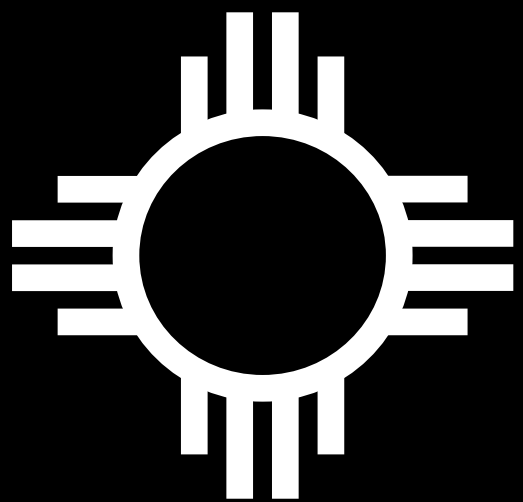


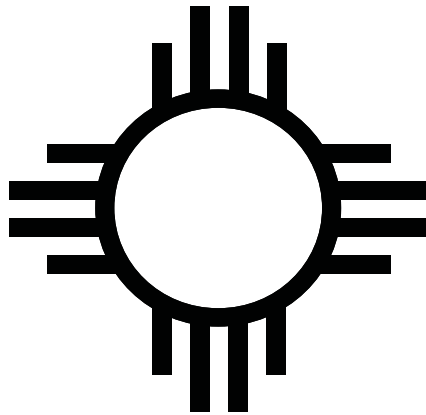
**NEW
MEXICO
REGISTER**



Volume XXIV
Issue Number 21
November 14, 2013

New Mexico Register

**Volume XXIV, Issue Number 21
November 14, 2013**



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

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Administrative Law Division
Santa Fe, New Mexico
2013

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New Mexico Register

Volume XXIV, Number 21

November 14, 2013

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Effective Date and Validity of Rule Filings

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

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Notices of Rulemaking and Proposed Rules

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD NOTICE OF HEARING

On January 8, 2014, at 5:30 PM, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) is scheduled to hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, 400 Marquette Avenue NW, Albuquerque, NM. The hearing will address:

* Proposal to amend 20.11.63 NMAC, *New Source Performance Standards For Stationary Sources*, by incorporating by reference new and modified New Source Performance Standards published in 40 CFR 60, *New Source Performance Standards (NSPS)* through September 13, 2013; and

* Proposal to amend 20.11.64 NMAC, *Emission Standards For Hazardous Air Pollutants For Stationary Sources*, by incorporating by reference new and modified standards published in 40 CFR 61, *National Emission Standards For Hazardous Air Pollutants (NESHAP)*, and 40 CFR 63, *National Emission Standards For Hazardous Air Pollutants By Source Category (NESHAP by Source Category)* through September 13, 2013.

The Environmental Health Department's Air Quality Division routinely updates these regulations to incorporate federal requirements so that the Division can remain up to date on new and modified standards developed at the federal level. In addition, it is proposed that the EPA delegate to the Department the authority to locally administer and enforce the standards referenced above, throughout Albuquerque and Bernalillo County. Local delegation authorizes the Department to require local air pollution sources to comply with these standards.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the proposed revisions to 20.11.63 NMAC, *New Source Performance Standards for Stationary Sources*, and proposed revisions to 20.11.64 NMAC, *Emission Standards for Hazardous Air Pollutants for Stationary Sources*.

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

Hearings and meetings of the Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, and 20.11.82 NMAC, *Rulemaking Procedures -- Air Quality Control Board*.

Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC to submit a written Notice Of Intent to testify (NOI) before 5:00pm on December 23, 2013, to: Attn: Neal Butt, Air Quality Division, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or, you may deliver your NOI to the Environmental Health Department, Suite 3023, 400 Marquette Avenue NW. The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

In addition, written comments to be incorporated into the public record for this hearing should be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on January 2, 2014. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to nbutt@cabq.gov and shall include the required name and address information.

Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department Office, or by contacting Mr. Neal Butt electronically at nbutt@cabq.gov or by phone (505) 768-2660.

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

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

A public hearing to receive testimony on proposed rules will be held in South Park Plaza, 2055 Pacheco, Santa Fe on December 16, 2013, at 9:00 a.m.

The Human Services Department (the Department), Medical Assistance Division (MAD), is proposing new new managed care rules for the implementation of Centennial Care. All of these rules will be in the New Mexico Administrative Code Chapter 308, Managed Care Program. The proposed rule is 8.308.15 *Grievances and Appeals*.

The register and the proposed rule are 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., December 16, 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.

Recorded or written comments must be received no later than 5:00 p.m. mountain standard time Monday, December 16, 2013. Recorded comments may be left by calling 505-827-3152. Comments may be submitted electronically to Emily.Floyd@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing.

