or man made feature from any land unless specifically allowed by commission rule.

E. It shall be unlawful for any person to excavate, injure, destroy, or remove any cultural resource or artifact from any land.

F. It shall be unlawful to violate the provisions of posted signs on land.

G. It shall be unlawful to camp in excess of nine consecutive days, except by licensed hunters and their guests concurrent with their permitted hunt[;—s]. Stay limits on designated land upon which a New Mexico state park is operated shall conform to New Mexico state park rule.

H. It shall be unlawful to have an open fire unless safely contained.

I. It shall be unlawful to use or possess any hay or feed for domestic livestock use on land other than pelleted or grain feed, or feed certified as weed free.

J. It shall be unlawful to conduct a commercial activity on land without first obtaining a commercial permit as described in 19.34.3.14 NMAC.

K. Nothing in this rule shall prevent state employees or contract workers from performing administrative duties on land.

L. These restrictions are subject to terms and conditions imposed on state parks pursuant to agreements between the commission and the energy minerals and natural resources department.

M. It shall be unlawful [for persons other than employees living on land to possess dogs or other pets on any land that are not leashed] to possess unleashed dogs or other pets on commission-owned land, except for department employees residing on such land. Exceptions: dogs may be unleashed for permitted field trial or hunting purposes during established seasons only and only on land where use of dogs for hunting purposes is allowed by rule; and dogs may be unleashed for authorized wildlife management activities.

[19.34.3.13 NMAC - Rp, 19.34.3.13 NMAC, 10/30/09; A, 7/15/13]

19.34.3.14 COMMERCIAL PERMITS:

A. A commercial permit

is required for any person or business to conduct a commercial activity as described above on designated land for which a fee is charged, compensation received or anything else of value is received by the person or business:

B. A commercial permit is valid from April 1st until March 31st each year unless specified otherwise on the commercial permit. Each commercial permit shall expire on March 31st regardless of the date it is issued:

C. Any person applying for a commercial permit may obtain an application at any department office or online. The application shall be completed and returned to the conservation services division in Santa Fe. All properly completed applications for commercial permits received shall be reviewed and processed within 30 days:

D. Operators and their employees are exempt from the requirement to purchase a permit when acting under the commercial permit, but shall possess a valid HMAV. A copy of the commercial permit must be in the possession of the operator or employee while on a land:

E. No commercial permit shall be issued until the applicant has provided proof of insurance or bond in the amount of not less than \$1,000,000 naming the department, the commission and state of New Mexico as additional insureds:

F. Operators, their employees and their clients are subject to all applicable state and federal regulations:

G. Commercial permits are not transferable. A commercial permit cannot be sold or transferred for any reason. The department will not refund any portion of the commercial permit fee for any reason:

H. The director may limit the number and type of commercial permits in order to protect resources. The director may prescribe special requirements and conditions for commercial permits when it is in the best interests of the state to do so. Special requirements may include, but are not limited to: limitations on use of designated land, grounds and facilities; designation of a specific area within the designated land in which an operator is allowed to operate; designation of specific days or hours during which an operator is allowed to operate; number of participants; requirements for submission of use and price data; and training requirements:

I. No operator shall violate any condition of the commercial permit or restriction of the designated land. Violation of the commercial permit or a restriction may result in the immediate revocation of the commercial permit. Operators shall be subject to the procedural provisions of Section 17-3-34 NMSA 1978 and Subsection C of 19.31.2.10 NMAC, and 19.31.2.11

through 19.31.2.24 NMAC:

J. The director may deny any application for a commercial permit when in his sole discretion he finds that approval of such application would be contrary to best interests of management of the designated land:

K. A contract or permitted concessionaire or support group of the state parks division of the energy, minerals and natural resources department that has been approved by the commission is not required to obtain a commercial permit to operate activities authorized by the chairperson of the commission or their designee:

L. The director shall establish the fee for each individual commercial permit.]

A. A commercial permit is required for any person or business to conduct a commercial activity on designated land and must be in the possession of the permittee while the permittee is on designated land.

B. Regardless of the date it is issued, a commercial permit is valid from April 1 until March 31 each year unless a shorter time is specified on the commercial permit.

C. Applications for commercial permit may be obtained at any department office or online. Completed applications shall be returned to the department. All properly completed applications for commercial permits shall be reviewed and processed within 30 days of their receipt by the department.

D. Operators and their employees or agents are exempt from the requirement to purchase a permit when acting under the commercial permit, but shall possess a valid HMAV. Each commercial permit shall specify the number of employees or agents authorized to conduct activities on behalf of the permittee pursuant to said permit. A copy of the commercial permit must be in the possession of the operator and every employee or agent while on designated land.

E. No commercial permit shall be issued until the applicant has provided proof of insurance or bond in the amount of not less than \$1,000,000 naming the department, the commission and state of New Mexico as additional insureds.

F. Operators and their clients are subject to all applicable state and federal regulations.

G. Commercial permits are not transferable. A commercial permit cannot be sold or transferred for any reason. The department will not refund any portion of the commercial permit fee for any reason.

H. The director may limit the number and type of commercial permits in order to protect resources. The director may prescribe special requirements and

conditions for commercial permits when, in his sole discretion, it is in the best interests of the state to do so. Special requirements may include, but are not limited to: limitations on use of designated land, grounds and facilities; designation of a specific area within the designated land in which an operator is allowed to operate; designation of specific days or hours during which an operator is allowed to operate; number of participants, requirements for submission of use and price data; and training requirements.

I. No operator shall violate any condition of the commercial permit or restriction of the designated land. Violation of the commercial permit or a restriction may result in the immediate revocation of the commercial permit. Operators shall be subject to the procedural provisions of Section 17-3-34 NMSA 1978 and Subsection C of 19.31.2.10 NMAC, and 19.31.2.11 through 19.31.2.24 NMAC.

J. The director may deny any application for a commercial permit when, in his sole discretion, he finds that approval of such application would be contrary to the best interests of the land, wildlife or the purpose(s) for which the land is managed and may result in any expenditure from the game protection fund that is inconsistent with Sections 17-1-28 and 17-1-29 NMSA 1978.

K. A contract or permitted concessionaire or support group of the state parks division of the energy, minerals and natural resources department that has been approved by the commission is not required to obtain a commercial permit to conduct activities authorized by the commission.

L. The department shall establish the fee for each individual commercial permit it issues.

M. The department reserves the right to cancel or modify any commercial permit in emergency circumstances as determined by the director.

[19.34.3.14 NMAC - Rp, 19.34.3.14 NMAC, 10/30/09; A, 7/15/13]

NEW MEXICO GENERAL SERVICES DEPARTMENT TRANSPORTATION SERVICES DIVISION

This is an amendment to 1.5.3 NMAC, Sections 7 and 10, effective 7-16-2013.

1.5.3.7 DEFINITIONS: In addition to the definitions in NMSA 1978 Section 15-8-3, as used in this rule:

A. account manager means a TSD employee designated to prepare, manage and enforce short-term and long-term TSD/SCFA vehicle leases; serve as liaison for designated state agency authorized drivers and TSD/SCFA

maintenance personnel; prepare monthly billings and utilization reports, etc;

B. agency fleet coordinator means the individual assigned by an agency head or designee who is responsible for providing fleet management information and reports to TSD;

C. alternative fuel means a fuel other than an unleaded gasoline such as E-85, a blend of ethanol and unleaded gasoline; bio-diesel; electricity; compressed natural gas; propane; hydrogen; etc;

D. authorized driver means:

(1) a state employee holding a valid New Mexico driver's license or an approved out of state driver's license and a TSD approved defensive driving certificate who is permitted to use a state vehicle in furtherance of official state business; a valid New Mexico driver's license or an approved out of state driver's license but **does not** include provisional, limited, restricted or administrative permits;

(2) for those candidates for full-time, term or temporary employment with the state of New Mexico that live out-of-state, the following process is required;

(3) once gainfully employed by the state, the out-of-state employee must provide a copy of his driving record to TSD on an annual basis to assure the drivers' license is in good standing; and,

(4) Chapter 66, Article 3, Section 301, Subsection B of the NMSA 1978 stipulates that "any person gainfully employed within the boundaries of this state for a period of thirty days or more within a sixty-day period shall be presumed to be a resident of this state;" therefore, any state employee previously living out-of-state who is gainfully employed by the state of New Mexico and resides within the state of New Mexico for more than thirty days must have a valid drivers' license from the state of New Mexico and a **current TSD approved defensive driving certificate** to operate a state vehicle;

E. authorized passenger means an individual who is permitted to occupy a state vehicle in furtherance of official state business or a person who has received prior authorization from the director or designee to occupy a state vehicle, or where the transport is a part of the daily operations of the department;

F. CAFE standards mean the national highway traffic safety administration corporate average fuel economy standards for passenger vehicles and light trucks;

G. commute means domicile-to-duty privilege authorized by the leasing agency's cabinet secretary or agency head to state authorized drivers where it is in the state's best interest to allow these employees to use a state vehicle

to and from work and residence; (refer to 1.5.3.20 NMAC, AUTHORIZATION TO COMMUTE);

H. custody (of a state vehicle) means the director's or designee's right to exercise final decision-making authority with respect to the purchase, title and registration, use, administration, operation, maintenance, replacement, and disposal of a state vehicle in accordance with state law and regulations;

I. declared gross vehicle weight or DGVW means the maximum weight of a vehicle; the DGVW is used to differentiate between light, medium or heavy duty vehicle utilization;

J. department means the general services department;

K. director means the director of the transportation services division of the general services department;

L. division means the transportation services division of the general services department;

M. DHSEM means the department of homeland security and emergency management;

N. DOT means the department of transportation;

O. DPS means the department of public safety;

P. EMNRD means the energy minerals and natural resources department;

Q. flex fuel vehicle means a vehicle that has the capacity of burning a regular unleaded gasoline and an alternative fuel;

R. DGF means the department of game and fish;

S. GSD means the general services department;

T. G-series license plate means a distinctive government license plate issued by the taxation and revenue department for vehicles of institutions of higher learning, public schools and all other subdivisions of government (cities, counties, villages, conservancy, wastewater, landfill districts, etc.), does not include any state level agency state vehicles of the executive, legislative or judicial branches that will display G-series license plates until replaced by SG license plates through attrition; (see definition FF)

U. inclement weather means road conditions are unsafe for travel. Inclement weather includes but is not limited to: icy or snow packed road conditions, dust storms, or flooding;

(1) TSD will follow state personnel rulings on inclement weather for state business closures and delays;

(2) TSD reserves the right to prohibit the use of state vehicles during inclement weather.

V. NSC means the national

safety council;

W. New Mexico driver's license means a valid driver's license issued by the motor vehicle division of the NM taxation and revenue department; this does not include provisional, limited, restricted, or any court-ordered restricted or administrative license or permit; while an "H" restriction may allow an individual to operate their privately owned vehicle (POV) to and from employment; TSD will not authorize an individual to operate a state vehicle with anything other than a valid drivers' license with no limitations or restrictions;

X. protective license plate means a regular passenger license plate issued to a state vehicle that is in the custody of a state agency, can be traced to that state agency and is being used for sensitive activities;

Y. public agency means an agency other than a state agency as defined in Subsection CC of this section authorized to use SCFA vehicles; this does include institutions of higher learning and public schools;

Z. RMD means the risk management division of the general services department;

AA. SCFA means the state central fleet authority of the transportation services division of the general services department;

BB. secretary means the cabinet secretary of the New Mexico general services department;

CC. sensitive activity means an activity performed by an employee of the state that:

(1) is authorized by the state to be performed for a legitimate and appropriate purpose for the state, other than a legitimate undercover law enforcement purpose; and

(2) would place the employee at a higher risk of personal injury if knowledge of the activity were made public, as determined in writing by an appropriate authority of the employee;

DD. special-use vehicles means state vehicles designated as such by the director or designee, including but not limited to emergency and law enforcement vehicles, buses, tractors, boats, trailers, snow cats, vehicles of a special design or construction that effectively limits their use for a particular purpose, and all other vehicles that are not passenger vehicles;

EE. state agency means a state department, agency, board or commission, including the legislative and judicial branches, this definition includes any public agency authorizing an officer or employee use of a state vehicle;

FF. state employee means any person who has been

elected to, appointed to, or hired for any state office and who receives compensation in the form of salary or is eligible for per diem and mileage reimbursement;

GG. state vehicle means an automobile, van, sport-utility truck, pickup truck or other vehicle with a declared gross vehicle weight of less than ten thousand (10,000) pounds used by a state agency to transport passengers or property;

HH. SG-series license plate means an SG license plate designed for the specific use of agencies of the executive, legislative and judicial branches of state government for vehicles marked as required by Section 15-8-6 NMSA 1978: this does not include institutions of higher learning, public schools or any other political subdivision of government;

II. street license plate means a regular passenger license plate issued to a state vehicle which is in the custody of a state agency and can be traced to that state agency;

JJ. transportation services division or TSD means the transportation services division of the general services department;

KK. undercover license plate means a regular passenger license plate issued to a state vehicle which is registered in a fictitious name and address that cannot be traced to the state agency having custody of the vehicle and that is being used for legitimate law enforcement purposes only.

[1.5.3.7 NMAC - Rp, 1.5.3.7 NMAC, 1-15-13; A, 7-16-13]

1.5.3.10 STATE MOTOR VEHICLE LICENSE PLATES: At the beginning of each fiscal year, the director or designee shall determine which type of license plate shall be issued for each state vehicle. This relates to the state of New Mexico government plate, [street] protective license plate or undercover plate.

A. A state agency may submit a written request for an undercover license plate for any SCFA state vehicle it uses for legitimate undercover law enforcement purposes. The state agency must annually justify the need for an undercover license and must provide statutory authority to that effect.

B. A state agency may submit a written request for a [street] protective license plate for any state vehicle it uses [in situations in which a state government license plate would be inappropriate.] for a sensitive activity. The request must be signed off by the cabinet secretary or agency head attesting that this position is authorized to perform a legitimate and appropriate activity which is sensitive in nature and this activity would place the employee at a higher risk of personal injury if knowledge of the activity was made

public. At the beginning of each fiscal year, the state agency must justify the need for a [street] protective license plate and must provide statutory authority regarding the type of work requiring something other than a state government license plate. Based on the justification, the director or designee may authorize the [street] protective license plate[- however, the use of a magnetic decal depicting the great seal of the state of New Mexico and the name of the agency must be used in those cases when investigative work is not being done. The requesting state agency shall bear the cost of all magnetic decals].

C. The director or designee shall issue a state of New Mexico government license plate with permanent decals for all other state agency vehicles.

(1) All vehicles must display the state seal and an identifying decal describing the user agency, i.e. state of New Mexico motor pool, or the appropriate acronym identifying the user agency.

(2) All state vehicles must display the 1-800-627-6639 vehicle abuse program bumper sticker.

(3) All state vehicles must display the #DWI bumper sticker.

(4) User agencies will be billed the cost of replacement of authorized official decals or stickers.

(5) User agencies may use their own non-permanent decals upon acquiring director's or designee's written authorization. Cost for these decals will be the responsibility of the user agency.

(6) Deviation from the SCFA official decals and stickers must receive written prior authorization from the director or designee.

[1.5.3.10 NMAC - Rp, 1.5.3.10 NMAC, 1-15-13; A, 7-16-13]

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

This is an amendment to 8.102.110 NMAC, Section 8, effective July 15, 2013.

8.102.110.8 GENERAL

A. Application form:
The application shall be submitted on a form designated by the department either electronically or in writing and is made under oath by an applicant with whom a dependent child resides. The department shall assist an applicant in completing the application for cash assistance or services. The application must contain a statement of the age of the child; residence; a statement of property in which the applicant has an interest; a statement of the income that the applicant or other benefit group members have at the time the application is filed; a signature under penalty of perjury from the

applicant; and other information required by the department.

B. Interview:

(1) A face-to-face interview with the applicant shall be required in order to obtain information needed to determine eligibility, verify, and record the facts supporting the application; and to give the applicant information about department programs and program requirements. When circumstances warrant, the household shall be interviewed by telephone or another place reasonably accessible and agreeable to by the applicant and the caseworker in accordance with 8.102.110.11 NMAC.

(2) The applicant must identify all individuals living in the residence whether or not the individuals are requesting assistance. The applicant and the department shall identify all individuals who must be included in the benefit group.

(3) Other information, documents, and collateral contacts may be required to determine eligibility. Requests for verification are made in accordance with provisions set forth in 8.100.130 NMAC.

[D:] C. Resource planning session: The applicant shall be provided a resource planning session no later than 30 days after an application is filed. The department shall attempt to provide a resource planning session prior to approving the application, but it is not mandatory. Failure to provide a resource planning session shall not impede registration or processing of the application. The focus of the resource planning session is to ascertain the applicant's immediate needs, assess the applicant's financial and non-financial options, and to provide general information about departmental assistance programs. The caseworker shall assist the applicant in exploring and accessing any other financial or non-financial options that may meet the benefit group's needs. If there is any indication that the applicant might be eligible for SSI, the relative advantages of the SSI program shall be explained and the applicant shall be referred to the local social security office.

[E:] D. EBT orientation: NMW cash assistance benefits shall be authorized and available through an electronic benefit transfer (EBT) account. The department shall provide EBT training to an applicant in order to be able to access cash assistance benefits.

[F:] E. Application processing time limit: An application for NMW cash assistance shall be processed no later than 30 days after an application is filed. No later than five days after the application is approved, a reimbursement for childcare shall be provided, subject to the appropriation and availability of state or federal funds. [8.102.110.8 NMAC - Rp 8.102.110.8 NMAC, 07/01/2001; A, 11/15/2007; A, 07/01/2013; A, 07/15/2013]

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

This is an amendment to 8.139.100 NMAC, Sections 7 and 8, effective July 15, 2013.

8.139.100.7 DEFINITIONS:

A. Definitions A-L:

(1) **Adequate notice:** means a written notice sent by mail or electronically that includes a statement of the action HSD has taken or intends to take, reason for the action, household right to a fair hearing, name of the individual to contact for additional information, the availability of continued benefits liability of the household for any ~~overissuances~~ over-issuances received if hearing decision is adverse to the household. An adequate notice may be received prior to an action to reduce benefits, or at the time reduced benefits will be received, or if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, participants have 13 days from the mailing or electronic distribution date of the notice to request that benefits be restored to their previous level pending the outcome of an administrative hearing.

(2) **Adjusted net income:** means the household's gross monthly income less the standard deduction, earned income deduction, dependent care deduction and the shelter deduction. (Medical expenses are allowed for certain eligible members as a deduction from their gross income). ~~[30 percent of this amount subtracted from the MFSA for the household's size is its benefit amount:]~~

(3) **Application:** means a ~~[written] request, on the appropriate ISD form, [signed by or on behalf of an individual or family, for assistance]~~ submitted in a written or electronic format with the signature of the applicant or on the applicant's behalf by an authorized representative, for assistance.

(4) **Annual reporting:** ~~[means] is a reporting requirement [that allows a] where the SNAP household is placed on a 24-month certification period and requires [a] the household to submit a report in the twelfth month of the certification period. [During the certification period, a household on annual reporting is only required to report when the household's income reaches or exceeds 130 percent of the federal poverty guideline for the size of the household.]~~

(5) **Attendant:** means an individual needed in the home for medical, housekeeping, or child care reasons.

(6) **Authorized representative:** means an individual designated by a household or responsible member to act on its behalf in applying for ~~[food stamp]~~

~~SNAP benefits, obtaining [food stamp] SNAP benefits, or using [food stamp] SNAP benefits to purchase food for the household. This can include a public or private, nonprofit organization or institution providing assistance, such as a treatment or rehabilitation center or shelter which acts on behalf of the resident applicant.~~

(7) **Benefit month:** means the month for which ~~[food stamp] SNAP~~ benefits have been issued. This term is synonymous with issuance month defined below.

