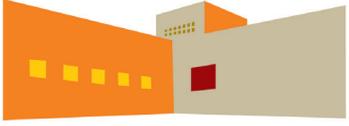


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New Mexico Register

The official publication for all official notices of rulemaking
and filing of proposed, adopted and emergency rules.

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New Mexico Register

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Notices of Rulemaking and Proposed Rules

**AGRICULTURE,
DEPARTMENT OF**

**NOTICE OF RULEMAKING
HEARINGS**

The New Mexico Department of Agriculture (NMDA) has scheduled rule hearings for:

- Friday August 10, 2018 at 9:00am at the New Mexico Department of Agriculture, at 3190 S. Espina, Las Cruces, NM, on the corner of Espina and Gregg.
- Monday August 13, 2018 at 2:30 pm at the Agnes Kastner Community Center, at 200 E. Park St, Hobbs, NM 88240.
- Tuesday August 14, 2018 at 9:00am at the Artesia Public Schools Administrative Office, at 301 Bulldog Boulevard, Artesia, NM.

Formal hearings will be held to receive public input on the newly developed rule 21.17.36 NMAC - Pecan Weevil Interior Quarantine.

Purpose:

Pecan Weevil is considered the most significant insect pest of pecan producers. Previous periodic introductions of pecan weevil into New Mexico have triggered grower specific quarantines and eradication procedures. Pecan weevil was recently confirmed in approximately 200 residential pecan trees in several eastern New Mexico pecan growing counties and several commercial pecan orchards. This recent widespread establishment of pecan weevil in eastern New Mexico’s residential areas has dictated a more comprehensive approach to maintaining New Mexico’s Pecan weevil-free status. In order to address the pecan weevil infestation the department proposes the establishment of an interior quarantine.

Rule Summary: Pecan Weevil

Interior Quarantine establishes quarantine areas, restrictions and treatment options on regulated articles, disposition protocol, and fees.

Legal Authority authorizing the rule:

Granted to the board of regents of New Mexico state university under the Pest Control Act, Chapter 76, Article 6, Sections 1 through 9, NMSA 1978 Compilation. [7/1/97; 21.17.28.3 NMAC - Rn, 21 NMAC 17.28.3, 05/29/09]

Interested individuals may provide comments regarding the proposed rulemaking actions at the rule hearing and/or submit written comments via email at comments@nmda.nmsu.edu. Written comments must be received no later than 5:00 p.m. on August 14, 2018. The submission of written comments as soon as possible is encouraged. Persons offering written comments at the meeting must have 2 copies for the hearing officer.

The full text of the proposed rules is available on the webpage at www.nmda.nmsu.edu and available at the New Mexico Department of Agriculture located at 3190 S. Espina, Las Cruces, NM 88003.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (575) 646-3702 at least one week prior to the meeting or as soon as possible.

**HEALTH, DEPARTMENT
OF**

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the adoption of a new rule, 7.5.5 NMAC, “New Mexico Statewide Immunization

Registry.” The hearing will be held on September 13, 2018 at 9:00 a.m. in the auditorium of the Harold Runnels Building, located at 1190 St. Francis Drive in Santa Fe, New Mexico. This hearing will be conducted to receive public comment regarding the proposed adoption of a new rule governing the required use of the New Mexico statewide immunization registry, a computerized repository of immunization information maintained by the New Mexico Department of Health.

The proposed new rule is to regulate the registry portion of the New Mexico Immunization Act, NMSA 1978, Sections 24-5-7 through 24-5-15, which requires physicians, nurses, pharmacists and other health care providers to report immunization information to the statewide registry. These rules describe implementation of the registry, including maintenance, submission, reporting, participation, sanctions, and limits on access to the registry.

The legal authority for the proposed rule and the adoption of the rule by the Department is under Subsection E of Section 9-7-6 NMSA 1978, Sections 24-5-7 through 24-5-15 NMSA 1978, Subsection R of Section 24-1-3 NMSA 1978, and Section 24-1-21 NMSA.

Free copies of the full text of the proposed new rule may be obtained online from the New Mexico Department of Health’s website at <https://nmhealth.org/about/asd/cmo/rules/> or from Benito M. Gomez using the contact information below.

The public hearing will be conducted to receive public comment on the proposed new rule 7.5.5 NMAC. Any interested member of the public may attend the hearing and submit data, views, or arguments either orally or in writing on the proposed new rule during the hearing. Written public comment may also be submitted prior to the date of the hearing. Please submit any written comments

regarding the proposed new rule 7.5.5 NMAC to the attention of:

Benito M. Gomez, Paralegal-Advanced
New Mexico Department of Health
Office of General Counsel
P.O. Box 26110
Santa Fe, NM 87502

Or at:

Benito.Gomez@state.nm.us

All written comments must be received by 5 pm MST on September 12, 2018. All written comments will be published on the agency website at <https://nmhealth.org/about/asd/cmo/rules/> within 3 days of receipt, and will be available at the New Mexico Department of Health Office of General Counsel for public inspection.

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Benito Gomez by telephone at (505) 827-2997. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The Human Service Department is required by Federal Law to file a State Plan that describes how the Department will administer the State's Low Income Home Energy Assistance Program (LIHEAP). The State Plan must be submitted every year to the United States Department of Health and Human Services (DHHS), Administration for Children and Families (ACF). The Department is required to offer a 30-day comment period for the LIHEAP State Plan that includes Weatherization prior to submittal.

The Department proposes the New Mexico LIHEAP State Plan covering the period of October 1, 2018 to September 30, 2019. All comments received will be considered for the New Mexico LIHEAP State Plan.

The proposed State Plan is available on and can be printed from the Department's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-plans-and-reports.aspx>. A copy of the proposed LIHEAP State Plan is available in written format upon request. Please call the Income Support Division at 505-827-7227 to request a copy. You may also send a request to:

Human Services Department
Income Support Division
Attn: Work and Family Support
Bureau/ LIHEAP
39-B Plaza La Prensa
Santa Fe, New Mexico 87507-2348

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-6201 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

A public hearing to receive testimony on this proposed regulation will be held on August 10, 2018, from 11:00 a.m. to 12:00 p.m. The hearing will be held in the Administrative Services Division conference room, located at 1474 Rodeo Rd., Santa Fe, NM 87505. Accessible parking for persons with physical impairments is available.

Interested persons may address written or recorded comments to:

Human Services Department
39-B Plaza La Prensa
Santa Fe, NM 87507-2348

Interested persons may also address comments via electronic mail to: HSD-isdrules@state.nm.us.

MEDICAL BOARD

NOTICE OF PUBLIC RULE HEARING

The New Mexico Medical Board will convene a regular Board Meeting on Thursday, August 9, 2018 at 8:30 a.m. and Friday, August 10, 2018 at 8:30 a.m. and conduct a Public Rule Hearing on Friday, August 10, 2018 at 10:15 a.m. at the New Mexico Medical Board office conference room, located at 2055 South Pacheco St., Bldg. 400, Santa Fe, NM 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 repealing and replacing 16.10.10 NMAC (Report of Settlements, Judgements, Adverse Actions and Credentialing Discrepancies) and 16.10.16 NMAC (Administering, Prescribing, and Distribution of Medications).

A copy of the proposed amended rule is available upon request from the Board office at 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505, by phone (505) 476-7220, or on the Board's website at www.nmmb.state.nm.us.

The hearing will be conducted in accordance with the Medical Practice Act, Section 61-6-5. B NMSA 1978, the Uniform Licensing Act Section 61-1-1 through 61-1-31 NMSA 1978, the State Rules Act, Section 14-4-5.3 NMSA 1978 and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views or arguments orally or in writing. The New Mexico Medical

Board will consider all written comment on the proposed repeal and replacement of 16.10.10 NMAC and 16.10.16 NMAC that is submitted to the Board no later than 5:00 p.m. Thursday, August 9, 2018. Comment must be sent to the New Mexico Medical Board, Attn: Sondra Frank, Esq., Executive Director, 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505. All public comments may be received via mail, electronic mail or fax and will posted the Board’s website at www.nmmb.state.nm.us within three days of receipt by the Board. All public comments will be made part of the official rule hearing record.

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 meeting or rule hearing, please contact Amanda Quintana at 505-476-7230 or AmandaL.Quintana@state.nm.us prior to the meeting. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Executive director if a summary or other type of accessible format is needed.

NOTICE OF RULEMAKING

The New Mexico Medical Board may consider the following items of rulemaking at the meeting:

Repeal

16.10.10 NMAC Report of Settlements, Judgements, Adverse Actions and Credentialing Discrepancies
 16.10.16 NMAC Administering, Prescribing and Distribution of Medications

Replacement

16.10.10 NMAC Report of Settlements, Judgements, Adverse Actions and Credentialing Discrepancies
 16.10.16 NMAC Administering, Prescribing and

Distribution of Medications

16.10.10 NMAC Report of Settlements, Judgements, Adverse Actions and Credentialing Discrepancies SYNOPSIS:

The proposed replacement of 16.10.10 clarifies the intent of part 10 regarding the reporting requirements for licensees, applicants and health care entities. The statutory authority for the New Mexico Medical Board’s promulgation of this rule is found in the Medical Practice Act (NMSA 1978, Sections 66-6-1 to -35) and the Impaired Health Care Provider Act (NMSA 1978, Sections 66-1-7 to -12).

