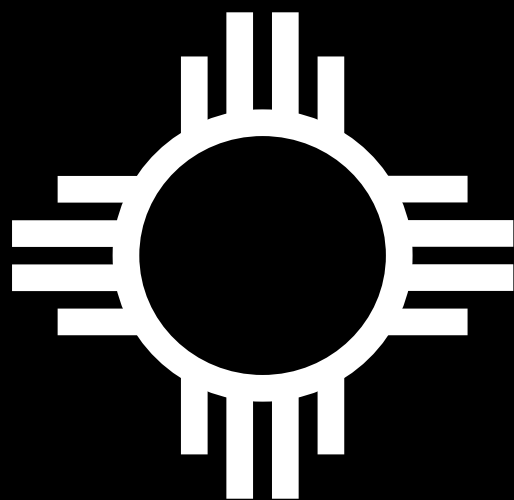


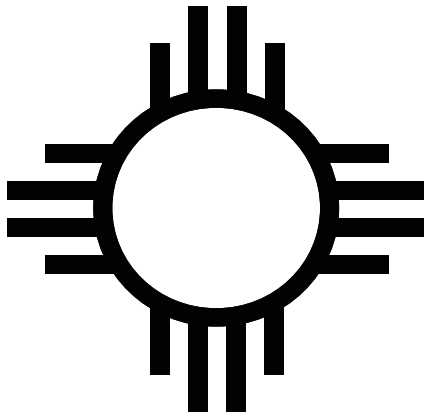
**NEW
MEXICO
REGISTER**



Volume XXV
Issue Number 8
April 30, 2014

New Mexico Register

**Volume XXV, Issue Number 8
April 30, 2014**



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

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Santa Fe, New Mexico
2014

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New Mexico Register

Volume XXV, Number 8

April 30, 2014

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Effective Date and Validity of Rule Filings

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

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

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Notices of Rulemaking and Proposed Rules

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

Notice of Proposed Rulemaking

The Economic Development Department (“EDD or Department”) hereby gives notice that the Department will conduct a public hearing as indicated to obtain input on amending the following rule:

5.5.50 NMAC (Industrial Development Training Program).

The proposed rulemaking actions specific to the Job Training Incentive Program may be accessed on April 30, 2014 on the Department’s website (<http://www.gonm.biz/JTIP>) or obtained from Sara Haring at the contact below.

A public hearing regarding the rules will be held on Friday, May 30, 2014 at the CNM Workforce Training Center, 5600 Eagle Rock Ave., NE, Albuquerque, NM. The time for the hearing on the proposed rules is 9:00 AM MDT.

Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking relating to the Job Training Incentive Program to Sara Haring, JTIP Program Manager, New Mexico Economic Development Department, P.O. Box 20003 Santa Fe, New Mexico 87504-5003, or sara.haring@state.nm.us (505) 827-0249. Written comments must be received no later than 5:00 pm on Friday, May 23, 2014.

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

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing on July 11, 2014 at 9:00 a.m. at the New Mexico State Capitol Building, Room 307, in Santa Fe, New Mexico. The

purpose of the hearing is to consider the matter of EIB 14-03 (R), proposed repeal and replacement to the New Mexico State Implementation Plan (“SIP”) regarding Air Quality Control Regulation Part 99 (*Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects*) New Mexico Administrative Code (“20.2.99 NMAC”).

The proponent of this regulatory repeal and replacement is the New Mexico Environment Department (“NMED”).

The purpose of the public hearing is to consider and take possible action on a petition from the NMED to repeal and replace 20.2.99 NMAC. The proposed repeal and replacement of 20.2.99 NMAC is in response to amendments issued by the Environmental Protection Agency January 24, 2008 and March 14, 2012 to 40 CFR Part 93, Subpart A - *Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 U.S.C. or the Federal Transit Laws*. 40 CFR 93 Subpart A was amended to allow states to streamline their regulations and eliminate the provisions unrelated to implementation by the State. Upon adoption by the Board, the repeal and replacement of 20.2.99 NMAC would be submitted to EPA for incorporation into New Mexico’s SIP.