(8) **Beginning month:** means the first month for which a household is certified after a lapse in certification of at least one calendar month ~~[in any project area]. Beginning month and initial month are used interchangeably.~~ A household is budgeted prospectively in a beginning month. ~~[A beginning month is also an initial month.]~~

(9) **Boarder:** means an individual to whom a household furnishes lodging and meals for reasonable compensation. Such a person is not considered a member of the household for determining the ~~[food stamp] SNAP~~ benefit amount.

(10) **Boarding house:** means a commercial establishment, which offers meals and lodging for compensation with the intention of making a profit. The number of boarders residing in a boarding house is not used to establish if a boarding house is a commercial enterprise.

(11) **Budget month:** means the calendar month for which income and other circumstances of the household are determined in order to calculate the ~~[food stamp] SNAP~~ benefit amount. During the beginning month of application, prospective budgeting shall be used and therefore, the budget month and the issuance month are the same.

(12) **Capital gains:** means proceeds from the sale of capital goods or equipment.

(13) **Categorical eligibility (CE):** means a ~~[food stamp] SNAP~~ household that meets one of the following conditions ~~[is considered to be CE and have limited eligibility requirements:]~~

(a) **Financial CE:** Any ~~[food stamp] SNAP~~ household in which all members receive Title IV-A assistance (TANF), general assistance (GA), or supplemental security income (SSI) benefits is considered to be categorically eligible for ~~[food stamp] SNAP~~ benefits.

(b) **Broad-based CE:** Any ~~[food stamp] SNAP~~ household, in good standing, in which at least one member is receiving a non-cash TANF/MOE funded benefit or service and household income is below 165% FPG.

(14) **Cash assistance (CA) households:** (also referred to as financial assistance) means households composed entirely of persons who receive CA

payments. Cash assistance (CA) means any of the following programs authorized by the Social Security Act of 1935, as amended: old age assistance; temporary assistance to needy families (TANF); aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind or disabled. It also means general assistance (GA), cash payments financed by state or local funds made to adults with no children who have been determined disabled, or to children who live with an adult who is not related. CA households composed entirely of TANF, GA or SSI recipients are categorically eligible for [FS] SNAP.

(15) Certification: means the authorization of eligibility of a household and issuance of [food-stamp] SNAP benefits.

(16) Certification period: means the period assigned for which a [households] household is eligible to receive [food-stamp] SNAP benefits. The certification period shall conform to calendar months and includes the requirement for the completion of an interim report to be completed in the sixth month for semi-annual reporting households and the twelfth month for annual reporting households.

(17) Collateral contact: means an individual or agency designated by the household to provide information concerning eligibility.

(18) Communal diner: means an individual sixty (60) years of age or over who is not a resident of an institution or a boarding house, who is living alone or with a spouse, and elects to use [food-stamp] SNAP benefits to purchase meals prepared for the elderly at a communal dining facility which has been authorized by USDA/FNS to accept [food-stamp] SNAP benefits.

(19) Communal dining facility: means a public or [private] nonprofit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for SSI recipients, and their spouses; a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concession prices to elderly persons or SSI recipients and their spouses. Such establishments include a facility such as a senior citizen's center, an apartment building occupied primarily by elderly persons, or any public or private nonprofit school (tax exempt) which prepares and serves meals for elderly persons.

(20) Conversion factor: [means anticipated monthly income received on a weekly or bi-weekly basis shall be converted to a monthly amount] means the calculation used to convert income that is received on a

weekly or biweekly basis to an anticipated monthly amount.

(21) Date of application: means the date an application is received by the income support division offices during regular business hours. Applications that are dropped off or submitted electronically after regular business hours will be considered received as of the next business day.

(22) Date of admission: means the date established by the [immigration and naturalization service] United States citizenship and immigration services as the date an alien (or sponsored alien) was admitted for permanent residence.

(23) Date of entry: means the date established by the [immigration and naturalization service] United States citizenship and immigration services as the date an alien (or sponsored alien) was admitted for permanent residence.

(24) Disability: means the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment.

(25) Disabled member: see [elderly/disabled] elderly or disabled member.

(26) Documentation: means a written statement entered in the paper or electronic case record regarding the type of verification used and a summary of the information obtained to determine eligibility.

(27) Drug addiction or alcoholic treatment and rehabilitation program: means any drug addiction treatment or alcoholic treatment and rehabilitation program conducted by a private, nonprofit organization or institution, or a publicly operated community mental health center under part B of title XIX of the Public Health Service Act (42 U.S.C. 3004 et seq.)

(28) Elderly or disabled member:

(a) Elderly: means an individual 60 years or older.

(b) Disabled: means a person who meets any of the following standards:

(i) receives supplemental security income (SSI) under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;

(ii) receives federally or state administered supplemental benefits under section 1616a of the Social Security Act, provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;

(iii) receives federally or state administered supplemental benefits under section [212(a)] 211(a) of Pub. L. 93-66, supplemental security income benefits for essential persons;

(iv) receives disability retirement benefits from a government agency (e.g. civil service, ERA, and PERA) because of a disability considered permanent under section 221(i) of the Social Security Act;

(v) is a veteran with a service-connected or non-service connected disability rated by the veterans administration (VA) as total or paid as total by the VA under title 38 of the United States [code] Code;

(vi) is a veteran considered by the VA to be in need of regular aid and attendance or permanently homebound under title 38 of the United States code;

(vii) is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently homebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States code;

(viii) is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for service-connected death or pension benefits for a non-service-connected death under title 38 of the United States code and has a disability considered permanent under section 221(i) of the Social Security Act ("entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated, or have been approved for such payments, but are not yet receiving them); or

(ix) receives an annuity payment under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive medicare by the railroad retirement board, or section 2(a)(i)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act;

(x) is a recipient of interim assistance benefits pending the receipt of supplemental security income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based state general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the state agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

(29) Eligible foods: means:

(a) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot-food products prepared for immediate consumption;

(b) seeds and plants to grow foods for the personal consumption of eligible households;

(c) meals prepared and delivered by an authorized meal delivery service to households eligible to use [food stamp] SNAP benefits to purchase delivered meals, or meals served by an authorized communal dining facility for the elderly, for SSI households, or both, to households eligible to use [food stamp] SNAP benefits for communal dining;

(d) meals prepared and served by a drug addict or alcoholic treatment and rehabilitation center to eligible households;

(e) meals prepared and served by a group living arrangement facility to residents who are blind or disabled as found in the definition of "elderly or disabled member" contained in this section;

(f) meals prepared and served by a shelter for battered women and children to its eligible residents; and

(g) in the case of homeless [food stamp] SNAP households, meals prepared and served by an authorized public or private nonprofit establishment (e.g. soup kitchen, temporary shelter) approved by HSD that feeds homeless persons.

~~[(29)]~~ (30) **Encumbrance:** means debt owed on property.

~~[(30)]~~ (31) **Equity value:** means the fair market value of property, less any encumbrances owed on the property.

~~[(31)]~~ (32) **Excluded household members:** means individuals residing within a household who are excluded when determining household size, the [food stamp] SNAP benefit amount or the appropriate [MFSA] maximum food stamp allotment (MFSA). These include ineligible aliens, individuals disqualified for failure to provide an SSN~~[or failure]~~ or to comply with the work requirements, and those disqualified for intentional program violation. The resources and income (counted in whole or in part) of these individuals shall be considered available to the remaining household members. ~~[(See non-household members):]~~

~~[(32)]~~ (33) **Expedited services:** means the process by which households reporting little or no income or resources shall be provided an opportunity to participate in the FSP, no later than the seventh calendar day following the date the application was filed.

~~[(33)]~~ (34) **Expungement:** means the permanent deletion of [food stamp] SNAP benefits from an EBT account that is stale.

~~[(34)]~~ (35) **Fair hearing:** an administrative procedure during which a claimant or the claimant's representative may present a grievance to show why he/she believes an action or proposed action by HSD is incorrect or inaccurate.

~~[(35)]~~ (36) **Fair market value (FMV):** means the amount an item can be expected to sell for on the open market. ~~[The prevailing rate of return, such as square-foot rental for similar usage of real property in an area:]~~

~~[(36) Financial assistance (FA) households:~~ (also referred to as cash assistance) means households composed entirely of persons who receive FA payments. Financial assistance (FA) means any of the following programs authorized by the Social Security Act of 1935, as amended: old age assistance; temporary assistance to needy families (TANF); aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind or disabled. ~~It also means general assistance (GA), cash payments financed by state or local funds, made to adults with no children who have been determined disabled, or to children who live with an adult who is not related. FA households composed entirely of TANF, GA or SSI recipients are categorically eligible for FS:]~~

(37) **FNS:** means the food and nutrition service of the United States department of agriculture (USDA).

(38) **Food Stamp Act:** the Food and Nutrition Act of 2008, and subsequent amendments.

~~[(39) Fraud:~~ [the elements of fraud are:

~~_____ (a) intentionally taking anything of value;~~

~~_____ (b) intentionally making a misrepresentation of, or failing to disclose, a material fact: with the knowledge that such a fact is material (necessary to determine initial/ongoing eligibility or benefit entitlement); and with the knowledge that the information is false; and with the intent that the information be acted upon (deceive/cheat); with reasonable reliance on the person who hears the information to accept it as the truth.~~

~~[(c) In determining whether there is a "reasonable suspicion" of client fraud, particular attention shall be given to the client's intent in providing false information or withholding information. The law requires that the client acted intentionally in giving or withholding information, and with the further specific intent to deceive or cheat. _____ (d) The materiality of the information in question is determined by whether the information was necessary to determine eligibility or benefit amounts. However, the client must have knowledge that the information is material to the client's eligibility or benefit amount.~~

~~_____ (e) In order to establish a "reasonable suspicion" of client fraud, there must be identifiable objective factors indicating that there is a possibility of fraud in the case. This means that there must be more than a "hunch". However, it is not~~

necessary for the caseworker to make a determination that fraud has been actually committed.]

(40) **Full time employment [(FS):** means working thirty (30) hours or more per week, or earning income equivalent to the federal minimum wage multiplied by 30 hours.

(41) **General assistance (GA) households:** means a household in which all members receive cash assistance financed by state or local funds.

(42) **Gross income:** means the total amount of income that a household is entitled to receive before any voluntary or involuntary deductions are made, such as, but not limited to, federal and state taxes, FICA, garnishments, insurance premiums (including medicare), and monies due and owing the household, but diverted by the provider. Gross income does not include specific income exclusions, such as, but not limited to, the cost of producing self-employment income, and income excluded by federal law.

(43) **Group living arrangements:** means a residential setting that serves no more than sixteen residents that is certified by DOH under regulations issued under section 1616(e) of the Social Security Act, or under standards determined by the secretary to be comparable to standards implemented by appropriate state agencies under section 1616(e) of the Social Security Act. To be eligible for [food stamp] SNAP benefits, a resident shall be living in a public or private non-profit group living arrangement and must be blind or disabled as defined in the definition of "elderly or disabled member" set forth at (i) through (x) of Subparagraph (b) of Paragraph (25) of Subsection A of 8.139.100.7 NMAC.

(44) **Head of household:** the household is the basic assistance unit for the [food stamp] SNAP program. The household has the right to select the head of household in accordance with [the] CFR 273.1 (d).

(45) **Homeless individual:** means an individual who lacks a fixed and regular nighttime residence, or an individual whose primary nighttime residence is:

(a) a supervised shelter providing temporary accommodations (such as a welfare hotel or congregate shelter);

(b) a halfway house or similar institution providing temporary residence for individuals intended to be institutionalized;

(c) a temporary accommodation for no more than 90 days in the residence of another individual, beginning on the date the individual moves into the temporary residence; or

(d) a place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (e.g. a hallway, a bus station, a lobby or similar [places] places).

(46) Homeless meal provider: means a public or private nonprofit establishment, (e.g., soup kitchen, temporary shelter), approved by an appropriate state agency, that feeds homeless persons.

(47) Immigrant: means a lawfully admitted alien who entered the U.S. with the expressed intention of establishing permanent residence as defined in the federal act.

~~[(48) Immigration and naturalization service (INS): a division of the U.S. department of justice.]~~

~~(49)~~ **(48) Ineligible alien:** means an individual who does not meet the eligible alien requirements or who is not admitted for permanent residence.

(49) Income: means all monies received by the household from any source, excluding only the items specified by law or regulation. Income is also defined as any monetary gain or benefit to the household.

(50) Income and eligibility verification system: means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act, referred to as IEVS.

(51) Initial month: means the first month for which a first-time household is certified for participation in ~~[the food stamp program]~~ SNAP. An initial month is also a month in which a household is certified following a break in participation of one calendar month or longer. For migrant or seasonal farm worker households, an initial month shall only be considered if there has been an interruption in certification of at least one calendar month.

(52) Inquiry: means a request for information about eligibility requirements for a cash, medical, or food assistance program that is not an application[-] (although the inquiry may be followed by an application).

~~(53) Institution of higher education: [means any institution which normally requires a high school diploma or equivalency certificate for enrollment, including, but not limited to, colleges, universities, and vocational or technical schools at the post-high school level]~~ means certain college-level institutions, such as vocational schools, trade schools, and career colleges that award academic degrees or professional certifications.

(54) Institution of post-secondary education: means ~~[an institution of post-secondary education and]~~ any public or private educational institution that normally requires a high school diploma or equivalency certificate for enrollment, or that admits persons who are beyond the age of compulsory school attendance in the state in which the institution is located regardless of the high school prerequisite, provided

that the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education in the state or provides a program of training to prepare students for gainful employment.

(55) Irrevocable trust [funds]: means an arrangement to have monies held by one person for the benefit of another that cannot be revoked.

(56) Issuance month: means the calendar month for which ~~[food stamps are]~~ SNAP is issued. In prospective budgeting, the budget and issuance months are the same. In retrospective budgeting, the issuance month follows the budget month.

(57) Low-income household: means a household whose annual income does not exceed 125 percent of the office of management and budget poverty guideline.

B. Definitions M-Z:

(1) Maintenance of effort (MOE): means the amount of general funds the state agency must expend annually on the four purposes of ~~[TANF temporary assistance for needy families (TANF)]~~ to meet a minimum expenditure requirement based on a ~~[states]~~ state's historical [AFDC] assistance to families with dependent children (AFDC) expenditures.

(2) Maximum food stamp allotment (MFSA): means the cost of the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child six through eight, and a child nine through 11 years of age. The cost of such a diet shall be the basis for uniform [food stamp] SNAP benefit amounts for all households, regardless of their actual composition. In order to develop maximum [food stamp] SNAP benefit amounts, the USDA makes adjustments for household size taking into account the economies of scale and other adjustments as required by law. The MFSA is used to determine if a boarder is paying reasonable compensation for services. The maximum [food stamp] SNAP allotment (MFSA) was previously named the thrifty ~~[good]~~ food plan (TFP).

(3) Meal delivery service: means a political subdivision, a private nonprofit organization, or a private establishment with which a state or local agency has contracted for the preparation and delivery of meals at concession prices to elderly persons, and their spouses, and to the physically or mentally handicapped, and to persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.

(4) Medicaid: medical assistance under title XIX of the Social Security Act, as amended.

(5) Migrant/migrant household: means an individual who travels away from home on a regular basis with a group of laborers to seek employment in an

agriculturally related activity. A migrant household is a group that travels for this purpose.

(6) Mixed households: means those households in which some but not all of the members receive cash assistance benefits.

(7) Net monthly income: means gross nonexempt income minus the allowable deductions. It is the income figure used to determine eligibility and ~~[food stamp]~~ SNAP benefit amount.

(8) Non-cash assistance (NCA) households: means any household, which does not meet the definition of a cash assistance household, including households composed of both cash assistance and NCA members (mixed household). Same as non-financial households (NFA).

(9) Non-cash TANF/MOE benefit or service: means non-cash TANF/MOE benefit or services include programs or services that do not provide cash to recipients, but are funded by the TANF program, either by the federal TANF block grant or the state MOE share. These services may include transportation, childcare, counseling programs, parenting programs, pamphlets or referrals to other TANF/MOE-funded services.

(10) Non-financial assistance (NFA) households: means any household, which does not meet the definition of a financial assistance household, including households composed of both cash assistance and NFA members (mixed household). ~~[Same] NFA has the same meaning as non-cash households (NCA).~~

(11) Nonhousehold members: means persons residing with a household who are specifically excluded by regulation from being included in the household certification, and whose income and resources are excluded. Nonhousehold members include roomers, boarders, attendants, and ineligible students. Included in this classification are institutionalized household members such as children attending school away from home and members who are hospitalized or in a nursing home.

(12) Notice: means written correspondence that is generated by any method including handwritten, typed or electronic, delivered to the client or an authorized representative by hand, U.S. mail, professional delivery or by any electronic means. The term "written notice" and "notice" are used interchangeably.

(13) Notice of adverse action (NOAA): means a notice informing the household that an action is being taken by the department that adversely affects eligibility or the amount of benefits a household receives, including withholding, suspending, reducing or terminating benefits. The NOAA shall be issued to the household before taking the adverse action.

Benefits will not be reduced until 13 days from the date on the adverse action. If the 13th day falls on a weekend or holiday, the next working day is counted as the last day of the 13-day adverse action period.

~~[(12)]~~ **(14) [Overissuance] Over-issuance:** means the amount by which [food stamp] SNAP benefits issued to a household exceed the amount the household was eligible to receive.

~~[(13)]~~ **(15) Period of intended use:** means the month in which the benefits are issued if issued before the 20th of the month. For benefits issued after the 20th of the month, the period of intended use is the rest of the month and the following month.

~~[(14)]~~ **(16) Principal wage earner:** means the household member with the greatest amount of earned income in the two months preceding a determination that a program rule has been violated. This applies only if the employment involves 20 hours or more a week or pays wages equivalent to the federal minimum wage multiplied by 20 hours. In making this evaluation, the entire household membership shall be considered, even those who are excluded or disqualified but whose income must be counted for eligibility and benefit amount determination. For purposes of determining noncompliance with the [food-stamp] SNAP work requirements, including employment and training components, voluntary quit, and work-fare, the head of household is the principal wage earner unless the household has selected an adult parent of children (of any age) or an adult with parental control over children (under age 18) as the designated head of household as agreed upon by all adult members of the household. A person of any age shall not be considered the principal wage earner if [they are] the person is living with a parent or person fulfilling the role of parent[-if-] or the parent or parent-substitute is:

(a) registered for employment;

(b) exempt because of Title IV compliance;

(c) in receipt of UCB or is registered as part of the UCB process; or

(d) employed or self-employed a minimum of 30 hours a week or receiving income at the federal minimum hourly rate multiplied by 30 hours.

~~[(15)]~~ **[Project area:** means the county office or similar political subdivision designated as the unit for FSP operations.]

~~[(16)]~~ **(17) Prospective budgeting:** means the computation of a household's eligibility and benefit amount based on a reasonable estimate of income and circumstances that will exist in the current month and future months.

~~[(17)]~~ **(18) Quality control (QC):** [federally-mandated] means the federal mandate, as part of the performance reporting system whereby each state agency

is required to review a sample of active cases for eligibility and benefit issuance, and to review a sample of negative cases for correct application of policy. The objectives are to determine a state's compliance with the Food Stamp Act and CFR regulations, and to establish the basis for a state's error rate, corrective action to avoid future errors, and liability for errors in excess of national standards, or eligibility for enhanced federal funding if the error rate is below national standards.

~~[(18)]~~ **(19) Real property:** means land, buildings, and whatever is built on or affixed to the land.

~~[(19)]~~ **(20) Recipient:** means a person receiving [food-stamp] SNAP benefits. ~~[(same as a participant-)]~~ Recipient is the same as participant.

~~[(20)]~~ **(21) Refugee:** means a lawfully admitted individual granted conditional entry into the U.S.

~~[(21)]~~ **(22) Reasonable compensation:** means a boarder payment[-; in-cash, equivalent to] amount that equals or exceeds the MFSA for the number of boarders.

~~[(22)]~~ **(23) Regular reporting:** means a reporting requirement in which a household is not required to meet semiannual reporting requirements, [and] but must report a financial or non-financial change within ten days of the date the change becomes known to the household.