Specifically, the revision makes clear (a) the board’s reporting requirements apply to applicants as well as licensees, (b) applicants and licensees have a duty to report all types of adverse actions, not just those relating to or affecting their competence or clinical privileges, (c) health plans and networks are among the entities that must report actions involving licensees and applicants, (d) licensees and applicants have a duty to report colleagues who are impaired, incompetent or unethical, and (e) licensees and applicants have a duty to self-report to the board if their ability to practice safely or effectively is impaired.

16.10.16 NMAC Administering, Prescribing and Distribution of Medications. SYNOPSIS:

The proposed replacement of 16.10.16 updates the intent of part 16 regarding the administering, prescribing and distribution of medications by physician assistants. The statutory authority for the New Mexico Medical Board’s promulgation of this rule is found in the Medical Practice Act (NMSA 1978, Sections 66-6-1 to -35).

The purpose of amending the Part 16 is to conform the regulations to House Bill 215 2017 statutory amendments. Amongst other things, the PA statutory amendment added

“collaboration” as a possible status for PAs and added distribution to PA prescribing abilities. The regulation changes are also necessary because the current rule on PA prescribing reflects requirement which have not been statutorily required for many years, including a formulary, direct physician oversight and limits on prescribing.

Specifically, the revisions include a definition of “compounding” and clarifies that Physician Assistants may not compound drugs; any reference to a formulary is deleted; requirements for physician assistant prescription pads is deleted; and limitations to prescribing by physician assistants is added.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing in Mabry Hall located at the Jerry Apodaca Education Building, 300 Don Gaspar Avenue, Santa Fe, New Mexico 87501, on Thursday, August 16, 2018 from 9:00 a.m. to 11:00 a.m. (MDT). The purpose of the public hearing is to receive public input on the proposed amendment to 6.31.2 NMAC, Children with Disabilities/ Gifted Children. At the hearing, the PED will provide a verbal summary statement on record. Attendees who wish to provide public comment on record will be given three (3) minutes to make a statement concerning the rule changes. Written comment will also be accepted at the hearing.

Explanation of Purpose and Summary of Text. The purpose of the proposed amendment to 6.31.2 NMAC, Children with Disabilities/ Gifted Children NMAC is to update the list of individuals and organizations receiving information regarding the state complaint

procedures for children with disabilities or gifted children. The proposed amendment is limited to Subsection H of 6.31.2.13 NMAC, Additional Rights of Parents, Students, and Public Agencies.

Statutory Authorizations:

Section 22-13-5 NMSA 1978

Section 22-13-5 NMSA 1978

No technical information served as a basis for this proposed rule change.

Public Comment. Interested parties may provide comment at the public hearing or may submit written comments by mail to Jamie Gonzales, Policy Division, New Mexico Public Education Department, 300 Don Gaspar Avenue, Room 101, Santa Fe, New Mexico 87501, by electronic mail to rule.feedback@state.nm.us, or by fax to (505) 827-6520. All written comments must be received no later than 5:00 p.m. (MDT) on Thursday, August 16, 2018. The PED encourages the early submission of written comments. The public comment period is from July 10, 2018 to August 16, 2018 at 5:00 p.m. (MDT).

The PED will review all feedback received during the public comment period and issue communication regarding a final decision at a later date.

Copies of the proposed amendment may be accessed through the page titled, "Rule Notification," on the PED's website at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>, or may be obtained from Jamie Gonzales at (505) 827-7889 during regular business hours.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Jamie Gonzales at (505) 827-7889 as soon as possible before the date set for the public hearing. The PED requires at least ten

(10) calendar days advance notice to provide any special accommodations requested.

**REGULATION AND
LICENSING DEPARTMENT
PHARMACY, BOARD OF**

**NOTICE OF REGULAR BOARD
MEETING**

The New Mexico Board of Pharmacy will convene on August 30th & 31st, 2018 at 9:00 a.m. and continue until finished in the Board of Pharmacy Conference Room located at 5500 San Antonio Dr., NE, Albuquerque, NM 87109 for the purpose of conducting a regular board meeting.

The agenda is posted 72 hours prior to the scheduled meeting. You may view and download a copy of the agenda through the board's website: www.rld.state.nm.us/boards/pharmacy.aspx. All proposed language regarding rule hearings is linked on the Agenda, the Notice to the Public on our website and the New Mexico Sunshine Portal.

Individuals petitioning the board regarding requests/waivers and/or interested persons wishing to comment on proposed language regarding rule hearings must submit documentation for presentation; via fax (505) 222-9845, mail or email to the Acting Executive Director, Cheranne McCracken, Cheranne.McCracken@state.nm.us at least five days in advance to the scheduled meeting, if in attendance must also provide 12 copies of that documentation for distribution to board members and staff, as public comment is allowed during the rule hearing. (Board staff is not required to make copies.)

The board may go into Executive Session to discuss items pursuant to Section 10-15-1H(1), Section 10-15-1H(2), Section 10-15-1H(3) or Section 10-15-1H(7) of the Open Meeting Act. Agenda items may be executed at any time during the meeting to accommodate hearings.

Any special needs and accommodations for board meetings or hearings should contact Debra Wilhite, Administrative Secretary, at (505) 222-9835 or e-mail debra.wilhite@state.nm.us as soon as possible.

The Board will address:

Rule Hearings:

16.19.29 NMAC – CONTROLLED SUBSTANCE PRESCRIPTION MONITORING PROGRAM: Amendments; clarification of objective, addition of audit trail definition and disclosure, clarification of data submission reporting requirements, clarification of authorized users.

STATUTORY AUTHORITY:

Paragraphs (1) and (2) of Subsection A of Section 61-11-6, 30-31-3, 30-31-11 NMSA 1978.

Disciplinary Hearing: Walgreens PH4004; Weinstein RP7502; Garrett RP8211 - 2016-048 A, B, C

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**SECRETARY OF STATE,
OFFICE OF THE**

NOTICE OF RULE HEARING

The NM Secretary of State's Office ("Office") hereby gives notice that the Office will conduct a public hearing to obtain public input on the following rulemaking actions:

Repeal and Replace of 1.10.6 NMAC – Party Position on General Election Ballot

The hearing is scheduled to occur on Friday, August 10, 2018 at 9:00 am at the State Capitol Building, 490 Old Santa Fe Trail Room 322, Santa Fe, New Mexico.

Authority: Election Code, Section 1-10-8.1 and Section 1-2-1 NMSA 1978.

Purpose: The purpose of the repeal and replace of the 1.10.6 NMAC is to adjust the date of the drawing to determine party position to comply with recent changes to statute and to create an equal opportunity for all major and minor parties to participate in the drawing.

Summary of full text: To provide the procedures to determine the order for political parties for the partisan offices on the general election ballot.

Interested individuals may provide comments at the public hearing and/or submit written or electronic comments to Kari Fresquez, State Elections Director, via email at sos.rules@state.nm.us, fax (505)827-8081, or mail to Attn: Kari Fresquez – proposed rule, Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501.

Written comments must be received no later than 5:00 pm on the Thursday prior to the first public hearing. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at the public hearing.

Copies of the proposed rule are available for download on the Office's website at <http://www.sos.state.nm.us/> and available at the Office of the Secretary of State located at 325 Don Gaspar Suite 300, Santa Fe, NM 87501. A copy of the proposed rule may also be requested by contacting the Bureau of Elections at (505) 827-3600.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Ms. Fresquez at (505) 827-3600 as soon as possible to provide requested special accommodations.

SECRETARY OF STATE, OFFICE OF THE

NOTICE OF RULE HEARING

The NM Secretary of State's Office ("Office") hereby gives notice that the Office will conduct a public hearing to obtain public input on the following rulemaking actions:

Repeal of 1.10.5 NMAC - The Use of Alternative Ballots for Emergency Voting Purposes.

The hearing is scheduled to occur on Friday, August 10, 2018 at 9:00 am at the State Capitol Building, 490 Old Santa Fe Trail Room 322, Santa Fe, and New Mexico.

Authority: Election Code, Section 1-2-1 NMSA 1978.

Purpose: The repeal of 1.10.5 NMAC is necessary as the NM State Legislature during the 2017 session, adopted statutory provisions for the application, issuance and tabulation of provisional ballots in emergency voting situations.

Summary of full text: Repeal of 1.10.5, the use of Alternative ballots for Emergency Voting purposes.