The NMED will host an informational open house on the proposed repeal and replacement of 20.2.99 NMAC at the NMED Air Quality Bureau Office, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico from 12:00 p.m. - 2:30 p.m. on May 16, 2014. For questions regarding the open house, please contact Cindy Hollenberg at 505-476-4356 or cindy.hollenberg@state.nm.us.

Full text of NMED’s proposed revised regulations are available on NMED’s web site at www.nmenv.state.nm.us or by contacting Cindy Hollenberg at (505) 476-4356 or cindy.hollenberg@state.nm.us. The proposed revised regulation may also be examined during office hours at the Air Quality Bureau office, 525 Camino de los Marquez, Suite 1, Santa Fe, New Mexico.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures – Environmental Improvement Board), the Environmental Improvement Act, NMSA 1978, Section 74-1-9, the Air Quality Control Act, NMSA 1978, Section 74-2-6, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- (3) include a copy of the direct testimony of each technical witness in narrative
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed new and revised regulations.

Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on June 20, 2014, and should reference the docket number, EIB 14-03 (R), and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
P. O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2425, Fax (505) 827-0310

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with his testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing, or submit it at the hearing.

Persons having a disability and needing help in being a part of this hearing process should contact Juan Carlos Borrego of the NMED Human Resources Bureau by July 1, 2014 at P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-0424 or email juancarlos.borrego@state.nm.us. TDY users please access his number via the New Mexico Relay Network at 1-800-659-8331.

The Board may make a decision on the proposed revised regulations at the

conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on July 11, 2014 at 9:00 a.m. at the State Capitol Building, Room 307, 490 Old Santa Fe Trail, Santa Fe, New Mexico. The purpose of the hearing is to consider the matter of No. EIB 14-02(R), proposed revision to the New Mexico State Implementation Plan ("SIP") regarding Air Quality Control Regulation Part 12 of 20.2 New Mexico Administrative Code (Cement Kilns) ("20.2.12 NMAC").

The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED").

The purpose of the public hearing is to consider and take possible action on a petition from NMED to repeal 20.2.12 NMAC. The proposed repeal is in response to the U.S. Environmental Protection Agency's ("EPA") February 12, 2013 amendments to the federal New Source Performance Standard, 40 CFR Part 60, Subpart F – Standards of Performance for Portland Cement Plants. If adopted by the Board, the repeal of 20.2.12 NMAC would be submitted to EPA for incorporation into New Mexico's SIP.

The NMED will host an informational open house on the proposed repeal of 20.2.12 NMAC at the NMED Air Quality Bureau Office, 525 Camino del los Marquez, Suite 1, Santa Fe, New Mexico from 12:00p.m.-3:00p.m. on June 4, 2014. To attend the informational open house, please contact Michael Baca at 575-647-7983 or michael.baca1@state.nm.us.

The proposed revised regulation may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino del los Marquez, Suite 1, Santa Fe, New Mexico. Full text of NMED's proposed revised regulations are available on NMED's web site at www.nmenv.state.nm.us, or by contacting Michael Baca at 575-647-7983 or michael.baca1@state.nm.us.

The hearing will be conducted in accordance with 20.1.1 NMAC

(Rulemaking Procedures – Environmental Improvement Board), the Environmental Improvement Act, NMSA 1978, Section 74-1-9, the Air Quality Control Act Section, NMSA 1978, 74-2-6, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- (3) include a copy of the direct testimony of each technical witness in narrative form;
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed new and revised regulations.

Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on June 20, 2014 and should reference the docket number, EIB 14-02(R), and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2425, Fax (505) 827-0310

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with his testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing, or submit it at the hearing.

Persons having a disability and needing help in being a part of this hearing process should contact Juan Carlos Borrego of the NMED Human Resources Bureau by June 26, 2014 at P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-0424 or email juancarlos.borrego@state.nm.us. TDY

users please access his number via the New Mexico Relay Network at 1-800-659-8331.