(a) A financial change becomes known to the household when the household receives the first payment attributed to an income or resource change, or when the first payment is made for an allowable expense.

(b) A non-financial change, including but not limited to, a change in household composition or a change in address, becomes known to the household on the date the change takes place.

~~[(23)]~~ **(24) Retail food store:** means:

(a) an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume, as determined by visual inspection, sales records, purchase records, or other inventory or accounting record keeping methods that are customary or reasonable in the retail food industry, is more than 50 percent staple food items for home preparation and consumption;

(b) public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; publicly operated community mental health centers which conduct residential programs for drug addicts or alcoholics;

(c) public or private nonprofit group living arrangements, or public or private nonprofit shelters for battered women and children, or public or private nonprofit

establishments, approved by HSD, or a local agency, that feed homeless persons;

(d) any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; a farmer's market.

~~[(24)]~~ **(25) Retrospective budgeting:** means the computation of a household's benefits for an issuance month based on actual income and circumstances that existed in the previous month, the 'budget' month.

~~[(25)]~~ **(26) Self-employed:** means an individual who engages in a self-managed enterprise for the purpose of providing support and income and who does not have the usual withholding deducted from this income. ~~[(The individual is)]~~ Self-employed individuals are not eligible to draw UCB by virtue of their job efforts.

~~[(26)]~~ **(27) Semiannual reporting:** means a reporting requirement that allows a 12-month certification period and requires a household to submit a report in the sixth month of the certification period. ~~[(During the certification period, a household on semiannual reporting is only required to report when the household's income reaches or exceeds 130 percent of the federal poverty guideline for the size of the household)]~~ The household is required to report changes during the certification period in accordance with regulation at 8.139.120 NMAC.

~~[(27)]~~ **(28) Simplified reporting:** means an alternative change reporting requirement for households that receive [food-stamp] SNAP benefits.

~~[(28)]~~ **(29) Shelter for battered women and children:** means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

~~[(29)]~~ **(30) Sponsor:** means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien's entry or admission to the United States as a permanent resident.

~~[(30)]~~ **(31) Sponsored alien:** means an alien lawfully admitted for permanent residence in the United States as an immigrant, as defined in Subsection 101(a)(15) and Subsection 101(a)(2) of the Immigration and Nationality Act.

~~[(31)]~~ **(32) Spouse:** means either of two individuals who:

(a) would be defined as married to each other under applicable state law; or

(b) are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

~~[(32)]~~ **(33) Stale:** means EBT accounts which have not been accessed, ~~no withdrawal activity, by the household in the last~~ or had any withdrawal activity by the household for 90 days from the most recent date of withdrawal.

~~[(33)]~~ **(34) Standard utility allowance (SUA):** means an average utility amount used year round that includes the actual expense of heating and cooling fuel, electricity (apart from heating or cooling), the basic service fee for one telephone, water, sewerage, and garbage and trash collection. This amount is adjusted annually to reflect changes in expenses. A cooling expense is a verifiable utility expense relating to the operation of air conditioning.

~~[(34)]~~ **(35) State wage information collection agency:** ~~[the wage information collection agency for the state of New Mexico is]~~ means for New Mexico the department of workforce solutions, employment security division (ESD) which administers the state employment compensation law and ~~[which]~~ provides a quarterly report of employment related income and eligibility data.

~~[(35)]~~ **(36) Striker:** means anyone involved in a strike or concerted work stoppage by employees (including stoppage due to the expiration of a collective bargaining agreement) and any concerted slow down or other concerted interruption of operations by employees.

~~[(36)]~~ **(37) Student:** means an individual attending ~~[school]~~ at least half time, as defined by the institution~~;~~ any kindergarten, preschool, grade school, high school, vocational school, technical school, training program, college, or university.

(38) Supplemental nutrition assistance program (SNAP): The Food and Nutrition Act of 2008 changed the federal name of the food stamp program to the supplemental nutrition assistance program. SNAP is synonymous with the food stamp program.

(39) Supplemental nutrition assistance program trafficking: means:

(a) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

(b) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;

(c) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount,

intentionally discarding the product, and intentionally returning the container for the deposit amount;

(d) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

(e) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

~~[(37)]~~ **(40) Supplemental security income (SSI):** means monthly cash payments made under the authority of:

(a) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled; or

(b) section 1616(a) of the Social Security Act; or

(c) section 212(a) of P.L. 93-66.

~~[(38)]~~ **(41) SSI household:** means a household in which all members are applicants or recipients of SSI. An SSI household may also apply for ~~[food stamps]~~ SNAP through a social security office. The application must be forwarded to the appropriate ~~[food stamp]~~ SNAP (ISD) office for processing. SSI households are categorically eligible.

~~[(39)]~~ **(42) Supplementary unemployment benefits (SUB):** part of the guaranteed annual wage provisions in the auto industry whereby the company supplements state UCB to insure that laid off workers receive a guaranteed amount of income during the layoff period.

~~[(40)]~~ **(43) Thrifty food plan (TFP):** see maximum food stamp allotment.

~~[(41)]~~ **(44) Transitional housing:** ~~[housing is transitional if its]~~ means housing for which the purpose is to facilitate the movement of homeless individuals and families to permanent housing within 24 months, or such longer period as is determined necessary. All types of housing meant to be transitional should be considered as such for the purpose of determining exclusion. The definition does not exclude specific types of housing and does not require the presence of cooking facilities in a dwelling.

~~[(42)]~~ **(45) Vehicles:** means a mode of transportation for the conveyance of passengers to or from employment, daily living, or for the transportation of goods. ~~[For purposes of the food stamp program boats, trailers, and mobile homes shall not be considered as vehicles]~~ Boats, trailers and mobile homes shall not be considered vehicles, for purposes of SNAP.

~~[(43)]~~ **(46) Verification:** means the use of third-party information or documentation to establish the accuracy of statements on the application.

NMAC & A, 02/14/2002; A, 01/01/2004; A, 02/28/2007; A/E, 10/15/2008; A, 04/01/2010; A, 07/15/2013]

8.139.100.8 ABBREVIATIONS & ACRONYMS:

A. Abbreviations and acronyms:

(1) ABAWD: able bodied adults without dependents

(2) AFDC: aid to families with dependent children (replaced by TANF effective July 1, 1997)

(3) AR: annual reporting

(4) BIA-GA: bureau of Indian affairs-general assistance

(5) CA: cash assistance (same as financial assistance)

(6) CE: categorical eligibility or categorically eligible

(7) CFR: code of federal regulations

(8) CPI-U: consumer price index for urban consumers

(9) CS: child support

(10) CSED: (HSD) child support enforcement division

(11) CYFD: (New Mexico) children youth & families department

(12) DOH: (New Mexico) department of health

(13) DOJ: (United States) department of justice

(14) DOL: (New Mexico) department of labor

(15) DOT: dictionary of occupational titles

(16) DRIPS: disqualified recipient information processing system

(17) E&T: employment and training

(18) EBT: electronic benefit transfer

(19) EC: employment counselor

(20) EI: earned income

(21) EW: eligibility worker (now FAA or caseworker)

(22) FA: financial assistance (same as cash assistance)

(23) FAA: family assistance analyst (caseworker)

(24) FCS: food and consumer services of the USDA, now FNS

(25) FFY: federal fiscal year

(26) FMV: fair market value

(27) FNS: food and nutrition service

(28) FSP: food stamp program

(29) GA: general assistance

(30) GED: general equivalency degree

(31) HHS: (U.S.) health and human services

(32) HSD: (New Mexico) human services department

(33) HUD: (U.S.) housing and urban development

(34) **IEVS:** income and eligibility verification system
~~[(35) **INS:** (U.S.) immigration and naturalization service]~~
 [(36) **(35) IPV:** intentional program violation
 [(37) **(36) ISD:** (HSD) income support division
 [(38) **(37) ISD2:** integrated services delivery for ISD
 [(39) **(38) ISS:** income support specialist (now FAA or caseworker)
 [(40) **(39) JOBS:** jobs opportunities and basic skills (a work program under AFDC)
 [(41) **(40) JTPA:** Job Training Partnership Act (now WIA)
 [(42) **(41) LIHEAP:** low income home energy assistance program
 [(43) **(42) LITAP:** low income telephone assistance program
 [(44) **(43) MFSA:** maximum food stamp allotment (benefit amount)
 [(45) **(44) MRRB:** monthly reporting and retrospective budgeting
 [(46) **(45) MVD:** (New Mexico) motor vehicle division
 [(47) **(46) NADA:** national automobile dealers association
 [(48) **(47) NFA:** nonfinancial assistance (same as non-cash assistance (NCA)
 [(49) **(48) NMW:** New Mexico works
 [(50) **(49) QC:** quality control
 [(51) **(50) RR:** regular reporting or regular reporters
 [(52) **(51) RSVP:** retired seniors volunteer program
 [(53) **(52) SAVE:** systematic alien verification for entitlements
 [(54) **(53) SNAP:** supplemental nutrition assistance program
 [(55) **(54) SR:** semiannual reporting
 [(56) **(55) SSA:** social security administration
 [(57) **(56) SSI:** supplemental security income
 [(58) **(57) SSN:** social security number
 [(59) **(58) SUA:** standard utility allowance
 [(60) **(59) SWICA:** state wage information collection agency
 [(61) **(60) TANF:** temporary assistance to needy families (block grant program under Title IV-A of the Social Security Act)
 [(62) **(61) TAPP:** tribal assistance project program (Navajo)
 [(63) **(62) TFP:** thrifty food plan (now the maximum food stamp allotment)
 [(64) **(63) UCB:** unemployment compensation benefits
 [(64) **USCIS:** United States citizenship and immigration services

(65) **USDA:** U. S. department of agriculture
 (66) **VA:** veterans administration
 (67) **WIA:** Workforce Investment Act (formally JTPA)

B. [Reserved]

[8.139.100.8 NMAC - Rn, 8.139.650.8 NMAC & A, 02/14/2002; A, 01/01/2004; A, 02/28/2007; A/E, 10/15/2008; A, 07/15/2013]

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

This is an amendment to 8.139.110 NMAC, Sections 8 -10, 14 and 16, effective July 15, 2013.

8.139.110.8 APPLICATION PROCESS: ~~[General information about ISD assistance programs will be provided and their relative advantages explained. Individuals will be informed of other programs that might meet their needs. Application forms for all ISD programs will be readily available to potentially eligible individuals as well as to local agencies and organizations that regularly have contact with potential clients. Application forms will be provided to anyone requesting them. Each county office is responsible for providing local agencies and organizations with program application forms. If there is any indication that an applicant might be eligible for supplemental security income (SSI), the relative advantages of the SSI program will be explained and the applicant will be referred to the local social security office.]~~ The application process includes completing an application form on paper or electronically, filing the completed application form, being interviewed, and having certain information verified. ISD must act promptly on all applications and provide SNAP benefits retroactive to the date the application was received by the ISD when applicants are eligible for benefits. Application forms and information on how to submit an electronic application will be readily available to potentially eligible individuals as well as to local agencies and organizations that regularly have contact with potential applicants and recipients. If there is any indication that an applicant may be eligible for supplemental security income (SSI), the relative advantages of the SSI program will be explained and the applicant will be referred to the local social security office to apply for SSI benefits.

[02/01/95, 06/01/95; 8.139.110.8 NMAC - Rn, 8 NMAC 3.FSP.110, 05/15/2001; A, 07/15/2013]

8.139.110.9 RIGHT TO APPLY:
A. Anyone has the right

to apply for any benefits provided by ISD whether or not it appears that the individual will be found eligible. An individual requesting information or assistance shall be informed of the right to apply, whether or not it appears the individual will be found eligible.

B. An individual who requests information or assistance and who wishes to apply, shall be encouraged to complete an application the same day that contact is made with the office.

(1) An individual shall be informed that the date of application affects the benefit amount.

(2) An individual shall be informed that an incomplete application may be filed as long as the form has the applicant's name and address and is signed by a responsible household member or authorized representative.

(3) An interview shall not be required before filing an application.

(4) A household shall be informed, except for a [food stamp program] **SNAP** requirement, that any disadvantages or requirements for applying for or receiving cash assistance do not apply to [the food stamp program] **SNAP** and that receiving [food stamps] **SNAP** shall have no bearing on any other program's time limits that may apply to the household.

(5) If an individual contacts the office by phone or mail and does not wish to come to the office to pick up an application, [the individual is entitled to] the individual will be mailed an application the same day the office is contacted and offered the option of submitting an electronic application through the YES-New Mexico web portal.

C. SSI applicants:

(1) Whenever a household consists only of SSI applicants or recipients, the household has the right to apply for [food stamp] **SNAP** benefits and to transact all [food stamp] **SNAP** business at a social security administration (SSA) office, provided it has not applied for [food stamp] **SNAP** benefits in the preceding 30 days or does not have a [food stamp] **SNAP** application pending at a local ISD office.

(a) Such applications are considered filed for normal processing purposes when the signed application is received by SSA.

(b) SSA is required to forward every application to the appropriate ISD office within one working day of receipt.

(c) SSI clients are not required to see an ISD caseworker or be otherwise subjected to a second interview, although additional information or verification may be requested.

(2) **SSI/FS prerelease applications:** A resident of a public institution who applies for SSI prior to release from the institution under the social

security administration (SSA) prerelease program for the Institutionalized [42 U.S.C. 1383 (j)] shall be permitted to apply for [food-stamp] SNAP benefits at the same time the individual applies for SSI. The [food stamp] SNAP application shall be processed at a local ISD office in accordance with Paragraph 1 of Subsection C of 8.139.110.9 NMAC above and with the following processing and timeliness standards for joint [SSI/FS] SSI/SNAP prerelease applications.

(a) Application date:

(i) When a resident of an institution files a joint application for SSI and [food-stamp] SNAP benefits with SSA prior to release from the institution, the date of application for filing purposes at the local ISD office shall be the date of release.

(ii) An application shall be denied upon receipt if the applicant is not otherwise eligible, except for the resident of an institution provision.

(b) Normal processing standard:

(i) An application shall be processed as soon as possible and the applicant afforded an opportunity to participate no later than 30 days from the date of release from the institution.

(ii) Benefits for the initial month of certification shall be prorated from the date of the month the applicant is released from the institution.

(c) Expedited service: An applicant who qualifies for expedited service shall receive benefits no later than the seventh calendar day following the applicant's release from the institution.

(d) Categorical eligibility: A potential categorically eligible applicant shall not be considered as such until the individual has been released from the institution and SSA has made a final SSI eligibility determination.

(e) Restored benefits: SSA must notify the local ISD office of the date of the applicant's release from the institution. If for any reason notification is not provided on a timely basis, the caseworker shall only restore [food-stamp] SNAP benefits retroactively to the date of release.

D. Authorized representatives:

(1) Designation: The head of the household or the spouse or any other responsible member of the household may designate an individual who is a non-household member to act on its behalf in:

(a) applying for [food-stamp] SNAP benefits; or

(b) obtaining [food-stamp] SNAP benefits; or

(c) using the [food-stamp] SNAP benefits.

(i) The caseworker shall obtain a copy of the household's written authorization for the authorized representative and maintain it in the

household's case record. No limit shall be placed on the number of households an authorized representative may represent[-]; however, each household may only have one authorized representative at a time.

(ii) Even if the household member is able to make application and obtain benefits, the household should be encouraged to name an authorized representative to use the [food stamp] SNAP benefits in case illness or other circumstances prevent household members from using the benefits themselves.

(iii) The authorized representative's identity shall be verified and a copy of the document maintained in the household's case file.

(2) Liability of households: The head of the household or spouse should prepare or review [their] the household's application whenever possible, even though another household member or the authorized representative will actually be interviewed. The household is liable for any over-issuances resulting from incorrect or untrue information given by the authorized representative.

(3) Application: When the head of the household or spouse cannot [~~make application, another member may apply~~] apply, another adult member may do so, or an adult who is not a member of the household may be designated as the authorized representative. Nonmember adults shall be designated as authorized representatives for certification purposes only if they are:

(a) designated in writing by the head of the household, or spouse, or another responsible member of the household; and

(b) sufficiently aware of relevant household circumstances to represent it.

(4) Changing authorized representative: An authorized representative may be designated at the time an application is completed; the authorized representative shall be named on the ID card. This does not preclude the right of the household to make a designation after it has made application to the program. If a household develops a need for a representative, or needs to change the authorized representative before, during, or after the certification process, a new authorized representative may be appointed and a new ID card shall be issued to the household. The authorized representative designated to apply for the household may be the same individual who obtains or uses the benefits for the household, or may be a different individual.

(5) Using [food-stamp] SNAP benefits: The authorized representative may use the [food-stamp] SNAP benefits to purchase food for the household's consumption with the household's full knowledge and consent, provided that the authorized representative has the household's ID card.

(6) Kinds of authorized representatives:

(a) Emergency authorized representatives:

(i) An emergency authorized representative is someone who obtains benefits for a particular month when the household is unable to obtain the benefits because of unforeseen circumstances.

(ii) A household may designate in writing, on a one-time basis, an emergency authorized representative.

(iii) The household member whose signature is on the household's ID card must sign a designation authorizing the emergency authorized representative to obtain the benefits.

(b) Non-household members: If the only adult living with a household is classified as an excluded household member or nonmember, that individual may be the authorized representative for the minor members who are eligible.

(c) Addiction treatment centers:

(i) Residents of public or private, nonprofit drug or alcohol treatment centers must apply and be certified for program participation through the use of an authorized representative who is an employee of, and designated by, the organization or institution administering the treatment and rehabilitation program.

(ii) The center may receive and spend [food-stamp] SNAP benefits for food prepared by and/or served to the center residents, and is responsible for complying with requirements governing treatment centers.

(d) Group homes:

(i) A resident of a group living arrangement may apply for [food stamp] SNAP benefits and be certified through use of an authorized representative employed and designated by the group home; or on the resident's own behalf; or through an authorized representative of the applicant's choice.

(ii) A resident of a group home does not have to be certified through an authorized representative or individually in order for one or the other method to be used.

(iii) The facility is responsible for determining if any resident may apply for benefits on the resident's own behalf. The decision should be based on the resident's physical and mental ability to handle his/her own affairs. The facility is also encouraged to consult with any other agencies of the state providing other services to such a resident prior to this determination.

(iv) Applications shall be accepted for any individual applying as a one-person household, or for any grouping of residents applying as a household.

(v) If a resident applies through a facility's authorized representative,

the resident's eligibility shall be determined as a one- person household.

(vi) If a resident is certified on the resident's own behalf, the benefits may either be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents; used by eligible residents to purchase and prepare food for their own consumption; and/or used to purchase meals prepared and served by the facility.

(7) Disqualification:

(a) Any person who misrepresents a household's circumstances and knowingly provides false information pertaining to a household, or has made improper use of [food-stamp] SNAP benefits, shall be disqualified from participating as an authorized representative for up to one year.

(b) The caseworker shall be required to send written notification to the affected household(s) and the authorized representative 30 days prior to the date of disqualification. The notification shall include the proposed action; the reason for the proposed action; the right to request a fair hearing; the telephone number of the office; and, if possible, the name of the person to contact for additional information.

(c) This provision is not applicable to drug or alcoholic treatment centers nor to those group homes that act as authorized representatives for their residents.

(8) Restrictions: HSD employees involved in the certification or issuance process, and retailers who are authorized to accept benefits, cannot act as authorized representatives without the specific written approval of the ISD county director, and then only if the county director determines that no one else is available to serve as an authorized representative. Individuals disqualified for fraud cannot act as authorized representatives during the period of disqualification, unless the disqualified individual is the only adult member of the household able to act on its behalf and only if the county director has determined that no one else is available to serve as an authorized representative. The county director shall decide separately whether such individuals are needed to apply on behalf of the household and use the benefits to purchase food.