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 BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Board of Osteopathic Medical Examiners will hold a Rule Hearing on Thursday, December 19, 2013. Following the Rule Hearing the New Mexico Board of Osteopathic Medical Examiners will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Osteopathic Medical Examiners Rule Hearing will begin at 1:00 p.m. and the Regular Meeting will convene following the rule hearing. The meetings will be held in the Rio Grande Room at the Regulation and Licensing Department, Toney Anaya Building located at the West Capitol Complex, 2550 Cerrillos Road in Santa Fe, New Mexico.

The purpose of the rule hearing is to consider adoption of two new parts to the Board Rules in 16.17 NMAC. The New Parts are 16.17.5 NMAC: Prescribing and Distribution of Controlled Substances; 16.17.8 NMAC: Licensure for Military Service Members, Spouses and Veterans

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at the Toney Anaya Building located at the West Capitol Complex, 2550 Cerrillos Road in Santa Fe, New Mexico, or call (505)476-4622 after December 4, 2013 or from the Board's website. In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comments regarding the proposed rules must present them to the Board Office in writing no later than May 3, 2013. Persons wishing

to present their comments at the hearing will need (10) copies of any comments or proposed changes for distribution to the Board and staff.

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

Martha L. Gallegos, Administrator
PO Box 25101, Santa Fe, NM 87505

NEW MEXICO BOARD OF PHARMACY

NEW MEXICO BOARD OF PHARMACY

REGULAR BOARD MEETING

NOTICE TO THE PUBLIC

The New Mexico Board of Pharmacy will convene on **January 16th & 17th, 2014 at 9:00 a.m.** and continue until finished in the **Board of Pharmacy Conference Room located at 5200 Oakland Ave., NE, Albuquerque, NM** for the purpose of conducting a regular board meeting. Anyone who needs special accommodations for the meeting should contact the board office at (505) 222-9830 or contact Debra Wilhite, Administrative Secretary, at (505) 222-9835 or fax (505) 222-9845, e-mail debra.wilhite@state.nm.us as soon as possible.

The agenda (tentative) will be available starting Monday, January 6, 2014 through the board's website: www.rld.state.nm.us/boards/pharmacy.aspx. To receive copies of the agenda and any proposed rule, you may access the links on the agenda for printing via the website listed.

Interested persons wishing to comment and/or present proposed language regarding rule hearings must submit documentation via fax (505)222-9845, mail or email to Larry Loring, Larry.Loring@state.nm.us or Debra Wilhite, debra.wilhite@state.nm.us no later than Monday, January 6, 2014, if in attendance must provide 12 copies of the documentation for distribution to board members.

Rule Hearings:

16.19.6 NMAC Pharmacies

16.19.20 NMAC Controlled Substances

16.19.26 NMAC Pharmacist Prescriptive Authority

Hearings, Board Orders and Surrenders:

Approval of Applications:

Other Board Matters:

Committee Reports:

Public Requests:

Petitioners must be present or available telephonically to present their request. Petitioners, if in attendance must provide 12 copies of the documentation regarding the request and/or any proposed language for distribution to board members no later than Monday, January 6, 2014 for presentation. (Board staff is not required to make copies.)

The board may go into executive session at any time to discuss licensee and/or personnel matters.

*Executive Director's Report:
Case presentations*

NEW MEXICO BOARD OF PODIATRY

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Board of Podiatry will hold a Rule Hearing on Monday, December 16, 2013. Following the Rule Hearing the New Mexico Board of Podiatry will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Podiatry Rule Hearing will begin at 10:00 a.m. and the Regular Meeting will convene following the Rule Hearing. The meeting will be held at the Regulation & Licensing Department, 5200 Oakland Avenue NE Albuquerque, NM 87113.

The purpose of the Rule Hearing is to consider adoption of proposed amendments and additions to the following Board Rules and Regulations in Military Licensing (New Part); 16.21.7 NMAC

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at the Toney Anaya Building located at 2550 Cerrillos

Road in Santa Fe, New Mexico 87505, or call (505) 476-4630 after November 18, 2013 in order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comments regarding the proposed rules must present them to the Board Office in writing by close of business day on December 6, 2013. Persons wishing to present their comments at the Rule Hearing will need (10) copies of any comments or proposed changes for distribution to the Board and staff.

A copy of the agenda will be available at least 24 hours prior to the meeting and may be obtained at the Board office located on the 2nd Floor of the Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM, or by calling the Board office at (505) 476-4630 and will also be posted on our website at www.rld.state.nm.us Podiatry, under Members and Meetings.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing or meeting, but you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please call the Board office at (505) 476-4630 at least two weeks prior to the meeting or as soon as possible.

NEW MEXICO COMMISSION OF PUBLIC RECORDS

NOTICE OF REGULAR MEETING

The New Mexico Commission of Public Records has scheduled a regular meeting for Tuesday, December 3, 2013, at 9:30 A.M. The meeting will be held at the NM State Records Center and Archives, which is an accessible facility, at 1205 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the hearing, please contact Antoinette L. Solano at 476-7902 by November 19, 2013. Public documents, including the agenda and minutes, can be provided in various accessible formats. A final copy of the agenda will be available 72 hours before the meeting.