The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposal.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board ("Board") will hold a public hearing on July 11, 2014 at 9:00 a.m. in Room 307 at the State Capitol in Santa Fe, New Mexico. The purpose of the hearing is to consider the matter of No. EIB 14-01(R), proposed revisions to the New Mexico State Implementation Plan ("SIP") regarding Air Quality Control Regulation Part 74 of 20.2 New Mexico Administrative Code (Permits – Prevention of Significant Deterioration) ("20.2.74 NMAC").

The proponent of this regulatory adoption and revision is the New Mexico Environment Department ("NMED").

The purpose of the public hearing is to consider and take possible action on a petition from NMED to revise 20.2.74 NMAC. The proposed revisions are in response to the U.S. Environmental Protection Agency's ("EPA") December 9, 2013, amendments to federal rules 40 CFR 51.166 and 52.21. The amendments by the EPA to the federal rules address the January 22, 2013, United States Court of Appeals for the District of Columbia Circuit vacatur and remand of two prevention of significant deterioration provisions that were promulgated by EPA in 2010. The two provisions include the Significant Impact Levels (SILs) and Significant Monitoring Concentrations (SMC) for particulate matter 2.5 microns in size and less (PM_{2.5}). The Court's vacatur of the PM_{2.5} SILs and the SMC means that these provisions can no longer be relied upon by either permit applicants or permitting authorities. The NMED is proposing to remove the PM_{2.5} SILs provision and revise the PM_{2.5} SMC provision that were incorporated into 20.2.74 NMAC in May 2011. If adopted by the Board, the revisions to 20.2.74 NMAC would be submitted to EPA for incorporation into New Mexico's SIP.

The NMED will host an informational open house on the proposed revisions to 20.2.74

NMAC at the NMED Air Quality Bureau Office, 525 Camino del los Marquez, Suite 1, Santa Fe, New Mexico from 12:00 p.m.-3:00 p.m. on June 4, 2014. To attend the informational open house, please contact Gail Cooke at 505-476-4319 or gail.cooke@state.nm.us.

The proposed revised regulation may be reviewed during regular business hours at the NMED Air Quality Bureau office, 525 Camino del los Marquez, Suite 1, Santa Fe, New Mexico. Full text of NMED's proposed revised regulation is available on NMED's web site at www.nmenv.state.nm.us, or by contacting Gail Cooke at (505) 476-4319 or gail.cooke@state.nm.us.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures – Environmental Improvement Board), the Environmental Improvement Act, NMSA 1978, Section 74-1-9, the Air Quality Control Act Section, NMSA 1978, 74-2-6, and other applicable procedures.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- (3) include a copy of the direct testimony of each technical witness in narrative form;
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed new and revised regulations.

Notices of intent for the hearing must be received in the Office of the Board not later than 5:00 pm on June 20, 2014 and should reference the docket number, EIB 14-01(R), and the date of the hearing. Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
P.O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2425, Fax (505) 827-0310

Any member of the general public may testify at the hearing. No prior notification

is required to present non-technical testimony at the hearing. Any such member may also offer exhibits in connection with his testimony, so long as the exhibit is not unduly repetitious of the testimony.

A member of the general public who wishes to submit a written statement for the record, in lieu of providing oral testimony at the hearing, shall file the written statement prior to the hearing, or submit it at the hearing.

Persons having a disability and needing help in being a part of this hearing process should contact Juan Carlos Borrego of the NMED Human Resources Bureau by June 26, 2013 at P.O. Box 26110, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, telephone 505-827-0424 or email juancarlos.borrego@state.nm.us. TDY users please access his number via the New Mexico Relay Network at 1-800-659-8331.

The Board may make a decision on the proposed revised regulations at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposal.