[02/01/95, 06/01/95; 8.139.110.9 NMAC - Rn, 8 NMAC 3.FSP.111, 05/15/2001; A, 02/14/2002; A, 07/15/2013]

8.139.110.10 SUBMISSION OF FORMS

A. Joint cash assistance (CA) / [food-stamp] SNAP applications:

(1) To facilitate participation in the [food-stamp-program-(FSP)] SNAP, households in which all members are applying for cash assistance (Title IV-A or GA) shall be allowed to apply for [food stamp] SNAP benefits at the same time they

apply for other assistance. However, [food stamp] SNAP eligibility and benefit amounts shall be based solely on [food-stamp] SNAP eligibility factors pending determination of cash assistance eligibility. All households shall be certified in accordance with the notice and procedural and timeliness requirements of FSP regulations. (See subsection B of 8.139.110.11 NMAC, combined CA/FS interviews, for further information.)

(2) A household shall be notified of the Privacy Act regarding application information and shall be provided the following information:

(a) The collection of information, including the social security number of each household member, is authorized under the Food Stamp Act of 1977, as amended 7 U.S.C. 2011-2036.

(b) The information shall be used to determine whether a household is eligible or continues to be eligible to participate in the [food-stamp] SNAP program.

(c) The information shall be verified through computer matching programs.

(d) The information shall be used to monitor compliance with program regulations and for program management.

(e) The information provided may be disclosed to other federal and state agencies for official examination, and to law enforcement officials for the purpose of apprehending persons fleeing from the law.

(f) If a [food-stamp] SNAP claim is filed against a household, the information on the application, including all SSNs, may be referred to federal and state agencies, as well as private claims collection agencies, for claims collection action.

(g) That providing the requested information, including the SSN of each household member, is voluntary, but that failure to provide required information shall result in the denial of [food-stamp] SNAP benefits to a household.

B. Items completed:

[Food-stamp-program] SNAP regulations require only that an application contain the name, address and signature, or witnessed mark, of the applicant in order to be filed and registered.

C. Who completes the application:

The application must be completed by a household member or designated authorized representative. If an authorized representative or [another appropriate person] adult member of the SNAP household completes the application form, the applicant should still review the completed form, since the applicant is liable for improper payments resulting from erroneous information given by an authorized representative. If an applicant needs help completing the form, the caseworker shall determine if the applicant has a friend or relative to help complete the form. If there is

no one to help the applicant, the caseworker shall help the applicant complete the form.

D. Signature: [The application must be signed by the applicant and the authorized representative, if one is designated. If the applicant receives help completing the form, that person must also sign at the bottom of the form. A person who is unable to sign his own name may sign the application with a mark and have it witnessed. A mark that is not witnessed cannot be accepted as a valid signature. The witness shall be someone other than the interviewer.]

(1) The application must be signed by the applicant and the authorized representative, if one is designated. A signature means that the applicant is verifying the information provided by the household and has read and agrees with all of the statements on the application or other form requiring a signature.

(2) A signature is the depiction of the individual's name(s) that is, handwritten, electronic or recorded telephonically. Electronic and telephonically recorded signatures are valid only if provided in a format or on a system approved by the department, which includes verification of the identity of the person providing the signature.

(3) If the applicant receives help completing the form, that person must also sign at the bottom of the form.

(4) A person who is unable to sign his own name may sign the application with a mark and have it witnessed. A mark that is not witnessed cannot be accepted as a valid signature. The witness shall be someone other than the interviewer.

E. Filing the application:

(1) An application can be filed in person, through an authorized representative, by mail or by fax or other electronic transmission, including on-line electronic transmission. An application submitted electronically or by fax and containing a handwritten or electronic signature shall be considered an acceptable application.

(2) An application shall be filed at the ISD field office serving the community or county where the applicant lives or through the YES-NM web portal.

(3) If an applicant files an application with the wrong office, that office shall immediately forward the form to the correct office. Households shall be informed that [food-stamp] SNAP applications shall not be considered filed and the processing time limit does not begin until the application is received by the correct office. Applications received through the YES-NM web portal are automatically sent to the correct office.

F. Registration of the application: [The day on which a signed application is received by an ISD office is the application date. The application shall

be registered that day or retroactively to that day as soon as possible.] Completed and signed in-state applications shall be registered effective the date on which an application is received during regular business hours. Applications that are dropped off or submitted electronically after regular business hours will be considered received as of the next business day. Regular business hours are Monday through Friday from 8 a.m. to 5 p.m., excluding state holidays or other days/times when the field office is officially closed. Processing deadlines shall be calculated based on the application date.

G. Incomplete applications: Applications that do not contain, at a minimum, the applicant's name, address, and signature, or witnessed mark, are incomplete and cannot be registered. Prompt action shall be taken to return the application form for completion of the minimum required entries. Other missing information does not constitute an incomplete application for purposes of registering the application.

H. Computer inquiries: Computer inquiries shall be completed prior to certification and, where feasible, prior to the interview in order to prevent dual participation and to reveal undetected income and resources. These inquiries include scans for wage and unemployment benefits, SSI benefits, and licensed vehicle ownership, as well as for other available information and appropriate IEVS data.

I. Action on discrepancies:

(1) If computer interfaces show a household member is currently participating in another household or receiving benefits from the food distribution on Indian reservations program (FDPIR), the caseworker shall discuss the situation with the applicant. The household can be certified only after the other project area has been informed of the situation and the case has been adjusted or transferred whichever is appropriate. If an inquiry shows that the case is on file in another project area, residence shall be established. The application shall be forwarded to the project area in which the applicant household has established residency.

(2) **Available information:** The household shall be given an opportunity to verify information from another source if information is contradictory to that already provided or is questionable. A decision on eligibility and benefit amount shall not be delayed beyond normal application processing standards if other sources of data are unavailable. The final decision to approve or deny shall be based on the available information.

[02/01/95, 06/01/95, 07/01/97, 06/01/99; 8.139.110.10 NMAC - Rn, 8 NMAC

3.FSP.112, 05/01/2001; A, 02/14/2002; A, 07/15/2013]

8.139.110.14 DISPOSITION OF APPLICATION/NOTICES:

A. Approval of [food stamps] SNAP: Notification of the final eligibility determination will be mailed via US postal service and or through approved electronic methods to the applicant in time to be received not later than the last day of the time limit, that is, mailed by the 28th day after the date of application to be received by the 30th day.

B. Contents of the notice: The notice of approval provides the household with written notice, sent by mail or electronically, of the amount of the benefits and the beginning and ending dates of the certification period. If the initial benefit amount is prorated or contains benefit amounts for both the month of application and the current month, the notice will explain that the initial month's [food-stamp] SNAP benefit amount differs from the benefit amount for the remainder of the certification period. The notice also states that if households that have applied jointly for financial assistance and [food stamps] SNAP begin to receive a financial assistance check, their [food-stamp] SNAP benefit amount will be reduced or terminated without advance notice.

C. Denial of [food-stamps] SNAP: If the application is denied, a written or electronic notice will be sent to the applicant explaining the basis for the denial, the right to request a fair hearing, and the telephone number of the ISD office where the household can get information concerning an individual or organization that provides legal representation. Households determined to be ineligible will be sent a denial notice as soon as possible, but not later than 30 days following the date the application was filed, unless an extension was requested. The household must file a new application if it wishes to have eligibility [determined] re-determined, subsequent to the initial denial. [02/01/95, 06/01/95; 8.139.110.14 NMAC - Rn, 8 NMAC 3.FSP.116, 05/15/2001; A, 07/15/2013]

8.139.110.16 EXPEDITED [FOOD STAMP] SNAP SERVICE

A. Identifying eligible households: Households reporting little or no income or resources may be entitled to receive [food-stamp] SNAP benefits within seven days after they file an application. Applications will be screened to identify such households as soon as possible in order to ensure that the seven-day limit is met.

(1) **Entitlement to expedited service:** The following households will be expedited, provided that they are otherwise [food-stamp] SNAP eligible:

(a) households with less than \$150 in gross monthly income, and with liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, lump sum payments, and the like) not exceeding \$100;

(b) households with combined gross monthly income and liquid resources less than the household's monthly rent, or mortgage, and utilities. ~~[At the households option, either actual utility expenses or the]~~ The mandatory SUA may be used in making this determination, provided that the household qualifies for the SUA; or

(c) migrant or seasonal farm worker households with \$100 or less in liquid resources and determined to be destitute as defined by the special income calculations in 8.139.400.14 NMAC, migrant and seasonal farm workers.

(2) **Verification requirements:** All households entitled to expedited service must verify identity through readily available documentation or through a collateral contact. All other eligibility factors may be postponed. Reasonable efforts must be made by the [ISS] caseworker to verify residence, income, liquid resources, and all other eligibility factors. Benefits will not be delayed because of an inability to verify such factors or any questionable information.

(3) **SSNs and work registration:** Applicant households are specifically permitted to receive their first expedited [food-stamp] SNAP benefit amount before providing social security numbers (SSN) or applying for them. Such households are required to do so before their next benefit issuance, but will remain eligible for participation as long as good cause exists. Unless exempt, the household's work registration status will be established at the time of certification for expedited service. If an individual's work registration exemption status is in question, benefits will not be delayed solely to verify the exemption.

B. Time limits:

(1) **Expedited time limits:** All households entitled to expedited service will receive their benefits no later than the seventh calendar day after the date the application was filed.

(2) **Out-of-office interview:** If a household is entitled to expedited service and waiver of the office interview, the interview will be conducted and the eligibility determination completed within the expedited service time limits, unless the household cannot be reached. The first day of this count is the first calendar day after the application is filed. If a telephone interview is conducted and the application must be mailed to the household for signature, the mailing time involved will not be calculated in the expedited service time limits.

(3) **Late identification:** If screening fails to identify a household as

being entitled to expedited service and it is subsequently determined that the household was so entitled, the household's application will be processed immediately; the time limits in such instances are calculated from the date that it is discovered that the household was entitled to expedited service.

(4) Certification periods:

Households entitled to expedited service which provide all necessary verification prior to certification may be certified for up to twelve months, if circumstances warrant. Households whose verification requirements are postponed will be certified for the month of application, and the following month, or for households whose circumstances warrant, a normal certification period will be assigned. When a certification period of more than one month is assigned, the written notification to the household will state that no further benefits will be issued until the postponed verification requirement is completed. The notice also advises that if verification results in changes in eligibility or [food-stamp] SNAP benefit amount, the [HSS] caseworker will act on these changes without advance notice of adverse action.

(5) Continuation of benefits:

Households providing the postponed verification by the 30th day after the application date will have their benefits continued. The second month's benefits will be issued within five working days from the date verification is received, or the first day of the second month, whichever is later.

(6) Termination of benefits:

Except for migrant farm workers needing out-of-state verification, when the postponed verification requirement is not completed within 30 days of the date of application, the household's participation in the program will be terminated and no further benefits issued.

(7) Denial of expedited service:

Households determined ineligible for expedited service will have their applications processed according to normal standards. A household wishing to contest a denial of expedited service will be offered an agency conference to discuss the denial. The conference will be scheduled within two (2) working days of the request for a conference, unless the household requests a later date or states that it no longer wishes to have an agency conference.

C. Number of expedited issuances:

(1) Limits: There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification the household either has completed the verification requirements postponed at the last expedited certification or has been certified under normal processing standards since the last expedited certification.

(2) At every application:

Expedited services will be available at initial

application based on the circumstances existing in the month of application. If a participating household applies for recertification before the end of its current certification period, the expedited service provision will not be applied.

[02/01/95, 06/01/95, 01/01/97, 07/01/98, 08/01/99; 8.139.110.16 NMAC - Rn, 8 NMAC 3.FSP.119, 05/15/2001; A, 07/15/2013]

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

This is an amendment to 8.139.400 NMAC, Section 11, effective July 15, 2013.

**8.139.400.11 SPECIAL MEMBERS
A. Students:**

(1) Eligibility: An individual who is enrolled at least half-time in an institution of higher education will be ineligible to participate in ~~[the food-stamp program]~~ SNAP unless the individual qualifies for one of the exemptions contained in ~~[subsection C]~~ Paragraph (3) of this section. Half-time enrollment status is determined by the definition of the institution in which the individual is enrolled or attending.

(2) Enrollment: ~~[An individual is considered to be enrolled in an institution of higher education:]~~

~~(a) [if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum; or] An individual is considered to be enrolled in an institution of higher education, if the individual is enrolled in a business, technical, trade or vocational school, that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.~~

~~(b) [if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required:] The enrollment status of a student shall begin on the first day of the school term. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and semester breaks. Enrollment status shall terminate when the student graduates, is expelled, does not re-enroll or is suspended for a period in excess of thirty (30) calendar days.~~

(3) Student exemptions: To be eligible, a student must meet at least one of the following exemptions:

(a) Age: Be age 17 or younger or age 50 or older.

(b) Physical or mental unfitness:

Be physically or mentally unfit.

(i) If an individual claims to be physically or mentally unfit for purposes of the student exemption, and the unfitness is not evident to the [HSS] caseworker, verification may be required.

(ii) Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by government or private sources, or of a statement from a physician or licensed or certified psychologist.

(c) Education/training program:

Assigned to or placed in an institution of higher education through or in compliance with the requirements of:

(i) a program under the Job Training Partnership Act of 1974 (JTPA);

(ii) an Employment and Training program under the Food Stamp Act;

(iii) a program under Section 236 of the Trade Act of 1974 [19 U.S.C. 2296]; or

(iv) an employment and training program for low-income households that is operated by a state or local government where one or more of the components of such program is at least the equivalent to an acceptable [food-stamp] SNAP employment and training program component.

(d) Employment: Employed a minimum of 20 hours per week and paid for such employment, or, if self-employed, working a minimum of 20 hours per week, and receiving weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

(e) Work study: Be participating in a state or federally financed work study program during the regular school year.

(i) The student must be approved for work study at the time of application for [food-stamp] SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time.

(ii) The exemption will begin with the month in which the school term begins or the month work study is approved, whichever is later.

(iii) Once begun, the exemption will continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.

(iv) The exemption will not continue between terms when there is a break of a full month or longer, unless the student is participating in work study during the break.

(f) Children: Responsible for a dependent household member who:

(i) is under age 6; or

(ii) has reached the

age of 6 but is under age 12 when the ISS has determined that adequate child care is not available to enable the student to attend class and comply with the 20-hour work requirement in (4) or the work study requirement in (5) above.

(g) Single parents: Full-time students of higher education who are single parents with the responsibility for the care of a dependent child under age 12.

(i) This provision applies when only one natural, adoptive or stepparent (single, widow/er, separated, divorced) is in the same ~~[food-stamp]~~ SNAP household as the child.

(ii) If there is no natural, adoptive or stepparent in the same ~~[food-stamp]~~ SNAP household as the child, another full-time student in the same ~~[food stamp]~~ SNAP household as the child may qualify for eligible student status under this provision if he/she has parental control over the child and is not living with his/her spouse.

(h) Two parents: In a two parent household, if both parents are responsible for the care of the dependent child then they both can be eligible for SNAP benefits. If only one is responsible for the care of the dependent child then only one can be eligible for SNAP benefits.

(i) This provision applies when only natural, adoptive or stepparent (single, widow/er, separated, divorced) is in the same SNAP household as the child.

(ii) If there is no natural, adoptive or stepparent in the same SNAP household as the child, another full-time student in the same SNAP household as the child may qualify for eligible student status under this provision if he/she has parental control over the child and is not living with his/her spouse.

~~[(h)]~~ **(i) Title IV-A:** Receiving Title IV-A cash assistance.

~~[(j)]~~ **(i) Work incentive program:** Participation in the job opportunities and basic skills program under Title IV of the Social Security Act or its successor programs.

~~[(k)]~~ **(k) On-the-job training:** Be participating in an on-the-job training program. An individual is considered to be participating in an on-the-job training program only during the period of time the individual is being trained by the employer.

B. Strikers: Households with members on strike are ineligible to participate in the ~~[food-stamp-program]~~ SNAP, unless the household was eligible for benefits the day before the strike began and is otherwise eligible at the time of application. A striker is anyone involved in a strike or concerted stoppage of work by employees, including a stoppage because of the expiration of a collective bargaining agreement, and any concerted slowdown or

other concerted interruption of operations by employees. Employees participating in a sympathy strike will be considered strikers. The household will not receive an increased ~~[food-stamp]~~ SNAP benefit amount as a result of the decrease in income of the striking member(s) of the household.

(1) Nonstrikers: The following individuals are not considered strikers and are eligible for program participation:

(a) any employee affected by a lockout;

(b) an individual who goes on strike who is exempt from work registration (Subsection D of 8.139.410.12 NMAC) the day before the strike, except those who were exempt because of employment;

(c) employees whose workplace is closed by an employer in order to resist demands of employees (i.e., a lockout);

(d) employees unable to work as a result of other striking employees (e.g., truck drivers who are not working because striking newspaper pressmen prevent newspapers from being printed;

(e) employees who are not part of the bargaining unit on strike but who do not want to cross a picket line for fear of personal injury or death;

(f) employees who are fined or laid off, or who are permanently replaced or officially resign; and

(g) employees who will not be permitted to return to their old jobs but are offered different ones.

(2) Striker eligibility:

(a) Striker eligibility is determined by considering the day before the strike as the day of application and assuming the strike did not occur.

(b) Eligibility at the time of application is determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of the nonstriking household members during the month of application.

(c) To determine benefits (and eligibility for households subject to the net income eligibility standard), deductions will be calculated for the month of application as for any other household. Whether the striker's prestrike earnings are used or the current income is used, the earnings deduction is allowed if appropriate.

(d) Strikers whose households are eligible to participate in the ~~[food-stamp program]~~ SNAP will be required to register for work unless otherwise exempt.

C. Boarders: Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to those others for lodging and meals. An individual furnished both lodging and meals by a household, but paying less than reasonable compensation to the household for such services, will be

considered a household member. Foster care children placed in the home of relatives or other individuals or families will be considered boarders. Foster care payments made to the household will not be counted as income, unless the household chooses to include the foster child. Payment to a household for lodging and meals will be treated as self-employment income to the household.

(1) Reasonable compensation: To determine if an individual is paying reasonable compensation for meals and lodging in making a determination of boarder status, only the amount paid for meals will be used, provided that the amount paid for meals can be distinguished from the amount paid for lodging. A reasonable monthly payment will be either of the following:

(a) A boarder whose board arrangement is for more than two meals a day must pay an amount which equals or exceeds the maximum ~~[food-stamp]~~ SNAP benefit amount for the appropriate size of the boarder household.

(b) A boarder whose board arrangement is for two meals or less per day must pay an amount which equals or exceeds two-thirds of the maximum ~~[food-stamp]~~ SNAP benefit amount for the appropriate size of the boarder household.

(2) Included boarders: A household which provides boarding services may request that the boarder be included as a member of the household. Boarders are not eligible to participate in the ~~[food stamp-program]~~ SNAP separately from the household providing the board. All the income and resources of included boarders will be counted in determining the eligibility and ~~[food-stamp]~~ SNAP benefit amount of the household.

(3) Excluded boarders: The income and resources of boarders who are not included as household members will not be considered available to the household.

[02/01/95, 10/01/95, 02/15/96, 05/15/97, 07/01/97/ 06/01/99; 8.139.400.11 NMAC - Rn, 8 NMAC 3.FSP.403, 05/15/2001; A, 07/15/2013]

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

This is an amendment to 8.139.410 NMAC, Section 10, effective July 15, 2013.

8.139.410.10 RESIDENCE

A. ~~[Project] areas:~~ ~~Households must live in the project area in which they file an application for participation. No individual may participate as a member of more than one household or in more than one project area in any month, with the exception of residents of battered~~

women's shelters. A project area is defined as the area that a specific ISD office is designated to serve] Households may be an active member in only one SNAP household in any month, with the exception of residents of a domestic violence shelter.

B. ~~[Battered women's]~~ Domestic violence shelter: Any individual who is a resident of a domestic violence shelter [for battered women and children] may participate as a member in more than one [food stamp] SNAP household simultaneously, [or in more than one project area in one month,] provided that the shelter resident(s) left a household which contained the abusive individual.

C. Residence duration: No residence duration requirement will be imposed on any household.

D. Fixed residence or mailing address: An otherwise eligible household is not required to live in a permanent dwelling or have a fixed mailing address as a condition of eligibility.