NOTICE OF RULEMAKING

The Commission of Public Records may consider the following items of rulemaking at the meeting:

Amendment

1.18.370 NMAC ERRDS, Secretary of

State
1.18.420 NMAC ERRDS, Regulation and Licensing
1.18.508 NMAC ERRDS, New Mexico Livestock Board
1.18.950 NMAC ERRDS, Higher Education Department

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 December 5, 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. 15.2.1 NMAC, 15.2.3 NMAC, 15.2.6 NMAC, 15.2.5 NMAC and 16.47.1 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: October 31, 2013

NEW MEXICO DEPARTMENT OF TRANSPORTATION

THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

NOTICE OF ADDITIONAL PUBLIC HEARING

The New Mexico Department of Transportation (NMDOT) will hold an additional public hearing for the purpose of receiving oral and written public comment on Rule Number 18.21.5 NMAC, New Mexico Department of Transportation Outdoor Advertising Requirements. The purpose of the proposed rule change is to establish procedures and standards for all off-premises outdoor advertising in New Mexico, including the use of changeable electronic variable message signs, to amend the current fee structure, to update and clarify the rule where necessary, including definitions and permit-related processes, to correct inconsistencies with federal regulations, and to make formatting, organizational and language changes throughout the rule to conform to New Mexico rulemaking requirements.

Two prior hearings were held on October 18, 2013 in Albuquerque, New Mexico, and on October 21, 2013 in Las Cruces, New Mexico. A third hearing will have been held on December 2, 2013 in Santa Fe, New Mexico. A fourth hearing is scheduled for December 17, 2013 from 1:00 pm to 3:00 p.m. in Farmington, New Mexico, at the City Council Chambers, located at City Hall, 800 Municipal Drive, Farmington, New Mexico. The hearing will be held before Joe Garcia, NMDOT Maintenance Support Engineer. Please contact Michael Otero, Outdoor Advertising Program Manager, New Mexico Department of Transportation, P.O. Box 1149, SB-4, 2nd Floor, Santa Fe, New Mexico 87504-1149, Telephone (505) 827-5460, to request a copy of the rule.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearings, or who needs copies of the proposed rule in an accessible form may contact Michael Otero at (505) 827-5460 at least ten (10) days before the scheduled hearing.

**NEW MEXICO
DEPARTMENT OF
WORKFORCE SOLUTIONS**

**NEW MEXICO DEPARTMENT OF
WORKFORCE SOLUTIONS**

The New Mexico Department of Workforce Solutions ("Department") hereby gives notice that the Department will conduct a public hearing in the auditorium of the State Personnel Office located at 2600 Cerrillos Road, Santa Fe, New Mexico on December 20, 2013 from 3:00 P.M. until 5:00 P.M. The purpose of the public hearing will be to obtain input on amendments to 11.1.2 NMAC the Public Works Minimum Wage Act Policy Manual.

Interested individuals may testify at the public hearing or submit written comments to State of New Mexico Department of Workforce Solutions, 401 Broadway NE, P.O. Box 1928, Albuquerque, N.M., 87103, attention Rudolph Arnold. Written comments must be received no later than 5 p.m. on December 20, 2013. However, the submission of written comments as soon as possible is encouraged.

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

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

**End of Notices and Proposed
Rules Section**

Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an emergency order to 19.31.4 NMAC, Section 23, effective October 24, 2013

19.31.4.23 EMERGENCY ORDER FOR FISH SALVAGE: Under authority of 19.31.10.14 promulgated by the state game commission on April 1, 2010, I, James S. Lane, Jr., director of the department of game and fish, hereby declare that an emergency exists within the Santa Fe river in Santa Fe county from Paseo de Peralta to Camino Alire. The extent to which, fish life will be destroyed by drying of the river. Bag limits on sport fish will be unlimited. Manner and method regulations will also be suspended. This relaxation will go into effect at 12:01 a.m., October 24, 2013, and will remain in effect through 11:59 p.m., November 1, 2013. [19.31.4.23 NMAC - N/E, 10-24-2013]

NEW MEXICO DEPARTMENT OF PUBLIC SAFETY TRAINING AND RECRUITING DIVISION

Law Enforcement Academy

This is an amendment to 10.29.9 NMAC, Sections 5, 8 and 14, effective December 14, 2013.

10.29.9.5 EFFECTIVE DATE: May 31, 1997 unless a different date is cited at the end of a section [or paragraph]. [5/31/97; 10.29.9.5 NMAC - Rn, 10 NMAC 29.9.5, 4/30/01; A, 12/14/13]

10.29.9.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING:

[A. Block 1: Introduction to the academy; 12 total block hours - This unit of instruction prepares the recruit officer for the academy experience, focusing on the responsibilities the recruit must undertake to successfully complete the academy. The subjects include:

- (1) academy mission; 1 hour
- (2) overall academy objectives; .5 hour
- (3) rules and regulations of the academy; 2 hours
- (4) learning skills; 2 hours
- (5) role and function of the New Mexico law enforcement academy; .5 hour
- (6) sexual harassment; 2 hours
- (7) cultural diversity; 4 hours