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.7.3 NMAC - LIQUID WASTE DISPOSAL AND TREATMENT

The New Mexico Environmental Improvement Board (Board) will hold a public hearing beginning at 9:00 a.m. on Friday, July 11, 2014, and continuing thereafter as necessary at the New Mexico State Capitol Building, Room 307, 490 Old Santa Fe Trail, Santa Fe, New Mexico. The hearing location may change prior to the hearing date, and those interested in attending should check the EIB website: <http://www.nmenv.state.nm.us/eib/> prior to the hearing. The purpose of the hearing is to consider proposed amendments to Liquid Waste Disposal and Treatment Rules, 20.7.3 NMAC (Rules). The New Mexico Environment Department (NMED) is the proponent of the amendments to the Rules.

The amendments proposed by NMED to 20.7.3 NMAC would increase the scope of the regulations from the current 2,000 gallons per day or less of liquid waste received by an on-site system, to 5,000 gallons per day or less, such that permits for

certain larger on-site liquid waste systems that are currently regulated by NMED's Ground Water Quality Bureau would be transferred to the Department's Liquid Waste Program.

In addition, the proposed amendments include several other minor changes and clarifications to current definitions, regulations, and procedures. Please note that formatting and minor technical changes in the regulations other than those proposed by petitioners may be proposed at the hearing. In addition, the Board may make other changes as necessary to accomplish the purpose of providing public health and safety in response to public comments and evidence presented at the hearing.

The proposed changes may be reviewed during regular business hours at the office of the Environmental Improvement Board located in the Harold Runnels Building, 1190 St. Francis Drive, Room N-2150 Santa Fe, NM, 87505. In addition, a copy of the NMED proposed amendments is posted on the NMED website at <http://www.nmenv.state.nm.us/fod/LiquidWaste/>.

The hearing will be conducted in accordance with 20.1.1 NMAC (Rulemaking Procedures - Environmental Improvement Board), the Environmental Improvement Act, Section 74-1-9 NMSA 1978, and other applicable procedures.

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

Pursuant to 20.1.1.302 NMAC, persons wishing to present technical testimony must file with the Board a written notice of intent to do so on or before 5:00 p.m. on June 20, 2014. The notice of intent shall:

- identify the person or entity for whom the witness(es) will testify;
- identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of his or her education and work background;
- include a copy of the direct testimony of each technical witness in narrative form;
- include the text of any

recommended modifications to the proposed regulatory change; and

- list and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of the rules.

Notices of intent for the hearing must be received in the Office of the Environmental Improvement Board no later than 5:00 p.m. on June 20, 2014 and should reference the name of the regulation, the date of the hearing, and docket number EIB 14-04(R). Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Administrator of Boards and Commissions
Office of the Environmental Improvement Board
Harold Runnels Building
1190 St. Francis Dr., Room N-2150
Santa Fe, NM 87502

Any person who wishes to may offer non-technical public comment at the hearing, or submit a non-technical written statement in lieu of oral testimony at or before the hearing. Written comments regarding the proposed revisions may be addressed to Ms. Pam Castaneda, Administrator of Boards and Commissions, at the above address, and should reference docket number EIB 14-04(R).

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact Juan-Carlos Borrego by June 11, 2014. The Personnel Services Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, NM 87502, (505) 827-2844. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779 (voice); TTY users: 1-800-659-8331). Copies of the proposed amendments will be available in alternative forms if requested by June 11, 2014.

The Board may make a decision on the proposed regulatory change at the conclusion of the hearing, or the Board may convene a meeting after the hearing to consider action on the proposal.

NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION BOARD OF FINANCE

NOTICE OF BOARD OF FINANCE RULE

The State Board of Finance is in the process of revising one of its rules: Dedication of a Portion of the State's Gross Receipts Tax Increment. Copies of the existing rule and proposed changes are available in room 181, Bataan Memorial Building, Santa Fe, NM 87501 and on the Board of Finance website, http://nmdfa.state.nm.us/Board_of_Finance.aspx. The Board will consider adopting the proposed rule at its June 17, 2014 meeting, which takes place at 9:00 am in the Governor's Cabinet Room, State Capitol building. Please mail or deliver written comments on the proposed changes to Stephanie Schardin Clarke, 181 Bataan Memorial building, Santa Fe, NM 87501 by May 30, 2014.