E. Intent to reside: An intention to reside permanently in New Mexico [or the project area] is not required as a condition for participation in [the FSP] SNAP. However, a specific temporary purpose, such as vacationing in New Mexico, does not satisfy the residence requirement.

F. Verification of residency: Verification of residence should, whenever possible, be made in conjunction with the verification of other information. This can be done through such documents as rent receipts, mortgage bills, utility expenses, or identification papers which show the name and address of the applicant. Collateral contacts or other documentary evidence can be accepted to verify residence. Any document or collateral contact which reasonably establishes the household's residence must be accepted. No requirement for a specific type of verification may be imposed.

G. Lack of verification in unusual cases: The residence requirement will be verified, except in unusual circumstances, such as homeless households, some migrant farmworker households, [or households newly arrived in a project area] where verification of residence cannot reasonably be accomplished.

[02/01/95, 07/01/98; 8.139.410.10 NMAC - Rn, 8 NMAC 3.FSP.413, 05/15/2001; A, 07/15/2013]

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

This is an amendment to 8.139.610 NMAC, Sections 8 through 10 and 12, effective July 15, 2013.

8.139.610.8 BENEFIT ISSUANCE SYSTEM

A. ~~[Benefit issuance:~~ Electronic Benefit Transfer (EBT): SNAP benefits are issued through a direct deposit into [a household's electronic benefit transfer (EBT) food stamp] an EBT account. The benefits are maintained in a central database and accessed by the household through an individual debit card issued to the household.

~~(1) The benefits are maintained in a central database and accessed by the household through an individual debit card issued to the household.~~

~~(2) The issuance date of monthly benefits is determined by the last two digits of the social security number of the payee for the eligible household receiving food stamp benefits. The issuance date for the initial month benefits are issued no later than the following workday after the application is approved.]~~

B. Initial issuance of EBT card: The EBT card is issued to the designated payee of the eligible household or to the designated authorized representative.

~~(1) The EBT card is [issued to the payee or designated authorized representative during the application process prior to the application being approved] mailed to the head of household or the designated authorized representative on the first working day after the application is registered. The applicant or recipient shall receive training on the use of the EBT card prior to activation of the EBT card.~~

~~(2) The EBT card shall be issued to the payee for an eligible household through the most effective means identified by HSD which may include issuance at the county office or by mail.~~

~~(3) The applicant or recipient must verify his or her identity.~~

~~(4) The payee for the eligible household may select the four-digit personal identification number that will allow access to the household's [food stamp] SNAP benefits.~~

C. Replacement of the EBT card: The recipient or designated authorized representative shall be instructed on the procedure for replacement of an EBT card that has been lost, stolen or destroyed.

(1) The recipient or designated authorized representative may report a lost, stolen or destroyed EBT card through the HSD EBT contractor customer service help

desk, HSD EBT customer service help desk or the their caseworker.

(2) The lost, stolen, or destroyed EBT card shall be deactivated prior to a replacement card being issued to the household.

(3) HSD shall issue a replacement EBT card within two work-days following the notice by the household to HSD.

D. Inactive EBT accounts: EBT accounts which have not been accessed by the recipient in the last 90 days are considered a stale account. HSD may store stale benefits offline after notification to the household of this action.

(1) The notification to the household shall include the reason for the proposed action and the necessary steps required by the recipient to reactive the account.

(2) The recipient may request reinstatement of their EBT account anytime within 364 days after the date of the last benefit account activity.

E. EBT benefit expungement: HSD may expunge benefits that have not been accessed by the household after a period of 365 days. HSD must attempt to notify the household prior to expungement. Expunged benefits are no longer available to the household. Requests for reactivation must be received prior to expungement and a determination shall be made by the director or designee of the income support division.

[02/01/95; 8.139.610.8 NMAC - Rn, 8 NMAC 3.FSP.610, 05/15/2001; A, 02/28/2007; A, 07/15/2013]

8.139.610.9 IDENTIFICATION CARDS:

A. The caseworker shall provide a [food stamp] SNAP ID card to each certified household as proof of program eligibility.

(1) The ID card is issued in the name of the household member to whom the [food stamp] SNAP benefits are issued.

(2) The ID card contains a space for the name and signature of the household member to whom the [food stamp] SNAP benefits are issued, and for any authorized representative designated by the household.

(3) Any individual listed on the ID card must sign the ID card before that individual can use it.

(4) If a household does not designate an authorized representative, the caseworker shall void that section on the ID card to prevent names and signatures from being entered at a later date.

B. The caseworker shall issue an ID card to the household at initial certification, recertification, and when the ID card has been lost, stolen, or destroyed.

C. A replacement ID card will be issued when there is a change in

the household member to whom the [food stamp] SNAP benefits are issued, or when the caseworker determines that a new ID card is needed.

D. Whenever possible, the caseworker shall collect the ID card being replaced.

[02/01/95; 8.139.610.9 NMAC - Rn, 8 NMAC 3.FSP.611, 05/15/2001; A, 02/28/2007; A, 07/15/2013]

8.139.610.10 ISSUANCE DATE:

A. HSD is responsible for timely and accurate benefit issuance to certified eligible households. A participating household has a definite issuance date so that [food stamp] SNAP benefits are received on or about the same time each month. The issuance date is based on the last two digits of the social security number of the individual to whom the [food stamps] SNAP benefits are issued. A household must have the opportunity to participate before the end of each issuance month.

B. Opportunity to participate: Opportunity to participate means a household is provided with [food stamp] SNAP benefits no later than 30 calendar days after the date an application is filed.

(1) Newly certified household: All newly certified households must be given an opportunity to participate no later than 30 calendar days following the date the application was filed. In EBT issuance situations, benefits must be authorized by the 29th day to be available to the household on the 30th day.

(a) ~~Normal timeframe:~~ An applicant household will receive benefits for the initial month if:

~~(i) the application and interview process is completed prior to the end of the initial month; and~~

~~(ii) all verification is provided prior to the end of the initial month; and~~

~~(iii) the household is determined to be eligible to receive benefits for the initial month;~~

~~(iv) if the household is eligible for the second month, the benefits will be issued based on the household's designated issuance date.] **Combined issuance:** Households with an application date after the 15th of the month and are eligible for expedited assistance are eligible for combined issuance.~~

~~(i) SNAP benefits for the initial month and the second month will be issued the day after approval of expedited service.~~

~~(ii) SNAP benefits for the third month will be issued the first day of the third month after approval.~~

~~(iii) SNAP benefits for the fourth month will be issued during the~~

~~first ten days of the month based on a ten day compressed staggered issuance schedule. The issuance schedule uses the last two digits of the head of households SSN to determine the day of the month benefits are issued.~~

~~(iv) SNAP benefits for the fifth and ongoing months will be issued on the 20 day staggered issuance schedule. The issuance schedule uses the last two digits of the head of household's SSN to determine the day of the month the benefits are issued.~~

~~(b) [A household will receive two month's benefits at the same time if:~~

~~(i) the application and interview process is completed in the initial month or following month; and~~

~~(ii) all verification is provided in the month following the initial month and within 30 days of the date of application; and~~

~~(iii) the household is determined to be eligible to receive benefits for the initial month and the following month;~~

~~(iv) if the household is eligible for the third month, benefits for the third month will be issued based on the household's designated issuance date.] **Households not entitled to combined issuance:** The following households will not be entitled to combined issuance of the SNAP benefits:~~

~~(i) a household certified for one month only;~~

~~(ii) a household determined ineligible for the month of application, but eligible for the second month;~~

~~(iii) a household entitled to expedited service who must provide postponed verification to obtain the second month's SNAP benefits; or~~

~~(iv) a household that has been recertified.~~

(c) Standard Issuance: Households with an application date before the 15th of the month and approved in the month of application will have their prorated amount for initial month of benefits issued the day after the case is approved.

~~(i) SNAP benefits for the second month will be issued the first day of the month in the second month of approval.~~

~~(ii) SNAP benefits for the third month during the first ten days of month based on a ten day compressed staggered issuance schedule. The issuance schedule uses the last two digits of the head of households SSN to determine the day of the month benefits are issued.~~

~~(iii) SNAP benefits for the fourth and ongoing months will be issued on the 20 day staggered issuance schedule. The issuance schedule uses the last two digits of the head of household's SSN to~~

determine the day of the month the benefits are issued.

~~(e)(d) Expedited households:~~

Households eligible for expedited service will receive [food stamp] SNAP benefits in the initial month within the expedited time limit. Benefits for the following month will be received on the household's designated issuance date if all postponed verification is provided before the end of the initial month. [02/01/95, 01/01/97, 07/01/98; 8.139.610.10 NMAC - Rn, 8 NMAC 3.FSP.612, 05/15/2001; A, 02/28/2007; A, 07/15/2013]

8.139.610.12 GENERAL (BENEFIT AMOUNT)

A. The [food stamp] SNAP benefit amount to be issued depends on the number of eligible members in the household and the net monthly income used to determine eligibility.

(1) HSD uses a 30-day calendar month to determine a household's [food stamp] SNAP benefit amount. A household applying on the 31st of the month will be treated as if it applied on the 30th.

(2) When a household is determined eligible, the [food stamp] SNAP benefit amount is calculated, issuance authorization is processed that night, and [food stamp] SNAP benefits are issued the following work day.

B. Maximum food stamp benefit amount:

(1) The maximum food stamp allotment (MFSA or maximum food stamp benefit amount) "means the diet required to feed a family of four persons consisting of a man and a woman 20 through 30 years of age, a child six through eight years of age, and a child nine through 11 years of age determined in accordance with USDA calculations". The cost of such a diet is the basis for determining uniform [food stamp] SNAP benefit amounts for all households regardless of their actual composition. To develop maximum [food stamp] SNAP benefit amounts, USDA makes adjustments in the MFSA taking into account economies of scale and other adjustments required by law.

(2) Except when [food stamp] SNAP benefits are prorated and when reductions are made at the national level, a household's monthly [food stamp] SNAP benefit amount is equal to the MFSA for the household's size reduced by thirty percent (30%) of its net monthly income. The basis of issuance tables (supplement 400-B) contain the maximum [food stamp] SNAP benefit amounts by household size and income.

(3) If the tables (supplement 400-B) are not used, the maximum [food stamp] SNAP benefit amount can be calculated by multiplying a household's net income by thirty percent, rounding the result up to

the next whole dollar, and subtracting that amount from the MFSA for the appropriate household size (Subsection E of 8.139.500.8 NMAC).

C. Initial month: A household's [food stamp] SNAP benefit amount for the initial month of certification will be based on the day of the month the household applies for [food stamp] SNAP benefits. The household receives [food stamp] SNAP benefits from the date of application to the end of the month, unless the applicant household consists of residents of a public institution.

(1) Applying from institutions: For households applying for SSI and [food stamp] SNAP benefits before release from an institution, the [food stamp] SNAP benefit amount for the initial month of certification will be based on the date of the month the household is released from the institution. The household will receive [food stamp] SNAP benefits from the date of the household's release from the institution to the end of the month.

(2) Benefits less than \$10: If the initial month's calculations yield a [food stamp] SNAP benefit amount of less than \$10, then no issuance will be made for the initial month. For households entitled to no [food stamp] SNAP benefits in the initial month, but eligible in subsequent months, the caseworker shall certify a household beginning with the month of application.

~~(3) Combined issuance:~~ A household will receive benefits for the month of application and the following month, and without regard to the household's designated issuance date in the second month, when the household has completed the application and interview process; provided all required verification; has been determined eligible for food stamp benefits in the initial month and the following month; and approval occurs in the month following the month of application.

~~(4) Not entitled to combined issuance:~~ The following households will not be entitled to combined issuance of the food stamp benefits:

- ~~(a)~~ a household certified for one month only;
- ~~(b)~~ a household determined ineligible for the month of application, but eligible for the second month;
- ~~(c)~~ a household entitled to expedited service who must provide postponed verification to obtain the second month's food stamp benefits; and
- ~~(d)~~ a household that has been recertified.

D. Expedited service: Households eligible for expedited service will receive benefits for the application month. All verification, except identification, may be postponed. If certified for more than one month, benefits for the following

month are held until postponed verification is provided. If verification is not provided, benefit issuance may not continue. The case is closed on the 30th day after application.

~~E.]~~ **D. Minimum benefit amount:**

(1) Except during an initial month, all eligible one- and two-person households, including categorically eligible households, will receive a minimum monthly [food stamp] SNAP benefit amount of \$16.00.

(2) All eligible households with three or more members entitled to \$1.00, \$3.00, and \$5.00 [food stamp] SNAP benefit amounts will receive [food stamp] SNAP benefit amounts of \$2.00, \$4.00, and \$6.00, respectively, to correspond with current coupon book denominations. [02/01/95, 07/01/98; 8.139.610.12 NMAC - Rn, 8 NMAC 3.FSP.620, 05/15/2001; A, 02/28/2007; A/E, 04/01/2009; A, 07/15/2013]

NEW MEXICO LIVESTOCK BOARD

The New Mexico Livestock Board repeals its rule entitled Food Safety, Meat and Poultry Inspection, 21.33.2 NMAC, filed 06-15-06, effective 07-15-13.

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.30.4 NMAC, Sections 8 and 9, effective 07/15/2013.

21.30.4.8 EXOTIC PESTS OF SIGNIFICANT ECONOMIC IMPACT:

[The Lancefield, Group C, Streptococcus organism in livestock is declared to be an exotic pest of significant economic impact to the dairy industry of New Mexico.] Any disease of significant economic impact to the livestock industry or public health.

[3-1-99; 21.30.8 NMAC - Rn, 21 NMAC 30.4.8, 5-15-2001; A, 7-15-2013]

21.30.4.9 NEW MEXICO REPORTABLE DISEASE LIST:

In addition to the diseases listed in 21.30.4.8 NMAC above, the following diseases and conditions are considered to be of significant economic impact and when discovered or diagnosed are to be immediately reported to the New Mexico livestock board's state veterinarian:

- ~~A.~~ Foot and mouth disease;
- ~~B.~~ Swine vesicular disease;
- ~~C.~~ Vesicular Exanthema;
- ~~D.~~ Vesicular stomatitis;
- ~~E.~~ Epizootic hemorrhagic disease of deer which is endemic in the U.S.;
- ~~F.~~ Rinderpest;
- ~~G.~~ African horse fever;

- ~~H.~~ Hog cholera;
- ~~I.~~ Contagious equine metritis;
- ~~J.~~ Contagious bovine pleuropneumonia;
- ~~K.~~ Malignant catarrhal fever;
- ~~L.~~ Avian influenza;
- ~~M.~~ Newcastle disease;
- ~~N.~~ Glanders;
- ~~O.~~ Dourine;
- ~~P.~~ Teschen disease;
- ~~Q.~~ Heartwater;
- ~~R.~~ Screwworm;
- ~~S.~~ Sheep scabies;
- ~~T.~~ Tuberculosis;
- ~~U.~~ Brucellosis;
- ~~V.~~ Pseudorabies;
- ~~W.~~ Rabies;
- ~~X.~~ Scrapie & BSE;
- ~~Y.~~ Trichomoniasis; and
- ~~Z.~~ Anthrax.].

A. Reportable conditions:

- (1) any disease of unusual morbidity or mortality that does not fit a normally expected clinical picture;
- (2) any condition suspected of being a foreign or emerging animal disease, or possible bioterrorism;
- (3) any disease condition in livestock exhibiting vesicular lesions;
- (4) undiagnosed neurologic, mucosal, and hemorrhagic conditions;
- (5) contamination by toxic substances, including unexplained increase in aflatoxin, botulism, or T2 toxin;
- (6) abortion storms of unknown etiology;
- (7) highly infectious conditions of any etiology;
- (8) any disease or condition of public health significance.

B. Reportable diseases: Any disease listed as notifiable by the USDA or OIE, including but not limited to: diseases of significance to public health and zoonoses such as:

- (1) anthrax*;
- (2) avian influenza;
- (3) botulism;
- (4) brucellosis*;
- (5) dermatophilosis (club lamb disease) and other fungal diseases of livestock with zoonotic potential;
- (6) plague (*yersinia pestis*)*;
- (7) q fever (*coxiella burnetii*)*;
- (8) rabies*;
- (9) swine influenza;
- (10) tuberculosis;
- (11) tularemia*;
- (12) west Nile virus and other arboviral diseases*.

C. Diseases of concern to livestock such as (but not limited to):

- (1) anthrax;
- (2) bluetongue and epizootic hemorrhagic disease in deer, elk or cattle;

- (3) botulism;
 (4) brucellosis*;
 (5) classical swine fever (hog cholera);
 (6) contagious bovine or caprine pleuropneumonia;
 (7) foot and mouth disease;
 (8) fungal diseases of livestock with zoonotic potential such as dermatophilosis;
 (9) heartwater;
 (10) malignant catarrhal fever;
 (11) plague*;
 (12) pseudorabies;
 (13) q fever (*coxiella burnetii*)*;
 (14) rabies*;
 (15) scabies in livestock;
 (16) screwworm;
 (17) swine influenza;
 (18) Texas cattle fever (*boophilus* ticks); and
 (19) trichomoniasis.
 (20) All transmissible spongiform encephalopathies (TSEs), including but not limited to:
 (a) bovine spongiform encephalopathy (BSE); chronic wasting disease (CWD); scrapie;
 (b) tuberculosis*;
 (c) vesicular stomatitis or any other vesicular disease of livestock.
- D. Diseases of concern to equines such as (but not limited to):**
 (1) african horse sickness;
 (2) anthrax;
 (3) contagious equine metritis (CEM);
 (4) equine encephalopathies such as: eastern equine encephalitis (EEE);
 (5) western equine encephalitis (WEE);
 (6) venezuelan equine encephalitis (VEE);
 (7) west Nile virus (WNV);
 (8) equine herpesvirus (neurologic form) (EHV-1, EHV-4);
 (9) equine infectious anemia (EIA);
 (10) equine piroplasmiasis;
 (11) glanders;
 (12) rabies*;
 (13) screwworm;
 (14) strangles (*streptococcus equi*);
 (15) vesicular stomatitis or any other vesicular disease in equines.
- E. Diseases of concern to poultry such as (but not limited to):**
 (1) avian influenza;
 (2) newcastle disease;
 (3) psittacosis*. *Must be reported to New Mexico department of health; if occurring in livestock also notify New Mexico livestock board.
 [3-1-99; 21.30.4.9 NMAC - Rn & A, 21 NMAC 30.4.9, 5-15-2001; A, 7-15-2013]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.30.6 NMAC, Sections 7, 8, 9, 10, 12 and 13, effective 07/15/2013.

21.30.6.7 DEFINITIONS:

A. "Board" means the New Mexico livestock board.

B. "Agent" means the executive director, deputy director, veterinarian, livestock inspectors or employee of the board.

C. "Acceptable specimen" means a specimen determined satisfactory for diagnostic testing by the testing laboratory, including complete documentation.

D. "Accredited veterinarian" means an individual who is currently licensed to practice veterinary medicine and is accredited by the United States department of agriculture, animal plant health inspection service, veterinary services, in the state of New Mexico.

E. "Approved laboratory" means any laboratory designated and approved by the state veterinarian for examining T. fetus samples.

F. "Approved veterinarian" means an accredited veterinarian who has attended trichomoniasis training that is approved by the New Mexico state veterinarian. Such training must include preputial sampling, sample handling and shipping, appropriate record keeping and official bull trichomoniasis identification.

G. "Bovine" means any sexually intact male and female animal of the genus bos.

H. "Certificate of veterinary inspection (CVI)" means the form issued by the state of origin that records the consignor, consignee, identity, origin, destination and health status of animals, issued by an accredited veterinarian of that state. It is commonly known as a health certificate.

I. "New Mexico commuter permit" means a permit issued by the New Mexico state veterinarian's office to New Mexico livestock producers who utilize pasture lands and other livestock operations in one or multiple states that are contiguous with New Mexico.

J. "Commingle" means animals of opposite sex and belonging to different owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.