Interested individuals may provide comments at the public hearing and/or submit written or electronic comments to Rebecca Martinez, Elections Administrator, via email at sos.rules@state.nm.us, fax (505)827-8081, or mail to Attn: Rebecca Martinez – proposed repeal of rule, Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, NM 87501.

Written comments must be received no later than 5:00 pm on the Thursday prior to the first public hearing. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at the public hearing.

Copies of the proposed repeal statement are available for download

on the Office's website at <http://www.sos.state.nm.us/> and available at the Office of the Secretary of State located at 325 Don Gaspar Suite 300, Santa Fe, NM 87501. A copy of the proposed repeal statement may also be requested by contacting the Bureau of Elections at (505) 827-3600.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Ms. Martinez at (505) 827-3600 as soon as possible to provide requested special accommodations.

STATE GAME COMMISSION

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Thursday, August 23, 2018, beginning at 9:00 a.m. at the El Morro Events Center, 210 S. 2nd Street, Gallup, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Barbary Sheep, Oryx, and Persian Ibex rule.

Synopsis:

The proposal is to adopt a new Barbary Sheep, Oryx, and Persian Ibex rule, 19.31.12 NMAC, which will become effective April 1, 2019. The current Barbary Sheep, Oryx, and Persian Ibex rule is set to expire on March 31, 2019.

The proposed new rule includes adjusting seasons for calendar dates for all species. Oryx population data indicates that populations both on and off of the White Sands Missile Range are increasing. Therefore, on-Range we propose adding 4 new hunts, and increasing the number of once-in-a-lifetime, Iraq/Afghanistan veteran, and injured veteran licenses. Off-range, we propose increasing

both statewide and statewide youth licenses. In order to maintain current Ibex population numbers, and reduce the need for population management hunts, we propose adding female/immature hunts, and combining the season dates for the once-in-a-lifetime and incentive hunts. Finally, Barbary sheep population data suggests that populations are expanding both numerically and geographically. To slightly reduce population numbers and distribution, we propose increasing the number of draw licenses both on and off of McGregor Range, and creating several shorter hunts to prevent too many hunters from being on the ground at once. A full text of changes will be available on the Department's website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Barbary Sheep, Oryx, and Persian Ibex rule at DFG-Exotics-Rules@state.nm.us or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on August 21, 2018. The final proposed rule will be voted on by the Commission during a public meeting on August 23, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on August 23, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader,

amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

TAXATION AND REVENUE DEPARTMENT

NOTICE OF HEARING AND PROPOSED RULES

The New Mexico Taxation and Revenue Department proposes to amend the following rules:

Gross Receipts and Compensating Tax Act, Section 7-9-3.3 NMSA 1978

3.2.1.12 NMAC - Engaging in Business

Gross Receipts and Compensating Tax Act, Section 7-9-3.5 NMSA 1978

3.2.1.14 NMAC - Gross Receipts - General

The proposals were placed on file in the Office of the Secretary on June 28, 2018. Pursuant to Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of the proposals, if filed, will be filed as required by law on or about August 28, 2018.

A public hearing will be held on the proposals on Monday, August 13, 2018, at 10:00 a.m. in the Secretary's Conference Room on the third floor

of the Joseph M. Montoya Building, 1100 St. Francis Drive, Santa Fe, New Mexico. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Alicia Romero at alicia.romero@state.nm.us. The Taxation and Revenue Department will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least ten calendar days prior to the scheduled hearing. Accessible copies of the proposals are available upon request; contact the Tax Policy Office at policy.office@state.nm.us. Comments on the proposals are invited. Comments may be made in person at the hearing or in writing. Written comments on the proposals should be submitted to the Taxation and Revenue Department, Director of Tax Policy, Post Office Box 630, Santa Fe, New Mexico 87504-0630 or by email to policy.office@state.nm.us on or before August 13, 2018. All written comments received by the agency will be posted on www.tax.newmexico.gov no more than 3 business days following receipt to allow for public review.

3.2.1.12 - ENGAGING IN BUSINESS

A. Affiliated corporations:

(1) When a corporation is carrying on or causing to be carried on, with a wholly owned subsidiary, any activity with the purpose of direct or indirect benefit, both the corporation and the subsidiary are "engaging in business".

(2) Example:
B corporation, which operates a hotel supply house, sells supplies only to C Hotel Corporation, which owns all the stock in B Corporation. B claims that since it sells only to C, its parent corporation, it is not engaging in business. B and C are each engaging in business because the purpose of their activities is to benefit either or both corporations.

B. Corporation not for profit: When a corporation not for profit is carrying on or is causing

to be carried on any activity with the purpose of direct or indirect benefit it is “engaging in business”.

C. Leasing property:

(1) Persons leasing property employed in New Mexico are engaging in business within the state for the purpose of direct or indirect benefit.

(2) Example: X, an out of state business, leases construction machinery to Y who employs the leased property in New Mexico. X asks if X is engaged in business in New Mexico for purpose of registration, reporting and paying the gross receipts tax. X is engaged in business in New Mexico.

D. Hotels and motels providing interstate telecommunications service to guests:

(1) Hotels, motels and similar establishments offering interstate telecommunications service to guests in conjunction with the rental of rooms or other facilities are not “engaging in interstate telecommunications business” for purposes of the Interstate Telecommunications Gross Receipts Tax Act.

(2) A hotel, motel or similar establishment is primarily engaged in the business of renting rooms and meeting facilities to the general public. Providing interstate telephone service or other interstate telecommunications services to guests is incidental to the primary business of the hotel, motel or similar establishment. Receipts from providing such service are additional receipts from engaging in the primary business and are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(3) Subsection D of 3.2.1.12 NMAC is retroactively applicable to transactions occurring on or after July 1, 1992.

E. Persons not engaging in business - foster parents: Individuals who enter into an agreement with the state of New Mexico to provide foster family care for children placed with them by the state are not thereby engaging in business. Receipts of the individuals

from providing foster care pursuant to such an agreement are not receipts from engaging in business.

F. Persons not engaging in business - certain caretakers: Individuals who enter into an agreement with the state of New Mexico to provide non-medical personal care and housekeeping assistance to low income disabled adults pursuant to the critical in home care program are not thereby engaging in business. Receipts of the individuals from such caretaking activities are not receipts from engaging in business.

G. Persons not engaging in business - home care for developmentally disabled family members: Any individual who enters into an agreement with the state of New Mexico to provide home based support services for developmentally disabled individuals in the home of the developmentally disabled individuals or the home of the support provider and receives payments which under 26 USCA 131 are “qualified foster care payments” is not thereby engaging in business. Receipts of the individuals which are “qualified foster care payments” from providing such home based support services pursuant to such an agreement are not receipts from engaging in business.

H. Owner engaged in business when selling to an owned entity:

(1) Except as provided in Paragraph (2) of this Subsection, when an owner of an entity sells property in New Mexico to, leases property employed in New Mexico to, or performs services in New Mexico for the entity or other owners of the entity, the owner is engaging in business in New Mexico except when the transaction may be characterized for federal income tax purposes as a contribution of capital.

(2) When a partner or interest holder in an entity taxed as a partnership is allocated profits or receives a guaranteed payment or other distributions for activities undertaken as a partner on behalf of the partnership such as administrative services done solely

for the benefit of the partnership or for activities for third-parties transacting business with the partnership, the partner is not engaging in business separately from the partnership and the allocations, payments, or distributions are not gross receipts. A partner may, however engage in business separately from the partnership and any transactions between that partner and the partnership, where the partner is not acting as a partner on behalf of the partnership, constitute gross receipts from engaging in business. Indicia that a partner is not acting as a partner on behalf of the partnership may include:

(a) that the partner engages in similar transactions with third parties other than the partnership, or

(b) that the allocation, payment, or distribution made by the partnership is not made under the partnership agreement, or

(c) that the partner’s transaction(s) with the partnership involve the sale or lease of goods or the sale of services not provided by the partnership to third parties.

~~(2)~~ (3) For the purposes of Subsection H of 3.2.1.12 NMAC, an “entity” means any business organization or association other than a sole proprietorship.

I. Persons not engaging in business - sale or exchange of renewable-fueled electricity generated from a system installed in a personal residence. Any individual who sells or transfers electricity to an entity engaged in the business of selling electricity, for which the individual receives monetary compensation or credit against a future month’s electricity use, is not engaged in business if the electricity is generated from a renewable-fueled system installed in a personal residence.

[12/5/1969, 3/9/1972, 3/20/1974, 7/26/1976, 6/18/1979, 4/7/1982, 5/4/1984, 4/2/1986, 11/26/1990, 9/3/1992, 7/19/1994, 11/15/1996, 5/14/1999, 6/15/1999, 10/29/1999;

3.2.1.12 NMAC - Rn & A, 3 NMAC 2.1.12, 4/30/2001; A, 9/30/2010; A, xx/xx/2018]

3.2.1.14 - GROSS RECEIPTS - GENERAL

A. Gross receipts: Unless the receipt is from one or more of the following, it is not taxable:

- (1) selling property in New Mexico;
- (2) leasing property employed in New Mexico;
- (3) performing services outside of New Mexico the product of which is initially used in New Mexico; or
- (4) performing services in New Mexico.