NEW MEXICO GAME COMMISSION

STATE GAME COMMISSION PUBLIC MEETING AND RULE MAKING NOTICE

On **Thursday, May 15, 2014**, beginning at 9:00 a.m., in the **National Hispanic Cultural Center, Salon Room**, located at **1704 4th Street SW, Albuquerque, NM 87102**, the State Game Commission will meet in public session to hear and consider action as appropriate on the following: Selection of Director and Secretary to the State Game Commission, Revocations, Request to Qualify the Youth Hunting Club from Las Cruces to Receive or Submit Youth Recipients for Donated Licenses or Permits, Reserving Two Elk Licenses for Non-Profit Wish-Granting Organization, Prohibitions for Hunting and Taking Nongame Species on Wildlife Management Areas, Awards of Excellence, Initiation of Deer Rule Development 19.31.13 NMAC for the 2015-2019 Seasons, Initiation of Elk Rule Development 19.31.14 NMAC for the 2015-2019 Seasons, Fiscal Year 2016 Initiation of Budget Development, Fee Review for Special Drawings, Shooting Sports Program, Terk Decision Ruling, and Lease of State Game Commission Property located at 1085 Richards Ave, Santa Fe, NM. Additionally, they will hear and consider action as appropriate on proposed and final amendments to the following

rules: Proposed Prohibition of Using Drones for Hunting (19.31.10 NMAC), Final Proposals to the Javelina Rule 19.31.21 NMAC for the 2015-2019 Seasons, Final Proposals to the Barbary Sheep, Oryx and Persian Ibex Rule 19.31.12 NMAC for the 2015-2019 Seasons, Migratory Game Bird Rule Development -19.31.6 NMAC for the 2014-2015 Seasons, Turkey Rule Development 19.31.16 NMAC for the 2015-2019 Seasons, Pronghorn Antelope Rule Development 19.31.15 NMAC for the 2015-2019 Seasons, and Bighorn Sheep Rule Development 19.31.17 NMAC for the 2015-2019 Seasons. They will hear general public comments (comments are limited to three minutes). A closed executive session is planned to discuss matters related to litigation.

Obtain a copy of the agenda from the Office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504, or from the Department's website. 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.

NEW MEXICO GAME COMMISSION

STATE GAME COMMISSION SPECIAL CLOSED MEETING

On **Wednesday, May 14, 2014**, beginning at 9:00 a.m., at the **New Mexico Department of Game and Fish Office, 3841 Midway Place NE, Albuquerque, NM 87109**, the State Game Commission will meet to have a closed executive session pursuant to NMSA 1978, Section 10-15-1(H)(2) and (7) to discuss matters related to limited personnel matters and pending litigation. Any action will be taken in open session.

A copy of the agenda will be available from the Office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504,

or from the Department's website. 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.

NEW MEXICO DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of 7.27.2 NMAC ("Licensing of Emergency Medical Services Personnel") and 7.27.11 NMAC ("Supplemental Licensing Provisions"); and the proposed addition of 7.27.12 NMAC ("Certification of S-T Segment Elevation Myocardial Infarction (STEMI) Receiving and Referring Centers") and 7.27.13 NMAC ("Certification of Stroke Centers"). The hearing will be held on Friday, May 30th at 9:00 a.m. in the Harold Runnels Building auditorium, located at 1190 St. Francis Drive in Santa Fe, New Mexico.

The public hearing will be conducted to receive public comment regarding proposed changes to two existing rules, and the creation of two new rules. The proposed changes to the existing rules will include revisions to the EMS Licensing rule and the EMT Scopes of Practice. The proposed new rules will include a rule to establish requirements for acute care hospitals to become certified as S-T segment elevation myocardial infarction (STEMI) receiving or referring centers, and a rule to establish requirements for acute care hospitals to become certified as an acute stroke capable center, primary stroke center, or comprehensive stroke center.