K. "Complete bull herd test" means an official T. fetus test from each non-virgin bull in the herd.

L. "Direct slaughter" means transporting an animal to a slaughter plant without unloading prior to arrival at the

slaughter plant.

M. "Disease management plan" means a plan developed to eradicate the disease from a positive herd. The disease management plan will be developed by the producer and shall be approved by the state veterinarian.

N. "Exposed herd" means a herd adjacent to a premises occupied by an affected herd, herds sharing common pasture or having contact with affected herd(s) as determined by the state veterinarian.

O. "Herd" means the group of animals consisting of all bovines over 12 months of age (male and female) which have commingled during the last 12 months.

P. "Import permit" means a document issued by the state veterinarian's office authorizing specific livestock movements into New Mexico. Permits expire 30 days after issuance and are not transferable.

Q. "Official T. fetus laboratory testing" means the laboratory procedures that shall be approved by the state veterinarian for culture and identification of T. fetus.

R. "Official T. fetus bull test" means the sampling of the preputial content of a bull by a licensed, accredited and trich test certified veterinarian or a veterinarian from the New Mexico livestock board. Such test must be conducted after at least one week separation from all female bovine. The bull and sample must be positively and individually identified and documented for laboratory submission. The official laboratory test shall be a genetic based test such as polymerase chain reaction (PCR), either standard or real time, or other technologies as approved by the state veterinarian.

S. "Quarantine" means movement restriction issued by a New Mexico livestock inspector that shall be placed on all cattle in a positive T. fetus herd. Such restriction shall specify the identity of the animals and the premises where the animals shall be confined.

T. "Quarantine feedlot" means a dry lot feeding facility approved by the state veterinarian where positive T. fetus bulls and or bovine females from a T. fetus positive herd may be fed prior to slaughter and there is no sexual contact with the opposite sex bovine.

U. "Quarantine release" means that a herd has completed all regulatory requirements to eliminate T. fetus infection in that herd and is no longer classified a positive herd.

V. "Positive T. fetus bull" means a bull that has had a positive T. fetus test.

W. "Positive T. fetus herd" means the group of all bovines which have had any opportunity for sexual contact in the

previous breeding season and in which any animal (male or female) has had a positive diagnosis for T. fetus.

X. "Negative T. fetus bull" means a bull which qualifies by one of the following:

(1) originates from a herd not known to be infected and has had a negative official T. fetus bull test within the last thirty days;

(2) originates from a positive herd but has a series of three negative official T. fetus bull tests at intervals of at least one week; or

(3) qualified with a negative import and negative in-state official T. fetus bull test.

Y. "Regulatory veterinarian" means the state veterinarian or his designee. This may be a state or USDA employed veterinarian or any accredited veterinarian holding a current state license.

Z. "State veterinarian" means the veterinarian designated by the New Mexico livestock board.

AA. "Suspect T. fetus bull" means a bull from a positive T. fetus herd that has not yet had three consecutive negative official T. fetus bull tests.

BB. "Trichomonas fetus (or T. fetus)" means a protozoan parasite that is the causative agent to the contagious venereal disease trichomoniasis. The disease exhibits as infertility, pyometra, abortions and reproductive inefficiency in the female bovine.

CC. "Unacceptable sample" means a sample that is deemed not diagnostic by the official testing laboratory.

DD. "USDA form 1-27" means the official form used when livestock movement is restricted. The form is issued by a regulatory veterinarian and specifies the owner, owner's address, owner's telephone, premises affected, number, breed, age, sex, positive unique individual identification and destination of animals included.

EE. "Virgin bull" means a sexually intact male bovine less than 12 months of age.

FF. "N" brand means the official brand registered to New Mexico livestock board, used to designate any livestock which must be shipped to slaughter or an approved feedlot. [21.30.6.7 NMAC - N, 7/15/05; A, 2/26/10; A, 07/15/13]

21.30.6.8 I M P O R T REQUIREMENTS:

A. Breeding bull.

(1) All non-virgin bulls entering New Mexico must be accompanied by a certificate of veterinary inspection (CVI) and an import permit. All non-virgin bulls, except as noted in Paragraph (7) of this subsection (below), shall be accompanied by

a certificate of veterinary inspection (CVI), import permit and a negative official T. fetus test within [thirty] 60 days prior to entry.

(2) If the pre entry test is conducted at other than a laboratory approved by the American association of veterinary diagnostic laboratories, or the New Mexico state veterinarian, an in state post entry test shall be required within 10 days of entry into New Mexico.

(3) No bull which has ever previously tested positive for T. fetus shall enter New Mexico unless the bull is consigned directly to slaughter and is individually identified for movement on a USDA form 1-27.

(4) No bull from a known positive T. fetus herd shall enter New Mexico unless the bull has three consecutive negative official tests at least a week apart within [30] 60 days prior to entry. The post entry official test is also required. Bulls must be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(5) Each CVI issued for bulls covered under this rule shall bear one of the following statements:

(a) "T. fetus has not been diagnosed in the herd of origin"; or

(b) "the bull(s) represented on this CVI have three consecutive negative official T. fetus test which were at least seven days apart within [30] 60 days prior to entry and there has been no female contact since the last qualifying test."

(6) The veterinarian issuing the CVI shall forward a copy of all official negative T. fetus tests for the bull(s) represented on the CVI to the New Mexico state veterinarian's office.

(7) Exceptions to the importation requirements are:

(a) transient rodeo or exhibition (show) bulls, which shall have no sexual contact with a female bovine and are held in a secure facility to prevent such contact (does not include pasture) while in New Mexico;

(b) bulls consigned direct to slaughter; or

(c) bulls consigned to a feedlot for feeding purposes where they will be isolated from all females; bulls moved from a feedlot must have three consecutive official negative T. fetus tests at least one week apart unless consigned directly to slaughter; any bull quarantined in a feedlot testing positive for T. fetus shall go directly to slaughter from such feedlot; or

(d) bulls originating from a certified trichomoniasis-free herd, in a state with requirements equivalent to those New Mexico has in place for such a herd designation.

B. Reproductive bovine female.

(1) No female bovine originating from a known positive T. fetus herd will be allowed to enter New Mexico. Exceptions include the following:

(a) on the premises of origin there were three consecutive official negative T. fetus tests of the entire bull population and the only allowed females are those which:

(i) have a calf at side and no exposure to other than known negative bulls since parturition; or

(ii) are at least 120 days pregnant; or

(iii) are known virgin heifers; or

(iv) are heifers exposed only to known negative bulls and not yet 120 days pregnant; or

(v) are documented to have had at least 120 days of sexual isolation; and

(vi) no other female will be allowed entry into New Mexico for breeding purposes from such herds;

(b) consigned directly to slaughter or to a quarantined feedlot.

(2) Bovine breeding females must have the following statement placed on the CVI and signed by the owner/manager of the herd of origin:

(a) "the cows listed on this CVI did not originate from a known positive T. fetus herd"; or

(b) "the cows listed on this CVI are at least 120 days pregnant"; or

(c) "the cows listed on this CVI originated from a positive T. fetus herd and are consigned for slaughter"; or

(d) "the heifers listed on this CVI were exposed for their first breeding only to a known negative T. fetus bull or artificially inseminated and are not yet 120 days pregnant"; or

(e) "the females listed on this CVI have had at least 120 days of sexual isolation immediately preceding the date of their movement into New Mexico."

C. Commuter permitted cattle.

(1) Bulls must be tested annually after a separation of at least one week from all female bovine. All bulls must be negative to an official T. fetus test to be eligible to have a commuter permit issued for the following year. All purchased bulls added to herd shall comply with test provisions.

(2) In any herd, should a bull be a positive T. fetus bull, he shall be identified and sold to slaughter only.

(a) All remaining bulls must test negative on three consecutive official tests at least one week apart.

(b) Only females which have a calf at side and no exposure to other than known negative T. fetus bulls since parturition, are at least 120 days pregnant, are known virgin heifers or are heifers exposed only to

known negative bull and not yet 120 days pregnant shall be allowed to accompany the commuting herd. Other open cows shall be sold to slaughter, moved under quarantine to be fed for slaughter or artificial insemination or held in sexual isolation for a 120 day period.

D. Import permit.

(1) All [~~non-virgin bulls~~] cattle must obtain an import permit, which will be recorded on the CVI.

(2) All cows originating from a premises where T. fetus has been diagnosed within the last year must obtain an import permit, and prior approval for entry from the New Mexico state veterinarian, which will be recorded on the CVI.

E. Public livestock sales (auctions).

(1) All out-of-state bulls must be accompanied by an import permit.

(2) All non-virgin bulls (in state or import) shall be accompanied by an official laboratory negative T. fetus test, conducted within thirty days prior to sale. Any bull without a test will be placed under quarantine and tested at the livestock sale premises within 10 days of sale or will be sold for slaughter purposes only. Bulls shall be isolated from all females until the in-state test results are known. Identification procedures are listed below.

(3) All bulls not qualifying as above will be announced in the sale ring as "slaughter only" and so designated on the buyer's documents. Such bulls shall be identified with a back tag designating them as having no trich test prior to being offered for sale.

(4) Bovine breeding females shall be accompanied by one of the following statements signed by the owner/manager of the herd of origin on the CVI or other suitable document. In the absence of one of these statements, any female bovine over the age of 12 months shall be consigned and sold to slaughter (or quarantined feed for slaughter) only.

(a) "The cows listed on this document did not originate from a known positive T. fetus herd."

(b) "The heifers on this document have been exposed to only known negative bulls and are not yet 120 days pregnant."

(c) "The cows listed on this document are at least 120 days pregnant." or

(d) "The cows listed on this document originate from a positive T. fetus herd and are consigned for slaughter."

[21.30.6.8 NMAC - N, 7/15/05; A, 2/26/10; A, 07/15/13]

21.30.6.9 I N T R A S T A T E BREEDING BULLS:

A. All non-virgin bulls must have a negative T. fetus test within [30] 60 days prior to change of ownership or

change of possession under lease or rental, sharing or any other agreement that would place the bull in a different breeding herd.

B. Bulls shall not be exposed to females at the new premises until the results of the test are known.

C. Any bull with a positive test shall be immediately quarantined and the positive bull(s) shall be identified with the official New Mexico livestock board "N" fire brand.

D. The quarantine shall be in effect until the bull is sent to slaughter.

E. The positive T. fetus bull's herd of origin will be placed under quarantine.

F. The quarantine will be released in accordance to the regulatory section of this rule.

[21.30.6.9 NMAC - N, 7/15/05; A, 2/26/10; A, 07/15/13]

21.30.6.10 VOLUNTARY NEW MEXICO T. FETUS FREE HERD CERTIFICATION REQUIREMENTS - MAY BE AN INDIVIDUAL HERD, RANCH, GRAZING ASSOCIATION OR FEDERAL LAND PERMITEE:

A. Breeding bulls.

(1) All non-virgin breeding bulls shall be tested annually for T. fetus for the three years following the adoption of this rule.

(2) During the three year inception period, all non-virgin breeding bulls with changes of ownership, leased, rented or otherwise shall be tested for T. fetus within [30] 60 days prior to such change unless consigned direct to slaughter. The test will be completed and test results known prior to the time a bull(s) is physically transferred to the receiving premises or herd.

(3) Negative T. fetus bulls will be identified with the official New Mexico negative T. fetus tag described in the identification section of this part.

(4) All slaughter bulls removed from the herd will be tested for T. fetus. The test may be [~~performed~~] performed at a slaughter facility if prior arrangement with a veterinarian and an appropriate agreement with the slaughter facility management is made.

(5) Bovine females added to a certified herd shall not originate from known T. fetus infected herd. Female herd additions must originate from a New Mexico certified T. fetus free herd or qualify in one of the following categories:

(a) calf at side and no exposure to other than known negative T. fetus bulls;

(b) checked by an accredited veterinarian, at least 120 days pregnant and so recorded;

(c) virgin; or

(d) heifers exposed as virgins only to known negative T. fetus infected bulls and

not yet 120 days pregnant.

(6) Records must be maintained for all tests including all non-virgin bulls entering the herd and made available for inspection by a designed accredited veterinarian or state animal health official.

(7) Following successful completion of the three-year testing requirement, the participating entity shall receive a T. fetus **free** certification from the New Mexico state veterinarian's office. Annual re-certification will require documented evidence that all male herd additions were virgin or that non-virgin breeding bulls added to the herd had three official negative T. fetus test within [30] 60 days prior to commingling with female bovine and that all slaughter bulls removed from the herd have been negative for T. fetus prior to or at slaughter.

(8) A herd in which a bull has a confirmed T. fetus infection will be classified as a positive T. fetus herd and shall be removed from the "free" status. The herd will be quarantined until positive T. fetus bulls are sent to slaughter and all other bulls in the herd test negative to three consecutive official T. fetus tests at least seven days apart. The third T. fetus test will be completed within 12 months of T. fetus confirmation in the herd and will be conducted after the bulls have had breeding exposure to the cow herd. The bulls will be removed from the cow herd at least seven days prior to the official T. fetus test. If more than 12 months have passed since confirmation of T. fetus in the herd, the state veterinarian may require additional T. fetus testing prior to release of quarantine. The initial negative T. fetus test is included in the three negative tests.

B. A non-tested non-virgin bull that commingles with a herd which holds or is actively working toward the New Mexico certified trich free status, by fence breach or any commingled situation shall obligate the owner of the non-tested bull to test the bull from one to three times at the option of the state veterinarian in consultation with the owner and veterinarian of the negative herd.

C. A bull from a herd which holds a current or has pending a **free** certification and which commingles with a non-tested herd, shall undergo one to three official T. fetus test(s) prior to return to his herd of origin. Shall such test be positive, all bulls from both herds may be subject to test. The state veterinarian in consultation with the herd owner and herd veterinarian will determine the appropriate number of tests and number of bulls to be tested.

[21.30.6.10 NMAC - N, 7/15/05; A, 2/26/10; A, 7/15/13]

21.30.6.12 IDENTIFICATION:

A. Bulls which have passed the official negative T. fetus test shall be

identified with an official New Mexico negative T. fetus tag. Virgin bulls should also be tagged with the official negative T. fetus tag. The official tag shall be embossed with "New Mexico negative T. fetus" and a number. Tags will be supplied by the New Mexico livestock board and be assigned to approved veterinarians, who shall apply such tags at the time samples are collected. The approved veterinarian shall record any ~~[second form of positive identification available; or apply a standard USDA metal tag as a secondary identification.]~~ form of positive official identification worn by the bull or apply a standard USDA metal tag as a secondary identification if none exists. Bulls so identified pending test results shall be isolated from all females until the test result is reported. The official negative T. fetus tag color shall be changed annually.

B. Positive T. fetus bulls shall be identified with the official New Mexico livestock board "N" fire brand or other identification approved by the state veterinarian and applied by the attending livestock inspector. Existing standard USDA metal ear tag and the official T. fetus tag shall be recorded when the "N" brand is applied.

C. Any quarantined bovinds moved from the original premises of quarantine shall be identified with the official New Mexico livestock board "N" fire brand or other identification approved by the state veterinarian.
[21.30.6.12 NMAC - N, 7/15/05; A, 2/26/10; A, 07/15/13]

21.30.6.13 SPECIMEN COLLECTION FACILITIES:

A. The bull owner must provide adequate corrals and restraint, or transport the bull(s) to a location with such corrals and restraint, to protect the animal and veterinarian from undue injury risk.

B. The approved veterinarian shall determine the adequacy of such facilities and may require the bulls be delivered to a mutually agreed facility if the owner's facility is deemed inadequate.
[21.30.6.13 NMAC - N, 7/15/05; A, 07/15/13]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.30.7 NMAC, Section 11, effective 07/15/2013.

21.30.7.11 IMPORTATION OF STALLIONS:

A. No commercial breeding stallion shall be imported into New Mexico for breeding purposes unless found serologically negative to an EVA test (serum neutralization) within 30 days prior to importation or serologically negative prior to vaccination and subsequently proven not a shedder of the disease. The results of these tests must be attached to the interstate CVI.

B. Stallions 36 months of age and older will be required to have a negative EVA test drawn by a licensed and accredited veterinarian. The test is to be conducted by an approved diagnostic laboratory. Age will be determined based on a January 1 birth date on all stallions.

~~[B-]~~ **C.** Positive EAV stallions may be imported into New Mexico or moved within the state on a permit issued by the office of the state veterinarian and may be subject to quarantine. Official laboratory serum and semen culture results shall accompany the interstate CVI. In addition, the consignee shall be advised of the stallion's EAV status and consents to shipment. Imported stallions shall be registered annually with the New Mexico livestock board.

[21.30.7.11 NMAC - N/E, 11/17/06; A, 07/15/13]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.32.2 NMAC, Section 8, effective 07/15/2013.

21.32.2.8 BRANDING OF LIVESTOCK:

A. BRANDING OF CATTLE: All cattle in the state of New Mexico shall be required to be branded with a recorded New Mexico brand, excepting calves with branded mother, registered animals, which are identified by a proper registration mark and whose owner has been issued a certificate of brand exemption for the registered herd, and dairy cattle, which are identified in accordance with the provisions of 21.32.2.9 NMAC, and cattle in a feedlot, which are identified in accordance with the provisions of 21.32.2.10 NMAC.

B. IDENTIFICATION OF EQUINES: All equines shall be required to be branded with a New Mexico recorded brand, or identified by a horse identification card (Form 1-H or 1HA) showing individual markings, scars, etc.

C. BRANDING OF

SHEEP AND GOATS: All owners of sheep and goats in the state of New Mexico shall be required to have a wool/hair brand registered in the office of the New Mexico livestock board and such brand is to be the sole property of the recorded owner. The brand may be applied by means of paint, chalk, hot iron, tattoo, or eartags. Additionally, earmarks may be used as a means of identification and, if used as a means of identification, the earmark must be recorded in conjunction with the recorded brand. The board, at its discretion, may immediately halt the use of earmarks as a means of identification and require branding, tattooing, or eartagging of all sheep and goats.

D. All sheep and goats being moved, transported, driven, or otherwise transferred from one premises to another ~~[and/or]~~ or all of those presented for or requiring inspection, shall be required to bear a recorded means of identification. All such sexually intact sheep and goats, regardless of age and wethers of either species 18 months of age and older must also be identified with a permanent official identification device or a permanent method approved by USDA for use in the scrapie program unless the animals are under 18 months of age and are moving directly or through a slaughter only sale to slaughter or to a terminal feedlot or are animals of any age moving for management purposes to another premises also rented or owned by the flock owner without a change of ownership.

E. Sheep and goats destined for show or exhibition shall be exempt from paint, chalk, or fire brand regulations, provided such sheep and goats are ~~[properly identified by at least one of the accepted marks of identification (tattoos or eartags)]~~ identified with a permanent official identification device or permanent method approved by USDA for use in the scrapie program.

F. Nothing herein shall exempt any owner of livestock from possessing necessary bills of sale or proof of ownership for their livestock and presenting proof of ownership upon request.

[3-1-99; 21.32.2.8 NMAC - Rn & A, 21 NMAC 32.2.8, 7-31-2000; A, 9-15-2010; A, 7-15-2013]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.32.3 NMAC, Sections 7 and 11, effective 07/15/2013.

21.32.3.7 DEFINITIONS:

A. "Approved eartag" shall be any tag that has received the approval of the livestock board prior to application. The tag must clearly and conspicuously show the owner of the calf prior to sale. The owner

may be shown by use of the actual name to which the brand is recorded, brand image ~~or brand master number [or milk permit number]~~.

B. "Baby calf" means a bovine animal less than thirty (30) days of age.

C. "Board" means the New Mexico livestock board.

D. "Calf-raising facility and or feed yard" means an established entity in the state of New Mexico for the primary purpose of raising baby calves that are not part of a cow-calf pair that have multiple herds of origin.

E. "Cow-calf pair" means a cow and its suckling progeny; a cow nursing an adopted calf does not qualify as a "cow-calf pair."

F. "Dairy" means an established entity in the state of New Mexico in business for the primary purpose of fluid milk production and which has been assigned a dairy I.D. number by the New Mexico department of agriculture.