B. Credit card sales: Gross receipts of the seller of property or services or the lessor of property include the full sale or lease contract amount of any property or service sold or of any property leased when payment is made through the use of a credit card which has been issued by a third party. The seller or lessor may not deduct from gross receipts the amount charged by the credit card company for converting the account into cash.

C. Consideration other than money:

(1) If the consideration received by the seller or lessor for the item sold or leased or for the service performed is in a form other than money, the fair market value of the consideration received or the fair market value of the item sold or of the lease or of the service performed must be included in gross receipts. The value of the consideration received or the item sold or of the lease or of the service performed is the fair market value at the time of the transaction.

(2) Example 1: X has Y, a garage owner, repair X's automobile. In exchange for the service performed by Y, X gives Y a deer rifle. The fair market value of the rifle at the time of the transaction is the measure of Y's gross receipts.

(3) Example 2: X, a New Mexico construction company, contracts with Y Electric Co

op Association for the construction of transmission lines. The contract requires X to furnish all materials and labor for a fixed price; however, it permits a reduction of the contract price in the amount of the value of materials furnished by Y. The gross receipts of X include the value of any material supplied by the cooperative.

(4) Example 3: X is a firm engaged in the construction business in New Mexico. The receipts of X from the sale of a completed construction project include the value of construction services performed by the buyer of the construction project pursuant to a "sweat labor contract" if the performance of services are required to fulfill a contractual obligation of X. A "sweat labor contract", as used in this example, is a contract whereby the buyer of a completed construction project agrees to perform certain construction services for the seller of the construction project as partial payment of the sale price of the construction project.

(5) Example 4: M agrees to drill an oil well for the XYZ oil company. The contract provides that M will drill the well for \$7.50 per foot and a ~~[7/8]~~ one-eighth interest in the minerals which belong to XYZ. The well, when completed, produces forty barrels of oil per day for a period which is expected to last for ~~[ten]~~ 10 years. M admits that the \$7.50 per foot that is received from drilling the well are gross receipts subject to the gross receipts tax. M questions whether the value of the ~~[7/8]~~ one-eighth interest is gross receipts. The value of the mineral interest is consideration and must be included in M's gross receipts. It will be valued at its fair market value at the time the well is completed.

(6) Example 5: The A oil company hires the B drilling company to drill a well on its property. A furnishes drill bits to B, but A has the right to deduct the rental value of the bits from the total footage or day rate price it agrees to pay B for the drilling. The use of the drill bits is partial consideration, furnished by A, for the performance of the drilling

service by B and the reasonable value of their use must be included in B's gross receipts. A also must include the rental value of the bits in its gross receipts because it is leasing the drill bits to B. However, if A furnishes drill bits to B and does not have the right to deduct the rental value of the bits from the total footage or day rate price which it has agreed to pay B for the drilling, then no amounts from the drill bit transaction are includable in either A's or B's gross receipts. The same applies if B furnishes the drill bits.

D. Consideration less than fair market value:

(1) In a transaction where the actual consideration received does not represent the fair market value of the property sold or leased or of the service sold, the fair market value shall be included in the gross receipts of the seller or lessor. Fair market value is the value which the property or service can command in an arms length transaction between two independent parties in an open market.

(2) The following example illustrates the application of Section 7-9-3.5 NMSA 1978 with respect to consideration less than fair market value. Example: X, a land and cattle company, is a corporation which is affiliated with Y, an equipment company. Because of their affiliation, X leases a \$30,000 tractor from Y for \$1.00 a month. Y reports that its gross receipts from this transaction are \$1.00. Y's gross receipts are the market value of a monthly lease of a \$30,000 tractor. Y must pay gross receipts tax on the adjusted amount.

E. Sale of commercial paper:

(1) The full sale or leasing contract amount of property or service sold, excluding any type of time price differential, is included in the seller's gross receipts even though the seller subsequently sells the contract and does not receive the total contract price in money. No deduction is allowed for discounts suffered from the sale of commercial

paper arising from a sale or lease.

(2) Example: X sells a washing machine to Y under a conditional sales contract in which the full sale contract amount, excluding time price differential, is \$120. The principal on the washing machine is to be paid for over a twelve month period at \$10 a month. X collects \$20 of principal under the contract and then assigns its rights to W for \$90. Depending upon the method regularly used for reporting gross receipts, X would either pay tax on the full contract amount for the month in which the sale was made (accrual basis) or pay tax measured by the receipts as they were received (cash basis). If X had elected to pay tax measured by its receipts as they were received, X would have reported \$20 during the first two months from this transaction. When X assigned the contract, X would have to include \$100 in the gross receipts for the third month since a deduction is not allowed for a discount suffered upon the transfer of a conditional sales contract.

F. Interdepartmental transfers:

(1) Receipts derived from an interdepartmental transfer of services or property are not subject to the gross receipts tax. To qualify as an interdepartmental transfer, the transfer must be a transfer of services or property within the same corporation or other taxable entity.

(2) Example: C, a company located in New Mexico, operates both an electric utility and a water utility. C records on its books the sale of the electricity to the water utility in order to comply with the ~~[Public Service Commission]~~ public service commission regulations but does not thereby incur gross receipts as that term is used in the Gross Receipts and Compensating Tax Act. Such book entries do not record receipts from selling property in New Mexico but record interdepartmental transfers. However, the value of the electricity at the time of its conversion to use by the water utility is subject to the compensating tax.

G. Service charges computed on balances:

(1) Service charges on accounts receivable balances or installment sales contracts which are not computed at the time of sale, are time-price differential charges, are not subject to the gross receipts tax and are not to be included in the sales price of an item brought into New Mexico for the purpose of computing the compensating tax.

(2) Example: X corporation located outside New Mexico is engaged in the business of publishing books. X has several nonemployee salesmen soliciting orders on a commission basis in New Mexico. Every such order is forwarded to X's main office where it is reviewed and then either accepted or rejected. Accepted orders are shipped directly to the purchaser from X's binderies located outside of New Mexico. Since X has salesmen in New Mexico, it is an agent for collection of the compensating tax, pursuant to Section 7 9 10 NMSA 1978. The purchaser may elect to pay for the books on an installment basis. If after ~~[ninety (90)]~~ 90 days from purchase, the balance has not been paid, a one percent ~~[(1%)]~~ per month service charge is added to the balance. This charge is not precomputed and no portion thereof is due unless the purchaser elects to pay on an installment plan extending over ~~[ninety (90)]~~ 90 days. Such a charge is a time-price differential and is not a part of the sales price of the item. Therefore, it should not be included in the sales price when considering the amount of compensating tax that should be paid over to the state of New Mexico.

H. Corporations and organizations not organized for profit - fund raising activities:

(1) Receipts of a corporation or organization not organized for profit, other than an organization granted a 501(c)(3) determination by the internal revenue service, derived from fund raising activities which are in the nature of donations, gifts, and contributions are not subject to the gross receipts tax.

(2) The department will presume that the total receipts of such a nonprofit organization from a fund raising activity are receipts derived from a taxable activity if the project involves the performance of any service or the sale or lease of any property by the organization. This presumption may be overcome by establishing the following:

(a) the purchaser or lessee of the property or service intended by the purchase or lease to make a gift, donation, or contribution to the organization; and

(b) the purchase or lease price clearly exceeded the fair market value of the service or property or the fair rental value of the property.

(3) If these conditions are satisfied, the amount of consideration received by the organization in excess of the fair market price or fair rental value is not subject to the gross receipts tax.

I. Discount coupons: The gross receipts attributable to a sale in which a seller accepts discount coupons provided by buyers are measured by the cash received plus the value of the coupon. However, if the discount coupon is not redeemable by the seller, the acceptance of the coupon constitutes a cash discount allowed and taken and is excluded from gross receipts.

J. Gross receipts embezzled: Receipts that have been embezzled or lost through bookkeeping errors are not a cash discount allowed and taken; such receipts are not deductible under Section 7 9 67 NMSA 1978 because they are not a refund, allowance or uncollectible debt.

K. Vending machines:

(1) A vending machine is a device that, when the appropriate payment has been inserted into it, whether payment is made by coins, tokens, paper money, credit card, debit card or other means, dispenses tangible personal property, performs a service (including entertainment) or dispenses tickets, tokens or similar objects redeemable

for money, tangible personal property or services; but “vending machine” does not include any device which is designed to primarily or solely to play a game of chance, such as slot machines, video gaming machines and the like.

(2) Amounts received from allowing the vending machine to be placed in a location as well as amounts received from use of or sales from vending machines are gross receipts and are subject to the gross receipts tax. The vending machine owner is responsible for reporting the receipts and paying the gross receipts tax.