A copy of these materials may be obtained from, and written comments may be submitted to:

Charles Schroeder, EMS Program Manager
EMS Bureau

New Mexico Department of Health
1301 Siler Rd., Bldg. F
Santa Fe, NM 87507
(505) 476-8246

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 Charles Schroeder at the above address or telephone number. The Department requests at least ten (10) days' advance notice for special accommodations requests.

NEW MEXICO DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on 7.1.13 NMAC "Incident Reporting, Intake, Processing and Training Requirements." It will be held on June 2, 2014, at 8:30 a.m. in the Harold Runnels Building Auditorium, located at 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

The public hearing will be conducted to receive public comment regarding the proposed repeal and replacement of the Incident Reporting, Intake, Processing and Training Requirements rule at 7.1.13 NMAC, which will become applicable to licensed health care facilities only. This replacement rule will eliminate references to community-based providers of services to consumers with developmental disabilities, and receiving certain developmental disability waiver or developmental disability medically fragile waiver funding. The community-based service providers regulated by the Department of Health will be governed by a different rule which is expected to be concurrently adopted with this rule.

This replacement rule will also eliminate, revise or add new definitions, in particular updating the definitions of abuse and neglect, and adding definitions for exploitation, mental anguish and verbal abuse, reportable incident, and will otherwise eliminate, update and add definitions used in the rule; update references; add sanctions for failure to adequately protect consumers from abuse, neglect or exploitation or for any other violation of the rule; update the confidentiality provisions, and to make other clarifications, modifications or updates of the existing regulation in compliance with current terminology, and state and federal law. If adopted, the replacement rule will become effective on July 1, 2014.

A copy of the proposed rule can be requested in writing from, and written comments may be submitted to:

Donna Valentine
Division of Health Improvements
2040 South Pacheco St., 2nd Fl., Rm. #440
New Mexico Department of Health
Santa Fe, New Mexico 87505

Or by email to: Donna.Valentine@state.nm.us

Written comments will be accepted up to the close of the hearing.

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 Donna Valentine by telephone at 505-476-9084. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

NEW MEXICO DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed 7.1.14 NMAC "Abuse, Neglect, Exploitation and Death Reporting, Training and Related Requirements for Community Providers." It will be held on June 2, 2014, at 10:30 a.m., in the Harold Runnels Building Auditorium located at 1190 St. Francis Drive, Santa Fe, New Mexico 87502.

This public hearing will be conducted to receive comments regarding adoption of this rule as part of the repeal and replacement of the existing 7.1.13 NMAC "Incident Reporting, Intake, Processing and Training Requirements" by the proposed rule, insofar as it relates to community-based service providers serving individuals with intellectual and developmental disabilities, and receiving developmental disability waiver funds or developmental disability medically fragile waiver funds for their services. Upon its effective date, this new rule will govern reporting, intake, processing, provider system requirements (including but not limited to employee and volunteer training) related to abuse, neglect, exploitation, suspicious injuries, environmentally hazardous conditions and death involving consumers with intellectual and developmental disabilities served by the applicable providers. The rule also provides: definitions, requires provider access and cooperation with investigations, sanctions for rule violations,

investigation result notification provisions, informal reconsideration of findings procedures for substantiated cases, and confidentiality provisions applicable to information obtained by the Department of Health during the course of reporting and investigations.

A copy of the proposed rule can be requested in writing from, and written comments may be submitted to:

Karen Staszewski
Incident Management Bureau (IMB)
New Mexico Department of Health
Henry Colgate Building
2040 S. Pacheco
Santa Fe, New Mexico 87505

Or by email to: Karen.Staszewski@state.nm.us

Written comments will be accepted up to the close of the hearing.