B. Block 2: Introduction to law enforcement in New Mexico; 45 total block hours - This unit of instruction identifies the core background, principles and expectations of being a law enforcement officer. The subjects include:

- (1) history and principles of law enforcement; 2 hours
- (2) police and the public and community oriented policing; 14 hours
- (3) ethics and moral issues; 5 hours
- (4) the New Mexico criminal justice system; 2 hours
- (5) criminal/civil liability - standards of performance; 6 hours
- (6) Spanish language; 16 hours

C. Block 3: Physical and emotional readiness; 78 total block hours - This unit of instruction will instruct the student in health and physical fitness concepts; flexibility, strength, body composition and cardiovascular endurance. The student will be expected to successfully complete both entrance and exit standards of fitness and exit standards of job-related agility. The subjects and standards include:

- (1) Physical fitness/wellness; 1 hour
 - (a) Academy entry standard: This standard is based on Cooper clinic studies; data and recommendations. Each academy entry student will be pre-assessed on five (5) fitness/wellness evaluations:
 - (i) 1.5 mile run (altitude adjusted);
 - (ii) 1 minute sit-up;
 - (iii) 1 minute push-up;
 - (iv) sit and reach; and
 - (v) 300 meter run;

Entry evaluations 1 through 5 will be measured relative to age and sex norms. Each academy entry candidate must score in the 40th percentile or better, in each of the five (5) designated fitness/wellness evaluations; to be eligible for entry into state-certified law enforcement basic training academies.

(b) Academy exit goal: For each academy student the goal, through participation in the physical fitness program, is to be able to score in the 60th percentile in each of the above five (5) fitness/wellness evaluations:

- (2) Physical performance requirements; 72 hours
 - (a) Fitness program: Each student will participate in a weekly fitness program for a minimum of one hour per session, three sessions per week.
 - (b) Academy fitness exit standard: Complete the 1.5 mile run and 300 meter run at the 60th percentile.
 - (c) Alternative to the academy fitness exit standard, 1.5 mile run: A basic or

certification by waiver student may request the exit cycle ergometer test as an alternative test to the 1.5 mile run exit standard under the following conditions:

(i) The basic academy student must submit a written request to the director within thirty (30) days of the basic academy graduation date:

(ii) The certification by waiver student must submit a written request to the director thirty (30) days prior to the start date of the certification by waiver academy:

(iii) The student request will include a medical referral from a medical doctor with an active medical license who is licensed under the Medical Practice Act to practice medicine in New Mexico. The medical referral will identify the medical reason for the cycle ergometer alternative test:

(iv) The basic academy student request will also include written confirmation from the academy director that all other basic academy training requirements have been successfully completed or will be completed by the graduation date:

(v) Upon receipt of the director's written approval, the student will contact the approved medical facility and schedule for the cycle ergometer alternative test:

(vi) Payment for the cycle ergometer test will be the responsibility of the student or sponsoring agency:

(vii) Upon completion of the cycle ergometer test, the student will submit the written results to the director. The basic student must complete the cycle ergometer test and submit the results to the director prior to the certification by waiver academy start date to be eligible to attend the academy:

(viii) The basic academy student failing to successfully complete the cycle ergometer test in the listed time frames at the prescribed standard will be ineligible for certification with their class. The basic academy student must successfully complete the cycle ergometer test within six (6) months of their academy graduation date. After expiration of this six month (6) period, the unsuccessful student will be eligible to attend the next scheduled basic academy:

(ix) The certification by waiver student failing to successfully complete the cycle ergometer test in the listed time frames at the prescribed standard will result in the student being denied admission into the certification by waiver academy:

The student will be eligible for reapplication to the next scheduled certification by waiver academy.

(x) Approved medical facility and alternative test: The university of New Mexico hospital, or equivalent exercise physiology laboratory is the only approved facilities for cycle ergometer testing. The alternative test is limited exclusively to $\dot{V}O_2$ max test using indirect calorimetry with the cycle ergometer. The student must successfully achieve the comparable 1.5 mile run exit standard for the cycle ergometer test, with altitude, age and gender adjustment.

(d) Academy agility course #1 - Pursuit and control exit standard: Score passing time (3 minutes, 5 seconds) on agility course while wearing ten (10) pounds of extra weight.

(i) Officer is seated in a vehicle with seatbelt in use. As the timed exercise begins, the officer will undo the seatbelt and open the vehicle door.

(ii) Run 30 feet and open a building door.

(iii) Cross the threshold (4 feet) and run up two flights of stairs and pause for 60 seconds. (A rise and run of 7 inches by 11 inches is standard; 8 inches by 10 inches or 6 inches by 12 inches are acceptable variations. Standard floor landings are 10 feet high.) It is appropriate, if only one floor is available, to run up, run down, run up and pause. There is no restriction on how the officer negotiates the stairs.

(iv) Run down the stairs and out the door.