(3) Receipts derived from allowing vending machines to be placed in a location not owned or rented by the vending machine owner are gross receipts and are subject to the gross receipts tax. Except as provided otherwise in Subsection K of Section 3.2.1.14 NMAC, the person receiving the receipts is responsible for reporting the receipts and paying the gross receipts tax with respect to such receipts.

(4) If the vending machine owner and a person controlling the premises where the machine is located enter into a written agreement similar to the one below, the department will presume that a joint venture has been created, that the joint venture is registered with the department and that the vending machine owner has agreed to pay all gross receipts tax due with respect to the joint venture. In such a case, the person owning the machine, on behalf of the joint venture, will report and pay the gross receipts tax due on all the receipts derived from either allowing the vending machine to be placed in a location or sales from the vending machine for all parties in the joint venture and the person controlling the premises is relieved of the duty to report or pay gross receipts tax on those same receipts.

(5) Agreement: Total amounts collected from the vending machine shall be allocated between the vending machine owner and the person

controlling the location. The vending machine owner will receive a percentage of the amounts collected net of gross receipts tax due, plus an amount equal to the gross receipts tax payable on the entire proceeds from the vending machine. The person controlling the location will receive a percentage of the amounts collected net of gross receipts tax due. The vending machine owner will report and pay any gross receipts tax due on all the receipts derived from either the use of or sales from the vending machine.

(6) In the event that no such agreement exists, the department will presume that no joint venture exists. In such a case, the vending machine owner will be subject to gross receipts tax on the entire amounts collected from the use of or sales from the vending machine, and the person controlling the premises will be subject to gross receipts tax on the amount that person receives from the vending machine owner for allowing the placement of the machine on the premises.

(7) In the event the vending machines are leased to the person who services them, the term “vending machine owner” means the lessee of the vending machines.

L. “Gross receipts” excludes leased vehicle surcharge: For the purposes of Subparagraph (b) of Paragraph (3) of Subsection A of Section 7-9-3.5 NMSA 1978, the term “leased vehicle gross receipts tax” includes the leased vehicle surcharge. The amount of any leased vehicle surcharge may be excluded from gross receipts.

M. Receipts from furnishing parts or labor under automotive service contract:

(1) When an automobile dealer, who is the promisor under an automotive service contract as that term is defined under Subsection C of Section 3.2.1.16 NMAC, furnishes parts or labor or both to satisfy the promisor’s obligation to repair the breakdown involving a part specified in the contract, the dealer has taxable gross receipts equal to the retail value of the

parts and labor furnished. A transfer of property or performance of service for a consideration has occurred and therefore a receipt from selling property or performing services has been realized by the dealer.

(2) The consideration received by the dealer is the discharge of the dealer’s obligation to make the repair which obligation arose when the covered breakdown occurred.

(3) Receipts of a repair facility, including an automobile dealer, from furnishing parts and labor to fulfill the obligation of another person under an automotive service contract are gross receipts and not deductible under Sections 7 9 47 and 7 9 48 NMSA 1978, even though the seller has received NTTCS for other transactions.

N. Receipts from deductibles/co-payments under automotive service contracts: The receipts of a New Mexico automotive dealer or other repair facility, including the promisor under an automotive service contract, from the “deductible” or “co-payment” amount paid by a customer as required by automotive service contract as that term is defined in Subsection C of Section 3.2.1.16 NMAC in connection with the provision of repair services under contract are gross receipts.

O. Receipts of dealer from own reserve:

(1) The receipts of a New Mexico auto dealer for repairs provided by the dealer under an automotive service contract as that term is defined in Subsection C of Section 3.2.1.16 NMAC, on which the dealer is obligated as promisor are not gross receipts if:

(a) the receipts are paid from a reserve account established by the dealer under an agreement with an auto service contract administrator or an insurance company, or both, and

(b) the dealer is entitled to a return of any amounts in the reserve account not used to pay for parts and labor or to pay other charges against the dealer

in connection with the auto service contract.

(2) In this situation, the dealer is being “paid” from the dealer’s own funds and has no receipts. However, the dealer as promisor is liable for gross receipts tax on the retail value of the parts or labor or both furnished to discharge the dealer’s obligation.

P. Water conservation fee: Section 74-1-13 NMSA 1978 imposes the water conservation fee on the operator of a public water supply system. The fee is measured by the amount of water produced. The operator is not authorized to impose the water conservation fee on the operator’s customers. If the operator of the system separately bills an amount characterized as a reimbursement of the water conservation fee to the operator’s customers, the separately stated amount is simply an element of the price of the water sold and the “reimbursement” is included in gross receipts. The definition of “gross receipts” does not exclude the water conservation fee or amounts characterized as reimbursements of water conservation fee paid.

Q. Sales of items subject to the federal manufacturer’s excise tax:

(1) The gross receipts from sales of items such as motor vehicle tires include the total amount of money or the value of other consideration received even though this amount includes the Federal Manufacturer’s Excise Tax, 26 U.S.C.A. Section 4061 et seq (1986) which is separately stated on the invoice. Gross receipts do not include the amount of money attributable to the Federal Communications Excise Tax, 26 U.S.C.A. Section 4251, et seq (1986), and the Federal Air Transportation Excise Tax, 26 U.S.C.A. Section 4261 et seq (1986), which are user’s taxes.

(2) Example: A tire dealer sells a tire in New Mexico to a retail customer for \$40.00 and separately states \$1.00 for federal manufacturer’s excise tax on the sales ticket. The seller’s gross receipts for

this transaction are \$41.00.

R. Transactions among related persons are gross receipts

(1) Each person engaging in business in New Mexico is subject to the provisions of the Gross Receipts and Compensating Tax Act. Each person who is a member of any group of related or affiliated persons and who engages in business in New Mexico is a taxpayer. The provisions of the Gross Receipts and Compensating Tax Act apply to the transactions between that taxpayer and all other persons, including the other related or affiliated persons, even though consideration is not received in the form of cash or other monetary remuneration.

(2) Example 1: A cooperative association and X both engage in business in New Mexico. The cooperative sells services to X, one of its members. The cooperative is a taxpayer and the receipts from this transaction are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(3) Example 2: Both X and a cooperative association engage in business in New Mexico. X is a member of the cooperative and sells services to it. X is a taxpayer and the receipts from this transaction are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(4) Example 3: X engages in business in New Mexico, specifically by selling office supplies. X is also a partner in a partnership. Sales by X to the partnership are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(5) Example 4: C is a corporation engaging in business in New Mexico. S, an individual who is the majority stockholder in C, buys in New Mexico services and goods from C. C’s receipts from these transactions with S are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(6) Example 5: C and S are corporations engaging in business in New Mexico. S is a wholly-owned subsidiary of C. C

sells tangible personal property in New Mexico to S. C’s receipts from the transaction are subject to the provisions of the Gross Receipts and Compensating Tax Act.

(7) Example 6: X and Y are both divisions of corporation Z. X and Y are both parts of the same person, Z, and are not “related persons”. Receipts from transactions between these two divisions are activities within Z and do not constitute gross receipts.

(8) Example 7: P, an individual, operates two businesses as sole proprietorships. One of P’s businesses transfers tangible personal property to the other. Since both businesses and P are the same person, they are not “related persons” and the transaction does not constitute gross receipts.

S. Owner’s receipts from transactions with owned entity are gross receipts

(1) Except as provided in Paragraph (2) of this Subsection, [When] when a person who owns all or part of an entity has receipts from the sale of property in New Mexico to, the lease of property employed in New Mexico to or the performance of services in New Mexico for the entity, the person’s receipts are gross receipts except when the transaction may be characterized for federal income tax purposes as a contribution of capital. The person’s receipts include the actual amount of money received by the person plus the value of any additional consideration. Additional consideration includes forbearance of charges against the person’s ownership interest. These gross receipts are subject to the gross receipts tax unless an exemption or deduction applies.

(2) When a partner or interest holder in an entity is allocated profits or receives a guaranteed payment or other distributions for activities undertaken as a partner on behalf of the partnership such as administrative services done solely for the benefit of the partnership or for activities for third-parties transacting business with

the partnership, these receipts of the partner are not gross receipts and are not subject to the gross receipts tax. When a partner engages in business separately from the partnership any transactions of that partner with the partnership, where the partner is not acting as a partner on behalf of the partnership, are gross receipts. Indicia that a partner is not acting as a partner on behalf of the partnership may include:

(a)

that the partner engages in similar transactions with third parties other than the partnership.

(b)

that the allocation, payment, or distribution made by the partnership is not made under the partnership agreement.

(c)

that the partner's transaction(s) with the partnership involve the sale or lease of goods or the sale of services not provided by the partnership to third parties.

~~[(2)]~~ **(3)** For the purposes of Subsection S of Section 3.2.1.14 NMAC, an "entity" means any business organization or association other than a sole proprietorship.