G. "Director" means the executive director of the New Mexico livestock board.

H. "Feedlot" means an established entity in the state of New Mexico for the primary purpose of feeding cattle.

I. "Inspector" means any duly authorized or commissioned officer of the livestock board.

J. "Livestock or animal" means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids, and farmed cervidae.

K. "New Mexico livestock" means any livestock raised or pastured or fed within the state of New Mexico.

L. "Person" means an individual, partnership, association, or operation.

M. "Quarantine" or "quarantined area" means any area within the state of New Mexico whose physical boundaries have been established by order of the board or a duly authorized agent of the board for the purpose of controlling the movement of livestock to prevent the spread of disease.

N. "Quarantined livestock" means any livestock found by the board or its duly authorized agent to be exposed or affected by a contagious or infectious disease and the order of restricted movement is imposed.

O. "Telephone permit" means the authorization to transport livestock to an approved New Mexico auction without prior inspection, by use of a confidential number issued to the owner or owner's agent, which identifies the specific animals and shipment to a specific auction.

P. "Transient livestock" means livestock transported through the

state of New Mexico from another state or country whose destination is not within the state of New Mexico.

Q. "Transient livestock with New Mexico destination" means livestock imported in the state of New Mexico from another state or country, or being transported within the state and not having reached the final destination for feed or pasture purpose.

[21.32.3.7 NMAC - Rp, 21 NMAC 32.3.7, 5/28/2004; A, 10/30/2008; A, 07/15/2013]

21.32.3.11 INSPECTION AND TRANSPORTATION OF BABY CALVES:

A. Notwithstanding the provisions of 21.32.3.9 NMAC, any owner of a dairy or feedlot may sell calves born to his or her cows and commit the calves to transportation without prior inspection by a duly authorized livestock inspector of the New Mexico livestock board, provided the conditions of this section (21.32.3.11 NMAC) are met.

B. All calves that are to be sold and moved under the provisions of this section shall be eartagged with an approved eartag, which shall clearly and conspicuously show the owner of the calf prior to sale. The owner may be shown by use of the actual name to which the brand is recorded, brand image ~~or brand master number [or milk permit number]~~.

C. All calves that are to be sold and moved under the provisions of this section shall be eartagged and accounted for by eartag number on the approved bill of sale distributed by the New Mexico livestock board for dairy and feedlot calves. The bill of sale shall contain the information required by Section 77-9-22, NMSA 1978, and shall include the eartag number, description of the individual calf by sex, age, and breed (color). The bill of sale shall list the destination to which the calves are to be shipped, the fees charged for the New Mexico livestock board and the beef checkoff, a statement that the calf inspection/bill of sale form is not valid for shipment out of New Mexico, and the form will be serial numbered for accountability. An individual form showing the sale of calves shall be used for no more than one destination. Separate destinations shall not be mixed on one form.

D. The bills of sale used to document the sale of baby calves in accordance with this section, shall be obtained from the New Mexico livestock board inspector.

E. The eartagging of calves in accordance with this section shall occur prior to the calf's departure from the dairy or feedlot of origin.

F. The bill of sale required by this section shall be completed upon change of ownership and in no case after

change of possession.

G. The approved eartags used to identify the dairy or feedlot of origin and the individual calf may be procured from any source provided the eartag meets the minimum requirements of information in Subsection B of 21.32.3.11 NMAC above.

H. The dairy or feedlot owner is responsible for maintaining the serial numbered forms and all monies collected for the month. The New Mexico livestock board inspector will meet with the dairy owner monthly to reconcile the month's activities, update the form inventory, and collect all monies accumulated for the preceding month.

I. The New Mexico livestock board inspector shall record the totals to his/her monthly report to the main office of the board and deposit, to the main office in the normal manner, all monies collected.

J. The New Mexico livestock board inspector is responsible for maintaining inventory accountability and ensuring the forms issued to the dairy or feedlot owner are listed by serial number sequence on an issue document signed by that dairy or feedlot owner and the inspector issuing the forms. The original of that issue document will be held by the inspector and a copy supplied to the dairy or feedlot owner.

K. A fee set by the New Mexico livestock board shall be charged for each calf tagged and forms inspected. The fees are payable at the time the inspector inspects the forms and accomplishes the monthly reconciliation with the dairy or feedlot owner.

L. The beef checkoff shall be collected in accordance with state and federal laws and regulations. The amount collected will be the amount set by federal mandate through the Beef Promotion and Research Act and order.

[21.32.3.11 NMAC - Rp, 21 NMAC 32.3.11, 5/28/2004; A, 07/15/2013]

NEW MEXICO LIVESTOCK BOARD

This is an amendment to 21.32.10 NMAC, Section 13, effective 07-15-2013.

21.32.10.13 ~~[ABATTOIRS, MEAT DEALERS AND STORAGE PLANTS]~~

~~A. Annual license fee for meat dealers, abattoirs and storage plants - one hundred dollars (\$100.00):~~

~~B. Annual licenses are valid from January 1st through December 31st:~~

~~C. License fees renewals are due thirty days before the expiration date of the current license:~~

~~D. Operating without a~~

current license is prohibited.] [Reserved]
[21.32.10.13 NMAC - N, 12-30-2004;
Repealed, 07-15-2013]

NEW MEXICO COMMISSION OF PUBLIC RECORDS

1.13.1 NMAC, Public Records - General Provisions, filed May 8, 2003 is repealed effective July 15, 2013.

NEW MEXICO COMMISSION OF PUBLIC RECORDS

June 19, 2013

Jackie Garcia, Agency Analysis Bureau Chief
NM Commission of Public Records
1205 Camino Carlos Rey
Santa Fe, New Mexico 87507

Ms. Garcia:

You recently requested to publish a synopsis in lieu of publishing the full content of the following rules:

- 1.18.370 NMAC ERRDS, Secretary of State,
- 1.18.420 NMAC ERRDS, Regulation and Licensing,
- 1.18.430 NMAC ERRDS, Public Regulation Commission
- 1.18.440 NMAC ERRDS, Office of Superintendent of Insurance
- 1.18.630 NMAC ERRDS, Human Services Department
- 1.18.665 NMAC ERRDS, Department of Health
- 1.19.2 NMAC LGRDS, Local Government Records Retention and Disposition Schedule for the Office of the County Assessor
- 1.19.4 NMAC ERRDS, Local Government Records Retention and Disposition Schedule for the Board of County Commissioners, County Managers

A review of the rules shows that their impact is limited to the individual agency to which it pertains, and it is "unduly cumbersome, expensive or otherwise inexpedient" to publish. Therefore, your request to publish a synopsis for each of the rules listed is approved.

Sincerely,

John Hyrum Martinez
State Records Administrator

JHM/jg

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS 1.18.440 NMAC ERRDS, Office of Superintendent of Insurance

1. Subject matter: 1.18.440 NMAC, Executive Records Retention and Disposition Schedule for the Office of Superintendent of Insurance. This is a new ERRDS 1.18.440 NMAC, ERRDS for the Office of Superintendent of Insurance. The records retention and disposition schedule is a timetable for the management of specific records series of the Office of Superintendent of Insurance. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Office of Superintendent of Insurance.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Office of Superintendent of Insurance. Persons and entities normally subject to the rules and regulations of the Office of Superintendent of Insurance may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Office of Superintendent of Insurance.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Office of Superintendent of Insurance. Any person or entity outside the covered geographical area that conducts business with or through the Office of Superintendent of Insurance may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do

not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.440 NMAC ERRDS, Office of Superintendent of Insurance.

SRCA Legal Representative

Date

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS 1.18.370 NMAC ERRDS, Secretary of State

1. Subject matter: 1.18.370 NMAC, Executive Records Retention and Disposition Schedule for the Secretary of State. This is an amendment to 1.18.370 NMAC, ERRDS, Secretary of State amending Sections 3, 6-9 and 203, adding Sections 401 - 406. The records retention and disposition schedule is a timetable for the management of specific records series of the Secretary of State. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Secretary of State.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Secretary of State. Persons

and entities normally subject to the rules and regulations of the Secretary of State may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Secretary of State.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Secretary of State. Any person or entity outside the covered geographical area that conducts business with or through the Secretary of State may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.370 NMAC ERRDS, Secretary of State.

SRCA Legal Representative

Date

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.18.420 NMAC ERRDS, Regulation and Licensing Department

1. Subject matter: 1.18.420 NMAC, Executive Records Retention and Disposition Schedule for the Regulation and Licensing Department. This is an amendment to 1.18.420 NMAC, ERRDS, Regulation and Licensing Department amending Sections 8, 551, 571, 572, 579, 585, 587, 611, 612, 613, 951, 952, adding Sections 593 - 595 and 953 - 958 and repealing Sections 552, 553, 555 - 560, 573 - 576, 578, 580 - 584,

586, 588 - 592, 614 - 616, 638-646, 960 - 964. The records retention and disposition schedule is a timetable for the management of specific records series of the Regulation and Licensing Department. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Regulation and Licensing Department.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Regulation and Licensing Department. Persons and entities normally subject to the rules and regulations of the Regulation and Licensing Department may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Regulation and Licensing Department.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Regulation and Licensing Department. Any person or entity outside the covered geographical area that conducts business with or through the Regulation and Licensing Department may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center

and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.420 NMAC ERRDS, Regulation and Licensing Department.

SRCA Legal Representative

Date

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.18.430 NMAC ERRDS, Public Regulation Commission

1. Subject matter: 1.18.430 NMAC, Executive Records Retention and Disposition Schedule for the Public Regulation Commission. This is an amendment to 1.18.430 NMAC, ERRDS, Public Regulation Commission amending Sections 9 and 21, also Repealing Sections 22, 32-35, 40, 41, 45, 46, 51-53, 59-65, 71-74, 77, 80, 84 and 88-94. The records retention and disposition schedule is a timetable for the management of specific records series of the Public Regulation Commission. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Public Regulation Commission.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Public Regulation Commission. Persons and entities normally subject to the rules and regulations of the Public Regulation Commission may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Public Regulation Commission.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered

by the Public Regulation Commission. Any person or entity outside the covered geographical area that conducts business with or through the Public Regulation Commission may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.430 NMAC ERRDS, Public Regulation Commission.

SRCA Legal Representative

Date

**NEW MEXICO
COMMISSION OF PUBLIC
RECORDS**

SYNOPSIS

1.18.630 NMAC ERRDS, Human Services Department

1. Subject matter: 1.18.630 NMAC, Executive Records Retention and Disposition Schedule for the Human Services Department. This is an amendment to 1.18.630 NMAC, ERRDS, Human Services Department amending Sections 3, 6, 7, 9 and 82, adding Sections 74-76. The records retention and disposition schedule is a timetable for the management of specific records series of the Human Services Department. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative,

fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Human Services Department.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Human Services Department. Persons and entities normally subject to the rules and regulations of the Human Services Department may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Human Services Department.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Human Services Department. Any person or entity outside the covered geographical area that conducts business with or through the Human Services Department may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.630 NMAC ERRDS, Human Services Department.

SRCA Legal Representative

Date

**NEW MEXICO
COMMISSION OF PUBLIC
RECORDS**

SYNOPSIS

1.18.665 NMAC ERRDS, Department of Health

1. Subject matter: 1.18.665 NMAC, Executive Records Retention and Disposition Schedule for the Department of Health. This is an amendment to 1.18.665 NMAC, ERRDS, Department of Health amending Sections 6-9 and adding Sections 5000-5003. The records retention and disposition schedule is a timetable for the management of specific records series of the Department of Health. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Department of Health.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Department of Health. Persons and entities normally subject to the rules and regulations of the Department of Health may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Department of Health.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Department of Health. Any person or entity outside the covered geographical area that conducts business with or through the Department of Health may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.18.665 NMAC ERRDS, Department of Health.

SRCA Legal Representative

Date

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.19.2 NMAC LGRRDS, Office of the County Assessor

1. Subject matter: 1.19.2 NMAC, LGRRDS, Local Government Records Retention and Disposition Schedule for the Office of the County Assessor. This is an amendment to 1.19.2 NMAC, LGRRDS, Office of the County Assessor amending Sections 3, 6-9 and 119. The records retention and disposition schedule is a timetable for the management of specific records series of the Office of the County Assessor. It describes each record series by record name, record function, record content, record filing system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Office of the County Assessor.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Office of the County Assessor. Persons and entities normally subject to the rules and regulations of the Office of the County Assessor may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Office of the County Assessor.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Office of the County Assessor. Any person or entity outside the covered geographical area that conducts business with or through the Office of the County Assessor may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.19.2 NMAC LGRRDS, Office of the County Assessor.

SRCA Legal Representative

Date

NEW MEXICO COMMISSION OF PUBLIC RECORDS

SYNOPSIS

1.19.4 NMAC LGRRDS, Board of County Commissioners, County Managers

1. Subject matter: 1.19.4 NMAC, LGRRDS, Local Government Records Retention and Disposition Schedule for the Board of County Commissioners, County Managers. This is an amendment to 1.19.4 NMAC, LGRRDS, Board of County Commissioners, County Managers amending Sections 3, 6, 7 and 9, adding Sections 106, 175 and 176. The records retention and disposition schedule is a timetable for the management of specific records series of the Board of County Commissioners, County Managers. It describes each record series by record name, record function, record content, record filing

system, record confidentiality, and record retention. The record retention is the life cycle of each records series. It indicates the retention or length of time a record series must be maintained by the department as well as its final disposition. The retention and disposition requirements in this rule are based on the legal and use requirements of the records as well as on their administrative, fiscal and archival value. This rule was developed by the Records Management Division of the State Records Center and Archives (New Mexico Commission of Public Records) and approved by the State Records Administrator, the New Mexico Commission of Public Records and the Board of County Commissioners, County Managers.

2. Persons affected: The persons affected are the record producing and record keeping personnel of the Board of County Commissioners, County Managers. Persons and entities normally subject to the rules and regulations of the Board of County Commissioners, County Managers may also be directly or indirectly affected by this rule.

3. Interests of persons affected: Interests include the records produced and maintained by the Board of County Commissioners, County Managers.

4. Geographical applicability: Geographical applicability is limited to areas within the State of New Mexico covered by the Board of County Commissioners, County Managers. Any person or entity outside the covered geographical area that conducts business with or through the Board of County Commissioners, County Managers may also be affected by this rule.

5. Commercially published materials incorporated: The New Mexico Statutes Annotated 1978 is used as reference in the development of this rule. However, they do not constitute a substantial portion of this rule.

6. Telephone number and address of issuing agency: New Mexico State Records Center and Archives, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505. Telephone number: (505) 476-7900.

7. Effective date of this rule: July 29, 2013.

Certification

As counsel for the State Records Center and Archives, I certify that this synopsis provides adequate notice of the content of 1.19.4 NMAC LGRRDS, Board of County Commissioners, County Managers.

SRCA Legal Representative

Date

**NEW MEXICO
PUBLIC REGULATION
COMMISSION**

Repealer: The New Mexico Public Regulation Commission repeals its rule 10.25.10 NMAC, entitled "Fire Protection Fund", filed 12-13-2000, and replaces it with the new rule 10.25.10 NMAC, "Fire Protection Fund", effective 7-15-2013.

Repealer: The New Mexico Public Regulation Commission repeals its rule 10.25.11 NMAC, entitled "Firefighting Qualification System", filed 12-13-2000.

**NEW MEXICO
PUBLIC REGULATION
COMMISSION**

**TITLE 10 PUBLIC SAFETY
AND LAW ENFORCEMENT
CHAPTER 25 STATE FIRE
MARSHAL
PART 10 FIRE PROTECTION
FUND**

10.25.10.1 ISSUING AGENCY: New Mexico Public Regulation Commission, State Fire Marshal's Division. [10.25.10.1 NMAC - Rp, 10.25.10.1 NMAC, 7-15-13]

10.25.10.2 SCOPE: This rule applies to all counties, municipalities, and any governmental entity, under law, that receive fire protection fund money. [10.25.10.2 NMAC - Rp, 10.25.10.2 NMAC, 7-15-13]

10.25.10.3 STATUTORY AUTHORITY: Section 59A-53-12 NMSA 1978. [10.25.10.3 NMAC - Rp, 10.25.10.3 NMAC, 7-15-13]

10.25.10.4 DURATION: Permanent. [10.25.10.4 NMAC - Rp, 10.25.10.4 NMAC, 7-15-13]

10.25.10.5 EFFECTIVE DATE: July 15, 2013, unless a later date is cited at the end of a section. [10.25.10.5 NMAC - Rp, 10.25.10.5 NMAC, 7-15-13]

10.25.10.6 OBJECTIVE: The purpose of this rule is to clarify the

requirements under which fire departments are funded and to specify the items and services that can be procured for use in the operations, maintenance and betterment of local fire departments with the intention of reducing losses by fire and reducing fire insurance rates, as well as to ensure that all firefighters within New Mexico have the basic skills and knowledge required to perform as team members of a fire department during emergency operations. [10.25.10.6 NMAC - Rp, 10.25.10.6 NMAC & 10.25.11.6 NMAC, 7-15-13]

10.25.10.7 DEFINITIONS: As used in this rule:

A. accreditation means to give official authorization or approval; or to recognize or vouch for as conforming to a standard;

B. certified fire department means a fire department that has been certified pursuant to paragraph 10.25.10.11 of this rule;

C. certification means to attest authoritatively; specifically, the issuance of a document that states that one has demonstrated the knowledge and skills necessary to function in a particular field, by a testing procedure;

D. certifying entity means an organization that is accredited, or a government agency statutorily authorized to issue certificates;

E. competent means capable; fit to perform the assigned tasks;

F. fire department means an organization created by any municipality, county, or other governmental entity entitled to fire protection funds and capable of providing fire suppression and related activities;

G. fire chief means the highest-ranking officer in charge of a fire department;

H. fire company means a group of members that is under the direct supervision of an officer or leader; trained and equipped to perform assigned tasks; arrives at the incident scene on the fire apparatus, or assembles at the scene prior to assignment; usually operates with one piece of apparatus; examples of companies are pumper/engine, truck/ladder, service, elevating platform, rescue, wild land, hazardous materials, and emergency medical/ambulance;

I. fire protection fund (FPF) means funds distributed pursuant to the Fire Protection Fund Act, Section 59A-53-1 NMSA 1978;

J. fire marshal means the state fire marshal as established under the State Fire Marshal Act, Section 59A-52-1 NMSA 1978;

K. fire service apparatus means a motorized vehicle designated to respond to fire service functions performed

by the fire department;

L. fire service means all fire departments and fire department members that have the skills and equipment needed to perform the functions of a fire department based on NFPA standards or nationally accepted practices; fire service functions performed by fire departments ensure public safety and health; fire services functions may include, but are not limited to, structural firefighting, wild land firefighting, emergency medical services, rescue, and hazardous materials;

M. fire suppression means the activities involved in controlling and extinguishing fires; fire suppression shall include all activities performed at the scene of a fire incident or training exercise that expose fire department members to the dangers of heat, flame, smoke, and other products of combustion, explosion or structural collapse;

N. initial attack apparatus means a fire service apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 250 gpm capacity, a water tank, and a hose body; the primary function is to initiate a fire suppression attack on structural, vehicular, or vegetation fires, and to support associated fire department operations;

O. insurance services office, inc (ISO) means an independent statistical, rating, and advisory organization that serves the property and casualty insurance industry. ISO collects information on a community's public fire protection and analyzes the data using its fire suppression rating schedule (FSRS). ISO then assigns a public protection classification from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection;

P. local government means either the municipal or county governing body that governs a given fire department;

Q. main station means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure; as a minimum, the structure should contain an area dedicated for administration, classrooms or a training area, and restrooms; the structure shall house at least one apparatus that meets the criteria for an initial attack or pumper apparatus; the structure shall serve as the command and control station for either all or a designated portion of the department's response area; each fire department shall have at least one main station; if the fire department has more than one main station, there shall be a minimum of three fire companies under the direct control of the senior-ranking officer assigned to each main station; the companies

shall be housed in the main station or in substations that are under the command of the senior-ranking officer; separate buildings that house only fire service administration and that are not co-located with other stations may also be considered main stations;

R. may means an optional or discretionary requirement;

S. member means a person involved in performing the duties and responsibilities of a fire department under the auspices of the organization; a fire department member may be a full-time or part-time paid employee, a paid or unpaid volunteer; may occupy any position or rank within the fire department, and may or may not engage in emergency operations;

T. NFPA standard means the most recent edition of the national fire protection association standard for a given subject;

U. New Mexico firefighters training academy (NMFTA) means the primary institution within the state fire marshal's office responsible for developing or conducting fire service related training; the NMFTA is accredited by the international fire service accreditation congress (IFSAC); as it pertains to this system, the mission statement for IFSAC is to measure the level of professionalism of the fire service internationally through the accreditation of those entities who administer standardized written or manipulative examinations of the required knowledge and skills to meet nationally and internationally recognized professional qualification standards;

V. operational/functional status means a certified fire department that has sufficient membership to ensure the response of at least four members to structure fires; all four members shall have sufficient structural firefighting protective clothing and be, as a minimum, competent at the firefighter I level as established by the NMFTA bureau;

W. position task book (PTB) means a document that lists the minimum performance requirements (tasks) for a specific position within the fire service in format that allows a trainee to be evaluated against written standards;

X. pumper apparatus means a fire department apparatus that meets the general requirements of the applicable NFPA standard and has a permanently mounted fire pump of at least 750 gpm capacity, a water tank, and a hose body; the primary function is to combat structural and associated fires;

Y. shall means a mandatory requirement;

Z. should means a recommendation or that which is advised;

AA. SFMO means the state fire marshal's office;

BB. substation means a structure owned or leased by the local government that provides adequate protection for all apparatus designated to respond from the structure; the structure should house at least one apparatus that meets the general criteria of an initial attack or pumper apparatus; the structure may or may not include separate interior rooms, such as offices, classrooms, and quarters;

CC. trainee means a member of a fire department that is working towards being recognized as competent in a given fire department position; training may be through an academy, conducted by the department, on the job, or by any other means that ensures the trainee can complete the appropriate tasks;

DD. wildland fire apparatus means a fire service apparatus that meets the general requirements of the applicable NFPA standard and is equipped with a pump having a capacity between 20 gpm and 250 gpm, a water tank, and equipment whose primary purpose is to combat vegetation fires, and to support associated fire department operations.