(v) Run 100 feet from the door to a 5-foot high platform; run up steps to the top of the 5-foot platform and jump down. A ladder or ramp are acceptable variations to getting on top of the platform.

(vi) Run 37.5 feet; turn and reverse; run 37.5 feet; turn and reverse; run 25 feet to a 6-foot high wall and scale it. The wall is constructed of cinder block, unpainted with a smooth top. If the applicant chooses, he or she may drag a rigid aid or object 10 feet from the side of the wall and use it as a platform to scale the wall. The rigid aid or object will have handles, a flat top, weigh 50 pounds and be 25 inches tall.

(vii) After scaling the wall, run 50 feet to a handcuff/arrest simulator; pull the arms down; touch the ends and hold for 60 seconds. The arrest simulator is 5 feet high with 60 pounds resistance in the right arm and 40 pounds in the left arm.

(e) Academy agility course #2 - Rescue exit standard: Score passing time (42 seconds) on agility course while wearing ten (10) pounds of extra weight.

(i) Officer is standing at starting point wearing a 10-pound weight

belt around the waist to simulate a gun belt. On signal the officer will run 30 feet straight ahead and jump across a 4-foot wide barrier. The barrier is low to the ground, e.g., a ditch, highway divider, etc.

(ii) Run 12.5 feet and climb, jump or hurdle over a 3-foot high barrier. The barrier is to resemble a fence or low wall, no more than 4 inches wide and at least 8 feet long, made of metal or wood.

(iii) Run 12.5 feet to the back of a vehicle equivalent to a full-sized police vehicle and push it 30 feet on a flat surface in the direction of a clear area where a victim extraction will take place. The car is occupied by a dummy (victim) wearing a seatbelt and weighing 190 pounds plus or minus 10 pounds. The dummy must meet standards established by the New Mexico law enforcement academy.

(iv) Approach the victim's door; open the door; undo the seatbelt; pull the victim out of the vehicle and drag them 20 feet perpendicular to the direction of the vehicle.

(3) emotional health, officer suicide and stress management; 4 hours

(4) nutrition; 1 hour

D. Block 4: Laws and procedures; 50 total block hours - This unit of instruction informs the student about law and its application to the function of a law enforcement officer. The subjects include:

(1) authority and jurisdiction; 6 hours

(2) constitution law; 2 hours

(3) criminal law; 10 hours

(4) criminal procedures and laws of arrest; 7 hours

(5) search and seizure; 15 hours

(6) civil laws; 2 hours

(7) liquor laws; 1 hour

(8) Indian country law; 1 hour

(9) juvenile law and justice; 2 hours

(10) handling juveniles and their problems; 2 hours

(11) crime motivated by hate; 2 hours

E. Block 5: Patrol procedures and operations; 107.5 total block hours - This unit of instruction will cover the various types of incidents that a law enforcement officer can be expected to be involved in while on patrol, and the practices and procedures necessary to perform the patrol function. The subjects include:

(1) role of patrol in policing the community; 1 hour

(2) patrol procedures; 16 hours

(3) patrol activities and incidents; 8 hours

(4) vehicle stop techniques; 12 hours

(5) roadblocks and barricades; 2 hours

(6) crimes in progress; 4 hours

(7) crowd control and civil disorder; 1 hour

(8) crime prevention and fear reduction; 1.5 hours

(9) special problems - gangs and terrorism; 10 hours

(10) critical incident management; 16 hours

(11) radio procedures; 1 hour

(12) patrol response simulations practicum; 13 hours

(13) nighttime vehicle stops practicum; 5 hours

(14) nighttime building searches practicum; 5 hours

(15) missing person and amber alert; 4 hours

(16) hazardous materials; 8 hours

F. Block 6: Principles of criminal investigation; 76 total block hours

- This unit of instruction shall prepare the officer to effectively secure a crime scene, conduct an investigation, collect evidence, and prepare reports so suspects may be prosecuted. The subjects include:

(1) the officer as first responder; 6 hours

(2) interviewing and interrogation techniques and skills; 8 hours

(3) identifying, collecting and processing evidence; 16 hours

(4) identification of suspects; 2 hours

(5) crimes against people; 4 hours

(6) crimes against property; 4 hours

(7) injury and death cases; 3 hours

(8) sex crimes; 6 hours

(9) controlled substances; 8 hours

(10) informants and intelligence; 2 hours

(11) surveillance; 2 hours

(12) civil complaints and service calls; 2 hours

(13) technology crimes and investigation; 4 hours

(14) crime scene investigation practicum; 9 hours

G. Block 7: Motor vehicle law enforcement; 36.5 total block hours - This unit of instruction will furnish the officer with information relating to the laws of motor vehicles and the criteria for conducting traffic enforcement operations. The subjects include:

(1) vehicle code and enforcement; 2 hours

(2) title, registration and vehicle identification; 1 hour

(3) driver licensing; 2 hours

(4) occupant safety; 1.5 hours

(5) traffic enforcement strategies; 1 hour

(6) driving while intoxicated enforcement/impaired operator; 24 hours

(7) commercial motor vehicle

enforcement; 2 hours

— (8) off-highway Motor Vehicle Act; 3 hours

H. Block 8: Motor vehicle collision investigation and related issues; 26 total block hours - This unit of instruction will provide the student with a basic level of competency to conduct a traffic accident investigation, to have an awareness of the risk posed by hazardous materials, and the officer's role in a hazardous materials incident. The subjects include:

— (1) collision investigation; 24 hours

— (2) traffic accident report forms; 2 hours

I. Block 9: Human relations; 10 total block hours - This unit of instruction will provide the student with tools and techniques to gain greater understanding of persons unlike themselves, so they can be more effective in their duties. The subjects include: perceptions of human behavior; 10 hours:

J. Block 10: Crisis management; 40 total block hours - This unit of instruction will prepare the officer to effectively manage high-risk incidents to a safe and successful conclusion. The subjects include:

— (1) behavior management and crisis intervention; 12 hours

— (2) dispute intervention/conflict management; 8 hours

— (3) handling the mentally ill and other special populations; 12 hours

— (4) suicide, barricaded person, hostage situations and suicide by police; 8 hours

K. Block 11: Domestic issues; 20 total block hours - This unit of instruction will focus on the cycle of violence, the rights of victims and the responsibilities of law enforcement, and the assistance available to victims. The subjects include;

— (1) domestic violence and police response; 8 hours

— (2) victims assistance laws; 2 hours

— (3) ensuring child safety upon arrest; 2 hours

— (4) domestic violence simulation practicum; 8 hours

L. Block 12: Defensive tactics/handling arrested persons; 88 total block hours - This unit of instruction will provide the student with techniques to arrest and control subjects and also how to defend themselves from physical attack. The student will learn the relationship between subject actions and the proper levels of force that can be applied. The subjects include:

— (1) use of force legal issues; 7 hours

— (2) use of force continuum/judgment issues; 7 hours

— (3) medical implications; 1 hour

— (4) oleoresin capsicum spray; 3 hours

— (5) mechanics of arrest, restraint and control; 68 hours

— (6) transporting prisoners; 2 hours

M. Block 13: Report writing; 14.5 total block hours - This unit of instruction will provide the student with the competencies to effectively communicate in written form the necessary information that is required in a police report and other official communications. The subjects include:

— (1) notetaking and report writing; 14.5 hours

— (2) [Reserved]

N. Block 14: Case presentation; 19 total block hours - This unit of instruction will give the student the skills for proper preparation and testimony in court, and also how to prepare and question witnesses and make objections and arguments in misdemeanor cases. The subjects include:

— (1) courtroom testimony and demeanor; 5 hours

— (2) police officer as prosecutor and legal practice exercise; 14 hours

O. Block 15: Basic firearms course; 80 total block hours - This unit of instruction will familiarize the student with the operation and maintenance of a firearm, firearms safety, safety equipment and fundamentals of marksmanship. The student will successfully complete the New Mexico firearms standardized qualifications courses, and will display proper decision-making in shooting simulations. The subjects include:

— (1) basic firearms course; 69.5 hours

— (2) body armor; 1 hour

— (3) deadly force decision-making practicum; 9.5 hours

P. Block 16: Operation of a patrol vehicle; 56 total block hours - This unit of instruction will prepare the officer for proficiently operating a patrol vehicle, the various factors that affect the operation of a patrol vehicle, procedures for emergency driving, and the legal issues related to emergency vehicle operations. The student will demonstrate their competencies on the sub-skills (lane change, slalom, perception/reaction, lolly-pop, and backing) driving courses with a precision closed course, and a precision open course. Passing time for open precision course is 1:05 minutes with no errors, passing time for overall clean course is 2:25 minutes and a minimum of 2 night time orientation runs on the overall course. The subject's include:

— (1) introduction to emergency vehicle operations; 3 hours

— (2) Safe Pursuit Act; 8 hours theory, 8 eight hours pursuit scenarios, in

compliance with 29-20-3 NMSA

— (3) emergency responses; 2 hours

— (4) vehicle dynamics; 2 hours

— (5) driving courses; 33 hours practical application

Q. Block 17: First aid and cardio pulmonary resuscitation; 16 total block hours - This unit of instruction will provide the student with skills to perform emergency care techniques to the sick and injured. The subjects include:

— (1) first aid; 4 hours

— (2) cardio pulmonary resuscitation; 9 hours

— (3) blood borne pathogens; 3 hours

R. Block 18: Academy administration; 49.5 total block hours - This unit is for administration of the basic academy training program. This includes examinations and reviews, assessments, inspections, discretionary training time and graduations:

S. Variances to required subject hours - The 824-hour standard curriculum is designed for a class size of 30-60 students. Upon request from a satellite academy commander holding a class of less than 30 students, the director may determine if a reduction of practicum hours will still meet the objectives listed for the block and then may authorize an academy to engage in fewer practicum hours. For classes of greater than 60 students, the director may require an academy to engage in more practicum hours than the standard to meet the objectives listed for the block.]