~~[~~ **(3)** ~~]~~ **Example:** Q is a partner in a partnership. Q is entitled to 25% of the partnership's profits and losses and to bear 25% of its expenses. Q also operates a stationery store in New Mexico as a sole proprietor. Q's store sells some merchandise to the partnership for the partnership's use. The partnership pays Q the amount charged and apportions 25% of the cost to Q's ownership interest. Q's receipts from the sale are gross receipts and are subject to gross receipts tax unless an exemption or deduction applies. Same facts as above except that Q is not paid by the partnership but instead receives amounts characterized as reimbursements directly from the other partners totaling 75% of the amount charged for the merchandise. Q's ownership account is not charged any expense with respect to this transaction. Q's sole proprietorship has gross receipts from

the transaction. The gross receipts equal the sum of the money received from the other partners plus the value of the amount not charged to Q's ownership account by the partnership (in this case one-third of the amount received from the other partners). The deduction provided by Section 7-9-67 NMSA 1978 for refunds and allowances does not apply to this transaction.

~~(4)~~ **(4)** ~~Example:~~

L is a partner in a partnership. L performs services for third parties as part of L's duties as a partner and is compensated for doing so by the partnership. To the extent that such compensation may be treated as wages for federal income tax purposes, L's receipts from the partnership in the form of compensation are exempt.]

~~[(5)]~~ **(4)** Example: C is a corporation and S is C's wholly owned subsidiary corporation. C and S create L, a limited liability company; C and S each own [50%] fifty percent of L.

L purchases a [20%] twenty percent interest in P, a limited partnership. C sells goods to P. P pays the amount charged. C has gross receipts from this transaction equal to the amount received for the goods.

[9/29/1967, 12/5/1969, 3/9/1972, 11/20/1972, 3/20/1974, 7/26/1976, 6/18/1979, 4/7/1982, 5/4/1982, 5/4/1984, 4/2/1986, 4/20/1990, 11/26/1990, 9/20/1993, 2/22/1995, 11/15/1996, 5/31/1997, 6/15/1999; 3.2.1.14 NMAC - Rn & A, 3 NMAC 2.1.14, 4/30/2001; A, 12/30/2003; A, xx/xx/2018]

End of Notices of Rulemaking and Proposed Rules

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 in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

NURSING, BOARD OF

The New Mexico Board of Nursing, approved and adopted, at its 6/7/2018 hearing, to repeal its rule 16.12.6 NMAC - Nurse Licensure Compact (filed 12/2/2003), effective 7/30/2018.

NURSING, BOARD OF

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 12 NURSING AND HEALTH CARE RELATED PROVIDERS
PART 11 LACTATION CARE PROVIDERS

16.12.11.1 ISSUING AGENCY: New Mexico Board of Nursing.
 [16.12.11.1 NMAC - N, 07/30/2018]

16.12.11.2 SCOPE: All lactation care providers licensed by the New Mexico board of nursing as licensed lactation care providers.
 [16.12.11.2 NMAC - N, 07/30/2018]

16.12.11.3 STATUTORY AUTHORITY: Lactation Care Provider Act, Section 61-36-3 NMSA 1978.
 [16.12.11.3 NMAC - N, 07/30/2018]

16.12.11.4 DURATION: Permanent.
 [16.12.11.4 NMAC - N, 07/30/2018]

16.12.11.5 EFFECTIVE DATE: July 30, 2018 unless a later date is cited at the end of a section.
 [16.12.11.5 NMAC - N, 07/30/2018]

16.12.11.6 OBJECTIVE: To promote, preserve and protect the public health, safety and welfare of the citizens of the state by establishing

standards for licensure and regulation of licensed lactation care providers in New Mexico.
 [16.12.11.6 NMAC - N, 07/30/2018]

16.12.11.7 DEFINITIONS: This rule incorporates the definitions provided in the Lactation Care Provider Act, Section 61-36-2 NMSA 1978.

A. "Act" means the Lactation Care Provider Act, Sections 61-36-1 to -6 NMSA 1978.

B. "CE" means continuing education.

C. "CLC" means certified lactation counselor.

D. "Committee" means the lactation care provider committee appointed by the New Mexico board of nursing pursuant to the act.

E. "IACET" means international association for continuing education and training.

F. "IBCLC" means International board certified lactation consultant.

G. "LEARRC" means lactation education accreditation and approval review committee.

H. "LLCP" means licensed lactation care provider.

I. "NCCA" means national commission for certifying agencies.
 [16.12.11.7 NMAC - N, 07/30/2018]

16.12.11.8 NON-LICENSED PRACTICE; EXCEPTIONS:

A. Licensure with the board is not required to provide lactation care and services in the state of New Mexico; provided, however, that any individual not licensed by the board as a licensed lactation care provider may not use the title "licensed lactation care provider" (LLCP) or otherwise imply to the public that they are licensed in New

Mexico by the board as a licensed lactation care provider under the act.

B. Nothing in the act or these rules shall be construed to prevent the practice of lactation care and services by health care professionals, volunteers, students, interns, or other persons.
 [16.12.11.8 NMAC - N, 07/30/2018]

16.12.11.9 APPROVED CERTIFICATIONS; PETITION TO APPROVE:

A. The following certifications conferred by a program accredited by a nationally or internationally recognized accrediting agency are recognized by the board and approved for licensure requirements:

(1) Certified lactation counselor (CLC) accredited by the academy of lactation policy and practice.

(2) International board certified lactation consultant (IBCLC) accredited by the international board of lactation consultant examiners.

B. Petition to approve certification.

(1) An individual who holds a certification as a lactation care provider conferred by a certification program accredited by a nationally or internationally recognized accrediting agency that is not an approved certification listed above may petition the board and request approval of the certification.

(2) The board shall review the petition and determine whether the certification sufficiently substantiates adequate education, didactic and clinical preparedness, continuing education requirements, and other factors that establish competency.

(3) The decision of the board is discretionary

and shall not be subject to review or binding on any future petition.
[16.12.11.9 NMAC - N, 07/30/2018]

16.12.11.10 FEES: Payment of fees will be accepted in the form specified by the board. Fees are not refundable.

A. Initial licensure
\$60.00.

B. Renewal
\$40.00.

C. Reinstatement and renewal of lapsed license
\$60.00.

D. Lactation care provider list
\$100.00.

[16.12.11.10 NMAC - N, 07/30/2018]

16.12.11.11 LICENSURE REQUIREMENTS:

A. Requirements for licensure:

(1) Be at least 18 years of age.

(2) Hold an approved certification as a lactation care provider.

(3) Complete the required board application form in the specified deadline and remit the required fee. The board may require additional information in the application, including demographics, information on practice status, and education; which will be for data collection purposes only and shall not affect approval of the application.

(4) Submission of applicant's fingerprint cards to the federal bureau of investigation to conduct a national criminal history background check and to the New Mexico department of public safety to conduct a state criminal history check. If a criminal background check reveals a conviction or other history that may be cause for denial of the license, the board may request additional documents or other information be submitted to determine whether a license should be granted.

(5) Only complete applications should be submitted to the board. An incomplete application may be

denied.

B. Requirements for renewal of license:

(1) Complete the required renewal application form in the specified deadline and remit the required fee to the board.

The board may require additional information in the application, including demographics, information on practice status, and education; which will be for data collection purposes only and shall not affect the application approval. Renewal applications should be submitted at least 30, but no more than 60 days prior to the expiration of the license.

(2) Maintain a current approved certification recognized by the board.

(3) Complete all required continuing education hours and indicate compliance on the renewal application.

(4) Licensees mobilized for active duty, other than training, are not required to renew their license while deployed on active duty, and will not be subject to a reinstatement fee. A copy of the mobilization orders must be submitted to the board office prior to expiration of the license or within 30 days upon return from active duty.

(5) A renewal notice shall be sent to the licensee at least six weeks prior to the end of the renewal month. Failure to receive notice renewal shall not relieve the licensee of the responsibility of renewing the license by the expiration date.

C. Requirements for reinstatement of license:

(1) Complete any required reinstatement form and remit the required fee to the board.

(2) Maintain a current approved certification recognized by the board.

(3) A reinstated license shall be valid for two years.

D. Requirement to maintain current name and address:

(1) A licensee shall report to the board in writing or other method accepted by the board,

of any change of name, or change in mailing address. Failure to update the board of any name or address change within thirty days shall be a violation of the board rules and may result in disciplinary action.

(2) A licensee must use their name as it appears on the current license until a name change is processed by the board. Name change can be submitted with license renewal or at any time by submitting a copy of the legal document required for name change (only recorded marriage certificate, divorce decree or court order accepted).

[16.12.11.11 NMAC - N, 07/30/2018]

16.12.11.12 CONTINUING EDUCATION:

A. Introduction:
Pursuant to the provision of the Lactation Care Provider Act, the board prescribes the following minimum requirements for continuing education (CE) to be met by each licensee to protect the health and well-being of the public and to promote current lactation care and services knowledge and practice. Continuing education is one of the most important responsibilities of the licensed lactation care provider and is a lifelong process. The primary responsibility for continuing education rests with the individual licensee. A diversity of lactation care-related learning activities are recommended to enhance the scope of professional development.