[10.25.10.7 NMAC – Rp, 10.25.10.7 NMAC & 10.25.11.7 NMAC, 7-15-13]

10.25.10.8 APPLICATION REQUIREMENTS TO PARTICIPATE IN DISTRIBUTION:

A. Every local government that desires to have a fire department(s) participate in the distribution of the fire protection fund shall file a complete application on a form prescribed by the fire marshal. This form shall include information necessary to determine the funding needs of the fire department for the following state fiscal year.

B. The application for fire protection funds shall be received in the office of the fire marshal on or before the 30th day of April each year.

[10.25.10.8 NMAC – Rp, 10.25.10.8 NMAC, 7-15-13]

10.25.10.9 ACCUMULATION OF FUNDS:

A. FPF funds cannot be accumulated when the money is not required to accomplish the purpose of the Fire Protection Fund Act or any associated rules promulgated by the fire marshal.

B. FPF funds may be rolled over to subsequent fiscal years for the purposes of accumulating money to procure items or services for use in the operation, maintenance and betterment of the fire department. A request for authorization to rollover and accumulate FPF funds shall accompany the application to participate in distribution. The request must include a detailed description of the intended use of the accumulated money.

C. If the item to be purchased requires rollover and accumulation of FPF funds for more than one-year, only one request and subsequent authorization to accumulate funds is needed. If the item to be purchased changes, a new request for authorization to rollover and accumulate FPF funds shall be submitted to the fire marshal.

[10.25.10.9 NMAC – Rp, 10.25.10.9 NMAC, 7-15-13]

10.25.10.10 PERIODIC REQUIREMENTS:

A. Each fire department shall complete a monthly fire report utilizing the national fire incident reporting system. This report shall be filed with the state fire marshal's office by the 10th day of each month following the month for which the report is prepared, (e.g., the report for January is due by February 10th). Each fire department shall identify and file with the fire marshal's office, as a minimum, one representative responsible to comply with the reporting requirements.

B. Each fire department receiving FPF funds shall submit any other reports the fire marshal shall, from time to time, require and deem necessary.

C. Each fire department receiving FPF funds shall cooperate during any inspection deemed necessary by the fire marshal.

D. Each local government that receives FPF funds shall have in place an accounting system that clearly delineates FPF transactions and, upon request by the fire marshal, make available all records regarding FPF transactions.

[10.25.10.10 NMAC – Rp, 10.25.10.10 NMAC, 7-15-13]

10.25.10.11 CRITERIA FOR THE ESTABLISHMENT, CERTIFICATION AND FUNDING OF NEW DEPARTMENTS:

A. Establishment of a new department. The following actions are to be taken in the order listed.

(1) Local government shall request from the fire marshal an onsite visit of the proposed response area to determine the feasibility of starting a new department.

(2) If the fire marshal determines that starting a new fire department is feasible, the citizens of the community, or communities, shall organize the new fire department. To achieve an operational/functional status, the department shall have sufficient membership to ensure the response of at least four trained members to fires in structures. To meet this minimum number, the department should have at least 12 adults willing and able to volunteer their services as firefighters.

(3) The local government shall

identify water sources within the proposed response area. Ideally, all single point water sources should have a minimum of 30,000 gallons of water usable for suppression. The local government shall obtain written permission from property owners in which they agree to allow the fire department to use private water sources.

(4) The citizens shall petition the local government to establish the fire department by appropriate resolution. The resolution shall contain a legal description of the response area boundaries by section, township, and range.

(5) The local government shall submit to the fire marshal two copies of the resolution along with two clear and concise maps depicting the boundaries of the response area. The maps should be of a scale that clearly depicts the district and identifies the range and township. The preferred scale is one inch equals two miles. The district boundaries should be clearly outlined. Boundaries shall include additional areas to be serviced within an adjacent municipality or county if such additional coverage has been designated by resolution or law. All sources of water for firefighting within the boundaries shall be clearly indicated on the map. An additional copy of the resolution and map should be:

(a) on file with the local government;

(b) on file with the fire department (a copy of the map should be posted).

(6) Upon successful completion of Paragraphs (1) through (5), the fire marshal shall place the new department on probation for one year. The fire department's one-year probation period shall start no earlier than the date of the local government resolution.

(7) The local government shall obtain essential firefighting equipment and personal protective equipment.

(8) As a minimum, the local government shall obtain an operational apparatus meeting the general criteria for an initial attack or pumper apparatus. A waiver may be granted by the fire marshal for an apparatus not meeting this requirement. The request for a waiver shall include a detailed plan that establishes how this requirement is to be eventually met.

(9) The apparatus shall be housed to provide adequate protection. The structure should be owned or leased to the local government. However, while on probation other arrangements approved by the local government are acceptable.

B. Certification of a new department. The fire marshal shall certify a new department when the following requirements have been met:

(1) the department shall have been on probation for a period of no less than one year;

(2) the department shall have

an alarm notification system in place; this system shall be designed so that there is no delay in the receipt of alarms and the dispatch of firefighters; a waiver may be granted by the fire marshal for a specific period if there is a detailed plan that establishes how this requirement is to be met;

(3) as a minimum, the following records shall be on file with the fire department:

(a) response records that indicate the date, times (alarm to return to service), location and type of response and the number and names of responders;

(b) training records that indicate the date, times (start to end), location and description of training, and the number and names of attendees;

(c) minutes of department business meetings;

(d) maintenance records of equipment and apparatus;

(e) up-to-date roster of fire department members;

(4) no later than 30 days prior to the end of the one-year probation period, the fire department provide the fire marshal with the following:

(a) a description of the alarm system;

(b) a complete itemized inventory of firefighting equipment and apparatus;

(c) a roster of firefighters names, addresses and telephone numbers;

(d) a written request for a certification inspection;

(5) a fire department that fails to comply with any portion of the certification requirements shall remain on probation until all requirements are met;

(6) upon review and approval of all requirements, probationary departments shall be certified by written notice.

C. Funding of new departments.

(1) Certified new departments shall receive their first year funding based on pro rata distribution of the department's ISO class. Departments that have not been evaluated by ISO shall have their pro rata distribution based on an ISO Class 10. The distribution shall be based on the state's fiscal year.

(2) All subsequent annual funding shall be based on the department's ISO classification and number of approved main and substations.

[10.25.10.11 NMAC – Rp, 10.25.10.11 NMAC, 7-15-13]

10.25.10.12 ISO CLASS 10 DEPARTMENTS:

A. All Class 10 departments shall have three years from the date of certification as a fire department or from the effective date of this rule (whichever is longer) to achieve Class 9 or better.

B. Class 10 departments may submit a written request to the fire marshal for extension if Class 9 has not been obtained. The request shall identify why Class 9 has not been achieved and include a comprehensive plan that details how these deficiencies shall be corrected.

C. Departments that fail to achieve a Class 9 or better within three years, and that do not receive an extension, shall be inspected to determine their operational/functional status. Departments determined to be non-operational by the fire marshal shall be subject to closure in accordance with Section 59A-53-14 NMSA 1978.

[10.25.10.12 NMAC – Rp, 10.25.10.12 NMAC, 7-15-13]

10.25.10.13 ESTABLISHMENT OF MAIN STATION AND SUBSTATION FOR FUNDING PURPOSES:

A. All stations shall have a name or numerical designation. (example: Washington Street Station or XYZ Fire Department Station No. 2).

B. Existing main and substations shall meet the following requirements:

(1) be a sufficient distance from other stations to reasonably effect response time or ISO classification for a given population, or be located in an area that historically has had periods where accessibility to the area from other stations has been limited due to man made obstacles, geographical constraints, or acts of nature (example: river, railroad tracks, etc.);

(2) be owned or leased to the local government. FPF money cannot be used to pay for additions to or major reconstruction of a leased building; departments shall have three years from the date of certification as a fire department or from the effective date of this document (whichever is longer) to have established a main station that is either leased to or owned by the local government; departments may submit a written request to the fire marshal for extension of the three years; the request shall identify why the extension is needed and include a comprehensive plan that details how and when this requirement shall be met;

(3) provide apparatus with adequate protection, within reasonable expectation from elements, preventing possible damage to any components of the apparatus;

(4) house at least one operational apparatus that meets the general criteria for an initial attack or pumper apparatus; a waiver may be granted by the fire marshal for an apparatus not meeting this requirement.

C. Requirements / procedure for establishment of new main and substations are as follows:

(1) the local government shall file a written request with the fire marshal for an

inspection of the proposed new station site; as a minimum, the station, when completed, shall comply with the requirements for existing substations identified above;

(2) inspection and approval of proposed location from the fire marshal;

(3) if FPF funds shall be used in whole or part to construct the station, the local government shall hold fee simple title to the land on which the substation is to be constructed; however, this provision shall not prohibit construction of a substation on donated land where the donor has reserved the right of reversion of the land under stated conditions;

(4) the local government shall request in writing an onsite inspection and certification by the fire marshal; certifications of new main and substations shall take place before the last day of May for the stations to be included in the calculations for distribution of funds for the next fiscal year. [10.25.10.13 NMAC – Rp, 10.25.10.13 NMAC, 7-15-13]

10.25.10.14 RESPONSIBILITIES:

A. SFMO

(1) NMFTA shall publish or adopt all performance evaluations required under this rule in the form of position task books (PTBs). The NMFTA shall use NFPA standards, other national standards, or nationally accepted training curriculum as the basis for PTBs. The NMFTA shall develop and offer performance-based courses that fulfill the requirements of a PTB.

(2) Trainees who successfully complete the NMFTA training program that was established to fulfill a PTB requirement shall be certified as having passed the written and manipulative examination for that position by the NMFTA. Depending on the training program, certification by NMFTA may be accomplished by one or more of the following:

(a) attending NMFTA campus course and successfully completing the written and manipulative examination(s);

(b) attending an NMFTA filed (adjunct) course and successfully completing the written and manipulative examinations(s);

(c) successful completion of the written and manipulative examination(s) for a given course (i.e., challenge the course).

(3) Certification by NMFTA is not mandatory. The intent of NMFTA certification is to provide assurance to local government that a fire department member has been evaluated and has demonstrated the knowledge and skills necessary to function in the position identified in a given PTB.

B. Local government, in conjunction with the fire department(s), under its jurisdiction.

(1) Local government shall ensure

fire department members under its charge have the knowledge and skills necessary to perform in their assigned positions. This includes not only initial competency, but also that the competency is maintained.

(2) All fire departments shall have a training program and policy that ensures that personnel are trained, and that competency is maintained to effectively, efficiently, and safely execute all operations consistent with the department's local responsibilities.

(3) All fire departments shall make available training and education for all members commensurate with the duties and functions they are expected to perform. All fire departments shall provide their members with training and education appropriate for their duties and responsibilities before permitting them to engage in emergency operations.

(4) If there is a PTB that has been published by or recognized by the fire marshal, all fire departments should have all appropriate members evaluated against the document. Only those members that are determined to be qualified (evaluated under a specific PTB) by local government should hold the applicable title (i.e., firefighter).

(5) Regardless of whether or not the trainee has been certified by NMFTA, local government shall ensure that the trainee is competent and that the level of competency achieved under a given PTB is maintained. Use only the PTB by local government does not constitute state certification, and the local government assumes responsibility and liability for competence of their firefighters. A PTB does not meet prerequisite requirements for other state certification or training courses.

(6) A trainee should be determined to be competent, by local government, at all tasks required by local government within two years of entering trainee status (i.e., assigned a PTB).

(7) Upon request by the fire marshal, completed and signed PTBs shall be made available for inspection.

[10.25.10.14 NMAC – Rp, 10.25.11.8 & 10.25.10.14 NMAC, 7-15-13]

10.25.10.15 PURCHASE OF EQUIPMENT AND SUPPLIES:

A. Training and equipment needed to support the fire department's ability to suppress structure fires shall be the first priority when expending FPF funds. Departments that are not adequately trained or equipped to conduct structural firefighting shall only expend FPF monies on equipment and training directly related to structural firefighting. Exceptions to these rules shall be requested in writing to the fire marshal and shall receive authorization by the fire marshal prior to any expenditure.

B. Factors that shall be utilized to determine if a fire department has

the ability to conduct structural firefighting are as follows:

(1) shall have and be able to sustain and ISO classification of nine or better, and;

(2) shall meet the criteria of operational/functional status as defined in the rule.

C. Fully operational departments may expend funds relevant to the operations and maintenance of the fire department based on NFPA standards or nationally accepted fire service practices without prior approval of the fire marshal if a reasonable need exists for each purchase.

D. No expenditure of funds from the fire protection fund shall be made by any fire department for any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression until such fire department has presented to the state fire marshal sufficient evidence that a need exists for such fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression. Approval may be denied if the requesting department is not in good standing with the periodic requirements as identified in this rule.

(1) Any fire department intending to purchase any fire service apparatus, land, buildings, building renovations, or dedicated water supply for fire suppression shall submit a written request for approval to expend fire protection funds to the state fire marshal before any purchase is made.

(2) The written request shall be approved in writing by the state fire marshal before any fire protection funds may be expended or obligated in any way. Purchases shall always be made in the name of the appropriate municipality or county.

E. Equipment and appliances necessary to perform fire service functions and emergency medical services as provided by the fire department are allowed without prior approval of the state fire marshal if a reasonable need exists for each purchase. A guideline is available to all local governments and fire departments upon request, or may be viewed electronically on the public regulation commission's web page at <http://www.nmprc.state.nm.us/sfm.htm>.

F. Fire departments may purchase meals for members with state fire funds, provided the following guidelines are followed:

(1) any major incident (structure fires, wild land fires, etc.) lasting more than four hours of time on scene;

(2) any training which is physically exerting in nature lasting four hours or more (structural fire training, wild land, rescue, etc.); classroom trainings do not qualify for this provision;

(3) to provide rehab supplies on emergency apparatus, such as water, sport

drinks, MRE's trail mixes, etc.

G. The use of FPF funds for social events is prohibited.

H. Schools, courses, and conferences attended shall be related to fire service and shall be of content relevant to the needs of the department.

[10.25.10.15 NMAC – Rp, 10.25.10.14 NMAC, 7-15-13]

10.25.10.16 PURCHASE OF AUTOMOTIVE APPARATUS: All vehicles purchased with FPF funds shall meet the following requirements:

A. new vehicle specifications for bid shall be submitted to the fire marshal and shall be approved by the fire marshal prior to advertising for bids;

B. a detailed description of used vehicles shall be submitted to the fire marshal and shall be approved prior to expending or committing FPF funds;

C. all new apparatus shall meet the general requirements established under the appropriate NFPA standard or nationally accepted practices if applicable, and shall be designed to meet the operational requirements of the department; if assistance is needed in determining what would be appropriate to meet the potential fire flow requirements for the department's response area, a department may submit the following information to the fire marshal:

(1) a description of the water supply source(s) (example: hydrants, cisterns, river, overhead tank, etc.);

(2) a description of how the water supply shall be delivered to the apparatus (example: short lay of five-inch supply line from hydrants, long lay of five-inch supply line from relay pumper, tanker shuttle, etc.); and

(3) a list containing the five highest commercial fire flow requirements within the response area (identify how this determination was made, example: taken from ISO batch report, used NFPA 1142, etc.); if unable to determine fire flow requirements, describe what each building is being used for (occupancy class), what each building is built of (construction classification), and square footage and height;

D. a requesting department shall provide documentation verifying the department's ability to achieve the required fire flow within its identified response district prior to any funds being expended on non-structural apparatus.

[10.25.10.16 NMAC – Rp, 10.25.10.15 NMAC, 7-15-13]

10.25.10.17 COMPLIANCE WITH PROCUREMENT CODE REQUIRED: All purchases shall be made by the designated purchasing officer in compliance with the provisions

and requirements of the New Mexico procurement code.

[10.25.10.17 NMAC – Rp, 10.25.10.16 NMAC, 7-15-13]

10.25.10.18 EQUIPMENT INVENTORY:

All fire departments shall maintain an equipment inventory list. All single items purchased with FPF monies costing two hundred and fifty dollars (\$250) or more shall be listed on the fire department's inventory list. A physical inventory of such items shall be conducted no less than annually. A copy of the inventory shall be maintained at the main station(s).

[10.25.10.18 NMAC – Rp, 10.25.10.17 NMAC, 7-15-13]

HISTORY OF 10.25.10 NMAC:

Pre-NMAC history:

FM 77-1, Rules and Regulations Relating to the Fire Protection Fund Act and List of Approved Equipment, filed on 3-30-77.

NMAC History:

10 NMAC 25.10, Fire Protection Fund, filed 6-9-97 – Repealed 12-31-2000.

10.25.10 NMAC, Fire Protection Fund, filed on 12-13-2000 – Repealed 7-15-2013.

10.25.11 NMAC, Firefighting Qualification System, filed 12-13-2000 – Repealed 7-15-2013.

End of Adopted Rules Section

Other Material Related to Administrative Law

**NEW MEXICO BOARD
OF EXAMINERS FOR
ARCHITECTS**

**New Mexico Board of Examiners for
Architects**
P.O. Box 509
Santa Fe, New Mexico
505-982-2869

The New Mexico Board of Examiners for Architects will hold a regular open meeting of the Board in Santa Fe, New Mexico on Friday, August 2, 2013. The meeting will be held in the Conference Room of the Board Office, #5 Calle Medico Ste C. in Santa Fe, beginning at 9:00 a.m. Disciplinary matters may also be discussed.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the meeting, please contact the Board Office at 982-2869 at least one week prior to the meeting. Public documents, including the agenda and minutes can be provided in various accessible formats. Please contact the Board Office if a summary or other type of accessible format is needed.

**End of Other Related Material
Section**

Submittal Deadlines and Publication Dates 2013

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

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