A. Training program and lesson plans: The director of the New Mexico law enforcement academy shall develop minimum standards of training for police officer certification (training program) including but not limited to law enforcement education, physical fitness and firearms proficiency. The director will also prepare lesson plans to effectuate the training standards for optimized educational teaching effectiveness. The director shall update the training program and the lesson plans from time to time as the director or board deem appropriate to reflect changes in statutory or case law, operational or educational efficiencies, or best practices in education or law enforcement.

B. Board approval publishing: The director shall present all training programs and lesson plans to the New Mexico law enforcement academy board for approval. The board shall approve or revise the proposed training program and lesson plans, at which time they shall become effective. The director shall publish the board approved training standards and lesson plans on the New Mexico law enforcement academy website within seven days after board approval.

C. Requirements of additional training by individual law

enforcement agencies: Individual's law enforcement agencies in New Mexico may require additional training for their members in order to prepare their officers for matters unique to their agency.

[5/29/86, 2/18/87, 2/19/87, 3/16/87, 5/31/97, 1/1/98, 3/1/98, 12/20/99; 10.29.9.8 NMAC - Rn & A, 10 NMAC 29.9.8, 4/30/01; A, 7/1/02; A, 12/14/04; A, 2/14/07; A, 12/15/11; A, 12/14/13]

10.29.9.14 ~~ENTRY LEVEL AND REQUALIFICATION FIREARMS TRAINING~~

A. ~~Entry level handgun standards~~ - The entry level officer category includes any officer who is newly hired that has not previously received academy level training. This will result in the standardization of training in firearms and reduce the liability to departments by ensuring all officers are informed of the most recent legal and technical aspects of using deadly force. Prior to carrying a handgun on or off duty, all entry level non-certified officers shall receive a minimum of 16 hours of instruction in the following areas:

- (1) SAFETY (1 hour)
 - (a) on/off duty
 - (b) range
- (2) Legal aspects (2 hours)
 - (a) state statutes
 - (b) use of force policy
 - (c) departmental policy
 - (d) civil liability considerations
- (3) Mental conditioning (1 hour)
 - (a) awareness training
 - (b) [Reserved]
- (4) Weapons care and cleaning (1 hour)
 - (a) nomenclature
 - (b) weapons operation
 - (c) disassembly/cleaning
- (5) Marksmanship fundamentals (1 hour)
 - (a) stance
 - (b) grip
 - (c) sight alignment
 - (d) sight picture
 - (e) breath control
 - (f) trigger control
 - (g) follow through
- (6) Weapon manipulation (2 hours -lecture)
 - (a) presentation
 - (b) reloading techniques
 - (c) aimed pairs
 - (d) failure drills
 - (e) malfunction clearance techniques
 - (f) use of cover
 - (g) shooting positions
 - (h) night shooting techniques
- (7) Range training and testing (8 hours)
 - (a) written test
 - (b) practical (non-shooting skills

training)

- (c) live fire manipulation drills (minimum 130 rounds)
- (d) decisional shooting (minimum 20 rounds)
 - (i) three scenarios: good guy/bad guy; shoot/don't shoot; multiple assailants
 - (ii) [Reserved]
- (e) qualification (minimum 100 rounds)
 - (i) 50 rounds day qualification (see specific course)
 - (ii) 50 rounds night qualification (see specific course)

B. ~~Entry level shotgun/rifle standards~~ - Prior to carrying a shotgun and/or rifle on or off duty, all entry level non-certified officers shall receive (in addition to the above) a minimum of eight hours of instruction in the following areas:

- (1) SAFETY (30 minutes)
 - (a) on/off duty
 - (b) range
- (2) LEGAL ASPECTS (30 minutes)
 - (a) use of force policy
 - (b) departmental policy
- (3) WEAPONS CARE AND CLEANING (1 hour)
 - (a) nomenclature
 - (b) weapons operation
 - (c) disassembly/cleaning
- (4) WEAPON MANIPULATION (2 hours)
 - (a) low/high read
 - (b) sling positions
 - (c) reloading techniques
 - (d) malfunction clearance techniques
 - (e) shooting positions
- (5) RANGE TRAINING AND TESTING (4 hours)
 - (a) written test
 - (b) practical (non-shooting skills training)
 - (c) live fire manipulation drills (minimum 50 rounds)
 - (d) qualification course

C. ~~Minimum standards description~~ - Specific handgun courses of fire designed for daylight and nighttime conditions, will be used for qualification. This will ensure that all officers are tested to the same standard once a year only. It is recommended that the agency vary courses of fire for other agency required qualifications.

D. ~~Instructor standards~~ - All firearms training will be conducted by approved instructors or New Mexico State Certified Firearms Instructors.

E. ~~Requalification~~ - All law enforcement officers must participate in requalification firearms training in accordance with the target/scoring methodology described in Subsection G of 10.29.9.14 NMAC of this rule.