B. Requirements:

(1) Twenty-four contact hours of approved continuing education must be successfully completed within the 24 months immediately preceding expiration of the license.

(2) Continuing education obtained for a national or international approved certification recognized by the board may be accepted toward the contact hour requirement if completed during the renewal period.

C. A contact hour means 50 to 60 minutes of an organized learning experience

relevant to lactation care and services, approved by one of the following:

- (1) international board of lactation consultant examiners;
- (2) academy of lactation policy and practice;
- (3) lactation education accreditation and approval review committee (LEARRC);
- (4) international association for continuing education and training (IACET);
- (5) national commission for certifying agencies (NCCA).

D. Failure to meet the CE requirements may result in the license not being renewed, reactivated and reinstated, or other disciplinary action.

E. Licensees who hold another license with the board may apply continuing education credit hours completed for the other license to the lactation care provider license CE requirements so long as the continuing education would otherwise be approved by these rules. No more than 12 continuing education hours may count toward both licenses.

F. Records: Licensees are responsible for maintaining their continuing education records and for keeping the certificates of verification of attendance of CE activities for at least two years after the license is renewed. Copies of certificates must be submitted to the board office upon request. Failure to maintain or provide such records to the board may be grounds for discipline.
[16.12.11.12 NMAC - N, 07/30/2018]

16.12.11.13 STANDARD OF PRACTICE:

A. Licensees shall identify themselves by name and certification, and shall provide their license number if requested.

B. The licensee shall practice in accordance with the Lactation Care Provider Act and respective scope of practice within the approved certification recognized by the board.

C. The licensee

may assume specific functions and perform specific procedures which are beyond basic lactation care provider preparation with demonstration of appropriate education and level of competence, provided the knowledge and skills required to perform the function and procedure emanates from a recognized body of knowledge and practice, which may result in a certification, and so long as the function or procedure is not prohibited by law.

D. The licensee shall maintain individual competency in lactation care practice, recognizing and accepting responsibility for individual actions and judgments.

E. The licensee shall have knowledge of, and function within, the laws and rules governing the practice.

F. The licensee acts to safeguard the patient or client when her care and safety are affected by incompetent, unethical, or illegal conduct of any person, and shall timely report the conduct to the board and, where appropriate, the recognized national and international certifying organizations and law enforcement.

G. The licensee shall recognize the dignity and rights of others regardless of social or economic status and personal attributes; and shall conduct practice with respect for human dignity, unrestricted by considerations of age, race, religion, sex, sexual orientation, gender identity, national origin, disability or nature of the patient or client health.

H. The licensee safeguards the individual right to privacy by judiciously protecting information of a confidential nature.

I. The licensee shall not advertise their professional services in a manner that misrepresents facts or creates unjustified or unreasonable expectations about lactation care and services or the results of the licensed lactation care provider.
[16.12.11.13 NMAC - N, 07/30/2018]

16.12.11.14 DICIPLINARY

PROCEEDINGS:

A. Authority: The board may deny, revoke, or suspend a license held or applied for under the Lactation Care Provider Act; or reprimand or place a license on probation with conditions on the grounds stated in Section 61-36-6 NMSA 1978.

B. For the purpose of Section 61-36-6 NMSA 1978, "incompetence" is defined as follows: In performing lactation care and service functions, whether direct patient care or the administration or management of that care, a licensee is under a legal duty to possess and to apply the knowledge, skill and care that is ordinarily possessed and exercised by other licensees of the same certification status and required by the generally accepted standards, of the profession including those standards set forth in these rules. The failure to possess or to apply to a substantial degree such knowledge, skill and care constitutes incompetence for purposes of disciplinary proceedings. Charges of incompetence may be based on a single act of incompetence or on a course of conduct or series of acts or omissions, which extend over a period of time and which, taken as a whole, demonstrates incompetence. It shall not be necessary to show that actual harm resulted from the act or omission or series of acts or omissions, so long as the conduct is of such a character that harm could have resulted to the patient or client or to the public from the act or omission or series of acts or omissions.

C. For the purpose of Section 61-36-6 NMSA 1978, "unprofessional conduct" includes, but is not limited to, the following:

(1) dissemination of a patient or client's health information or treatment plan acquired during the course of employment to individuals not entitled to such information and where such information is protected by law or organization policy from disclosure;

(2) falsifying or altering patient or client records

or personnel records for the purpose of reflecting incorrect or incomplete information;

(3)

misappropriation of money, drugs or property;

(4) obtaining

or attempting to obtain any fee for patient or client services for one's self or for another through fraud, misrepresentation, or deceit;

(5) aiding,

abetting, assisting or hiring an individual to violate the lactation care provider act or duly promulgated rules of the board;

(6) failure to

make or keep accurate, intelligible entries in records as required by law, policy and standards for the practice of lactation care and services;

(7) obtaining

or attempting to obtain a license to practice lactation care and services for one's self or for another through fraud, deceit, misrepresentation or any other act of dishonesty in any phase of the licensure process;

(8) failure to

report a licensee who is suspected of violating the New Mexico Lactation Care Provider Act or rules;

(9)

intentionally engaging in sexual contact with or toward a patient or client in a manner that is commonly recognized as outside the scope of practice of the individual licensee;

(10)

abandonment, which occurs when the licensee has accepted an assignment to provide care, service, or treatment to a patient or client, thus establishing a professional relationship, and then abruptly severed the relationship without reasonable notice provided to the patient or client; and distinguished from contractual disagreements, termination, or other employment issues;

(11) engaging

in the practice of lactation care and services when judgment or physical ability is impaired by alcohol or drugs or controlled substances;

(12) committing

acts which constitute grounds for disciplinary action pursuant to

Paragraph (1) and (2) of Subsection A of Section 61-36-6 NMSA 1978 where the conviction arises from employment as a lactation care provider, Paragraph (3) and (4) of Subsection A of Section 61-36-6 NMSA 1978 where the intemperance, addiction, incompetence or unfitness has manifested itself during the course of employment as a lactation care provider in a fashion which is contrary to the provision of good health care, and Paragraph (6) of Subsection A of Section 61-36-6 NMSA 1978;

(13) practice

which is beyond the scope of licensure;

(14) verbally or

physically abusing a patient, client or colleague;

(15) failure to

maintain appropriate professional boundaries which may cause harm to the patient;

(16) failure to

comply with any other requirement provided by these rules.

[16.12.11.14 NMAC - N, 07/30/2018]

16.12.11.15 ADVISORY COMMITTEE:

A. Pursuant to Section

61-36-3 NMSA 1978, the board may appoint a lactation care provider advisory committee to assist the board in regulating the practice of lactation care. The committee shall assist and advise the board in the review of issues related to the practice of lactation care.

B. The committee

shall include a minimum of five, and no more than ten, members. The committee is intended to represent the diversity of the state and the profession, and shall include, at minimum:

(1) a member

of the board;

(2) a certified

lactation counselor;

(3) a

international board certified lactation consultant; and

(4) a public

member that is not a licensed or certified lactation care provider.

C. The committee

shall review applications for initial licensure, make recommendations to the board, and perform any other duties as requested or directed by the board.

[16.12.11.15 NMAC - N, 07/30/2018]

HISTORY OF 16.12.11 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF LAW ENFORCEMENT ACADEMY

On June 12, 2018, the New Mexico law enforcement academy board, repealed 10.29.7 NMAC, Law Enforcement Academy In-service Training Requirements and replaced it with 10.29.7 NMAC, Law Enforcement Academy In-service Training Requirements, adopted June 28, 2018 and effective July 10, 2018.

PUBLIC SAFETY, DEPARTMENT OF LAW ENFORCEMENT ACADEMY

TITLE 10 POLICE AND TELECOMMUNICATORS CHAPTER 29 LAW ENFORCEMENT ACADEMY PART 7 IN-SERVICE TRAINING REQUIREMENTS

10.29.7.1 ISSUING

AGENCY: Department of Public Safety, New Mexico Law Enforcement Academy, 4491 Cerrillos Road, Santa Fe, New Mexico 87507. [10.29.7.1 NMAC - Rp, 10.29.7.1 NMAC, 07/10/2018]

10.29.7.2 SCOPE: Applies

to all New Mexico certified police officers and public safety telecommunicators.