F. ~~Reporting~~

(1) Training must be conducted and reported to the Training and Recruiting Division within thirty days of a non-certified police officer being hired. The reporting form shall be provided by the Training and Recruiting Division. No uncertified police officer will be allowed to carry a weapon while on duty until the entry level training has been completed and reported to the Training and Recruiting Division.

(2) Requalification scores of every law enforcement officer in the State of New Mexico shall be reported yearly to the Training and Recruiting Division by the employing agency for the daytime, nighttime, and other applicable courses of fire.

G. ~~Target/scoring methodology~~

(1) Silhouette dimensions will be not larger than 20" wide by 35" tall overall. Any target similar in design with the scoring boxes is acceptable for qualification. The target will represent the silhouette of a human with the following scoring zones: A "coke bottle" shaped scoring area - this area is worth two points. A template of the scoring area can be obtained from the academy and drawn onto the agency target.

(2) Any rounds impacting outside the scoring area, even if they are on the silhouette, are not worth any points.

(3) A total possible score of 100 points can be achieved with this scoring system. A minimum score of 80%, or 80 points, is required for qualification. At least 40 rounds must impact within the scoring area and all rounds must be accounted for either as a hit or a miss. No soft scoring.

H. ~~Ammunition~~

All firearms training will be with duty ammunition, that is substantially similar to the duty ammunition. Only factory made new ammunition should be carried on duty.

I. ~~Equipment~~

Officers will qualify with their duty equipment authorized by the department. Training officers will ensure practical and live fire testing will be done in clothing consistent with the officer's normal duty uniform. As a minimum, body armor should be worn.

J. ~~Backup weapons~~

It is recommended that officers be allowed to carry backup weapons, if consistent with their departmental policies. If backup weapons are carried, the weapons should be inspected and approved by the departmental armorer/range master, and the officer should demonstrate proficiency with the weapon by qualification on an appropriate course of fire.

K. ~~QUALIFICATION COURSE: DAY~~ (50 Round Course) - Range is "hot". Shooters will not be told when to reload, except when firing the reloading drill portion of the course. No "alibis" will be given for shooter errors.

YARD LINE	DESCRIPTION	ROUNDS	TIME
25	Shooter draws to a prone position and fires two rounds	2	10 sec
25	Shooter draws to a kneeling position and fires two rounds (repeat)	4	5 sec
15	Shooter draws to a standing position and fires two rounds	2	4 sec
15	Shooter draws to a kneeling position and fires two rounds (repeat)	4	5 sec
7	From a weak-hand low-ready, shooter fires two rounds, weak hand only (repeat)	4	3 sec
7	Shooter draws to a standing position and fires two rounds, reloads and fires two more rounds--may be tactical or speed (repeat)	8	10 sec
7	Shooter draws to a standing position and fires two rounds (repeat twice)	6	2 sec
7	Shooter draws to a standing position and fires a failure drill (repeat)	6	5 sec
5	Shooter draws to a standing position and fires two rounds (repeat twice)	6	2 sec
5	Shooter draws to a standing position and fires two rounds, reloads and fires two more rounds--may be tactical or speed	4	10 sec
1	Shooter draws to a weapon retention or disengagement position and fires two rounds (repeat)	4	2 sec

L. **QUALIFICATION COURSE: NIGHT** (50 Round Course) - Range is "hot". Shooter will not be told when to reload, except when firing the reloading drill portion of the course. No "alibis" will be given for shooter errors. Low light conditions would include parking lights from vehicles, naturally-existing light, or other light that is just enough to identify a threat.

YARD LINE	DESCRIPTION	ROUNDS	TIME
5 (low light)	Shooter draws from the holster and fires a three round failure drill. (repeat)	6	5 sec
5 (low light)	Shooter draws to a low ready position and fires two rounds. (repeat twice)	6	2 sec
7 (flashlight or low light)	Shooter draws from the holster and fires two rounds. (repeat twice)	6	4 sec
7 (flashlight or low light)	Shooter draws to a low ready position and fires two rounds. (repeat twice)	6	3 sec

7 (flashlight or low light)	Shooter draws to a low ready position and fires a three round failure drill. (repeat)	6	5-sec
10 (Headlights & Overheads)	Shooter draws from the holster and fires two rounds, reloads and fires two more rounds. (repeat)	8	10 sec
10 (Headlights & Overheads)	Shooter draws to the low ready position and fires two rounds, reloads and fires two more rounds. (repeat)	8	8-sec
10 (Headlights & Overheads)	Shooter draws to a low ready position and fires two rounds. Flashlight optional.	2	3-sec
10 (Headlights & Overheads)	Shooter draws from the holster and fires two rounds. Flashlight optional.	2	4-sec]

[Reserved]

[1/1/95, 5/31/97; 10.29.9.14 NMAC - Rn, 10 NMAC 29.9.14, 4/30/01; A, 1/1/02; A, 6/14/02; Repealed, 12/14/13]

End of Adopted Rules Section

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Issue Number 9	May 1	May 15
Issue Number 10	May 16	May 30
Issue Number 11	June 2	June 13
Issue Number 12	June 16	June 30
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