[10.29.7.2 NMAC - Rp, 10.29.7.2 NMAC, 07/10/2018]

10.29.7.3 STATUTORY

AUTHORITY: Section 29-7-7.1 NMSA 1978, (Repl. Pamp. 1994),

Section 29-7-4 NMSA 1978, (Repl. Pamp. 1994), Section 29-7-5 NMSA 1978, (Repl. Pamp. 1994)
 [10.29.7.3 NMAC - Rp, 10.29.7.3 NMAC, 07/10/2018]

10.29.7.4 DURATION:

Permanent.
 [10.29.7.4 NMAC - Rp, 10.29.7.4 NMAC, 07/10/2018]

10.29.7.5 EFFECTIVE DATE:

July 10, 2018, unless a different date is cited at the end of a section.
 [10.29.7.5 NMAC - Rp, 10.29.7.5 NMAC, 07/10/2018]

10.29.7.6 OBJECTIVE:

The purpose of Part 7 is to establish in-service training requirements for certified police officers and certified public safety telecommunicators.
 [10.29.7.6 NMAC - Rp, 10.29.7.6 NMAC, 07/10/2018]

10.29.7.7 DEFINITIONS:

A. "Academy" means the New Mexico law enforcement academy.
B. "NHTSA" means the national highway traffic safety administration.
 [10.29.7.7 NMAC - Rp, 10.29.7.7 NMAC, 07/10/2018]

10.29.7.8 IN-SERVICE TRAINING CYCLE FOR LAW ENFORCEMENT OFFICERS:

A. All New Mexico certified law enforcement officers shall receive a minimum of 40 hours of training bi-annually (every other year). Each two year in-service training cycle will begin on the first day of the subsequent even numbered year and conclude on the final day of the sequential odd numbered year.

(1) A
 minimum of four hours training shall be in safe pursuit pursuant to Section 29-20-3 NMSA 1978.

(2) A
 minimum of one hour training shall be in domestic violence incident training pursuant to Section 29-7-4.1 NMSA 1978, annually.

(3) A

minimum of two hours training shall be in the detection, investigation and reporting of a crime motivated by hate pursuant to Subsection B of Section 31-18B-5 NMSA 1978.

(4) For all officers who may be involved in the arrest of driving while intoxicated (DWI) offenders as a normal part of their duties, four hours training shall be in NHTSA approved standardized field sobriety testing (SFST) protocols or successful course completion of the NHTSA approved 16 hour advanced roadside impaired driving enforcement course.

(5) A
 minimum of one hour training shall be in ensuring child safety upon arrest pursuant to Section 29-7-7.3 NMSA 1978, annually.

(6) Four hours training of academy approved day and night firearms training on agency approved weapons systems including, but not limited to, duty handgun, backup handgun, shotgun, and rifle. No more than one hour training shall be classroom lecture. A minimum of three hours training, divided equally between day and night training, and shall consist of practical exercises using live fire, Simmunitions®, Airsoft® or other firearms training systems. Qualification testing may not be used as training to meet this requirement.

(7) A
 minimum of two hours training in child abuse incident training pursuant to Section 29-7-4.2 NMSA 1978, annually.

(8) A
 minimum of one hour training shall be in missing persons and Amber alert training pursuant to Section 29-7-7.4 NMSA 1978, annually.

(9) A
 minimum of two hours training shall be in academy accredited interaction with persons with mental impairments training pursuant to Section 29-7-7.5 NMSA 1978.

(10) A
 minimum of 30 minutes training shall be in academy accredited tourniquet and trauma kit training pursuant to Section 29-7-7.7 NMSA 1978,

annually.

(11) A
 minimum of two hours training shall be in legal update training to include changes in New Mexico state statutes and recent state and federal case law.

(12) Remaining training hours shall be in maintenance or advanced areas to meet the agencies specific needs.

B. Required training may be received through the following means:

(1) Where scheduling will allow, the New Mexico law enforcement academy will assign staff to instruct the course at the academy and regional training sites.

(2) Curriculum developed by the New Mexico law enforcement academy will be provided to individual agencies upon request for their own certified instructors to present to their officers, provided the instructor is qualified in the subject matter.

(3) Individual agencies or private contractors may develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

C. This three-pronged approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon law enforcement and the opportunity to have statewide consistency in certain critical areas.

D. Implementation is to begin on January 1, of the first even numbered year of a training cycle.

E. Officers obtaining certification within an even numbered year will be required to obtain one-half-of the in-service training requirements. Officers obtaining certification within an odd numbered year will be required to meet the next two-year in-service training requirement which will go into effect on January 1 of the succeeding even numbered year. The in-service

training requirements are applicable in subsequent two-year cycles (one even number year and the subsequent odd numbered year constitutes a two-year cycle. Officers transferring from one agency to another will carry with them the responsibility for in-service training.

[10.29.7.8 NMAC - Rp, 10.29.7.8 NMAC, 07/10/2018]

10.29.7.9 IN-SERVICE TRAINING CYCLE FOR PUBLIC SAFETY TELECOMMUNICATORS:

A. All New Mexico certified public safety telecommunicators shall receive a minimum of 20 hours of training bi-annually (every other year). Each two year in-service training cycle will begin on the first day of the subsequent even numbered year and conclude on the final day of the sequential odd numbered year.

(1) A minimum of two hours training in academy accredited interaction with persons with mental impairments training in line with requirements pursuant to Section 29-7-7.5 NMSA 1978.

(2) Remaining training hours shall be in maintenance or advanced training areas to meet the agency's specific needs and abilities of the telecommunicator.

B. Required training may be received through the following means.

(1) Where scheduling will allow, the academy will assign staff to instruct the course at regional training sites.

(2) Curriculum may be developed by the academy and provided to individual agencies for their own certified instructors to present to their telecommunicators, provided the instructor is qualified in the subject matter.

(3) Individual agencies or private contractors may develop curriculum for review and approval (accreditation) by the academy which meets the criteria established by the board.

C. This three-pronged

approach gives all agencies the flexibility they need to address individual training needs. It also allows the board to implement a planned program of in-service training that is responsive to the changing demands placed upon telecommunicators and the opportunity to have statewide consistency in certain critical areas.

D. Implementation is to begin on January 1, of the first even numbered year of a training cycle.

E. Telecommunicators obtaining certification within an even numbered year will be required to obtain one-half of the in-service training requirements. Telecommunicators obtaining certification within an odd numbered year will be required to meet the next two-year in-service training requirement which will go into effect on January 1 of the succeeding even numbered year. The in-service training requirements are applicable in subsequent two-year cycles (one even number year and the subsequent odd numbered year constitutes a two-year cycle). Telecommunicators transferring from one agency to another will carry with them the responsibility for in-service training.

[10.29.7.9 NMAC - Rp, 10.29.7.9 NMAC, 07/10/2018]

History of Repealed Material:

10.29.7 NMAC Law Enforcement Academy - In-Service Training Requirements, filed 7-1-2001 - Repealed effective 07/10/2018.

End Of Adopted Rules

Other Material Related To Administrative Law

**PUBLIC EDUCATION
DEPARTMENT**
**NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The New Mexico Public Education Department (PED) gives Notice of Minor, Nonsubstantive Correction.

The following corrections have been identified and amended regarding:

6.11.2 NMAC, Rights and Responsibilities of the Public Schools and Public Schools Students, filed on June 14, 2018, published on June 26, 2018 and effective on July 1, 2018.

Pursuant to the authority granted under State Rules Act, Paragraph D of Section 14-4-5 NMSA, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all published and electronic copies of the above rules:

Re-numbered second subsection P and all successive subsections Q through AA to subsection Q through BB of 6.11.2.7 NMAC

Bolded all subsection headings of 6.11.2.10 NMAC to maintain style and consistency throughout section.

A copy of this Notification was filed with the official version of the above rule.

Copies of the referenced rule may be accessed through the New Mexico Public Education Department's website under the "Rule Notification" link at <https://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/>, or may be obtained from Jamie Gonzales by contacting her at (505) 827-7889 during regular business hours.

**REGULATION AND
LICENSING DEPARTMENT
BARBERS AND
COSMETOLOGISTS, BOARD OF**
**NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The New Mexico Regulation and Licensing Department, Board of Barbers and Cosmetologists, gives Notice of Minor, Nonsubstantive Correction ("Notice").

The following corrections have been identified and amended regarding:

Added brackets around deleted text in Paragraphs (4) and (5) of Subsection DDD of 16.34.1.7 NMAC.

These corrections clarify that for the above rules and pursuant to the authority granted under State Rules Act, Paragraph D of Section 14-4-5 NMSA, that the following minor, non-substantive corrections to spelling, grammar or format has been made to all published and electronic copies of the above rules.

A copy of the Notice was filed with the official version of each of the above rule.

**End of Other
Material Related To
Administrative Law**

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Submittal Deadlines and Publication Dates

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Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 16
Issue 2	January 18	January 30
Issue 3	February 1	February 13
Issue 4	February 15	February 27
Issue 5	March 1	March 13
Issue 6	March 15	March 27
Issue 7	March 29	April 10
Issue 8	April 12	April 24
Issue 9	April 26	May 15
Issue 10	May 17	May 29
Issue 11	May 31	June 12
Issue 12	June 14	June 26
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Issue 19	September 27	October 16
Issue 20	October 18	October 30
Issue 21	November 1	November 13
Issue 22	November 15	November 27
Issue 23	November 29	December 11
Issue 24	December 13	December 27

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

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