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 Karen Staszewski by telephone at (505) 476-9012. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
INTERIOR DESIGN BOARD**

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Interior Design Board will hold a Rule Hearing on Friday, June 6, 2014. Following the Rule Hearing the New Mexico Interior Design Board will convene a regular board meeting to adopt the rules and take care of regular business. The New Mexico Interior Design Board Hearing will begin at 9:30 a.m. and the Regular Board Meetings will convene following the rule hearing. The meetings will be held at the New Mexico Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM 87505 in Hearing Room 2.

The purpose of the rule hearing is to consider adoption of proposed amendments, repeals and additions to the following Board Rules and Regulations in 16.42 NMAC: Part 1 General Provisions, Part 2 Code of Professional Conduct, Part 3 Licensing Requirements, Part 4 Complaints and

Disciplinary Actions, Part 5 Fees and Part 6 Continuing Education.

You can contact the board office at the Toney Anaya Building located at 2550 Cerrillos Road in Santa Fe, New Mexico 87505, call (505) 476-4622 or copies of the proposed rules are available on the Interior Design board's website: www.RLD.state.nm.us/boards/interiordesign.aspx. 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 23, 2014. Persons wishing to present their comments at the hearing will need six (6) 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.

Kathy Ortiz, Acting Board Administrator
PO Box 25101- Santa Fe, New Mexico
87505

End of Notices and Proposed Rules Section

Adopted Rules

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

The Human Services Department, Medical Assistance Division, is repealing the following rules in Title 8, effective April 30, 2014.

8 NMAC 4.MAD.746.6, Licensed Alcohol and Drug Abuse Counselors, filed 7-16-1999

8.310.15 NMAC, Health Care Professional Services, Intensive Outpatient Program (IOP) Services, filed 10-29-2009

8.353.2 NMAC, Provider Hearings, Provider Hearings, filed 6-15-2001

NEW MEXICO HUMAN SERVICES DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.520 NMAC, Sections 11 and 16, effective May 1, 2014.

8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:

A. 100% federal poverty limit (FPL):

| <u>Size of budget group</u> | <u>FPL per month</u> |
|-----------------------------|----------------------|
| 1 | [\$958*] \$973* |
| 2 | [\$1,293*] \$1,311* |
| 3 | [\$1,628] \$1,650 |
| 4 | [\$1,963] \$1,988 |
| 5 | [\$2,298] \$2,326 |
| 6 | [\$2,633] \$2,665 |
| 7 | [\$2,968] \$3,003 |
| 8 | [\$3,303] \$3,341 |

Add [~~\$335~~] \$338 for each additional person in the budget group.

*Use only these two standards for the qualified medicare beneficiary (QMB) program.

B. 120% FPL: This income level is used only in the determination of the maximum income limit for specified low income medicare beneficiaries (SLIMB) applicants or eligible recipients.

| <u>Applicant or eligible recipient</u> | <u>Amount</u> |
|--|--|
| 1. Individual | At least [\$958] <u>\$973</u> per month but no more than [\$1,149] <u>\$1,167</u> per month. |
| 2. Couple | At least [\$1,293] <u>\$1,311</u> per month but no more than [\$1,551] <u>\$1,573</u> per month. |

For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed.

C. 133% FPL:

| <u>Size of budget group</u> | <u>FPL per month</u> |
|-----------------------------|--------------------------|
| 1 | [\$1,274] <u>\$1,294</u> |
| 2 | [\$1,720] <u>\$1,744</u> |
| 3 | [\$2,165] <u>\$2,194</u> |
| 4 | [\$2,611] <u>\$2,644</u> |
| 5 | [\$3,056] <u>\$3,094</u> |
| 6 | [\$3,502] <u>\$3,544</u> |
| 7 | [\$3,974] <u>\$3,994</u> |
| 8 | [\$4,393] <u>\$4,444</u> |

Add [~~\$446~~] \$450 for each additional person in the budget group.

D. 135% FPL: This income level is used only in the determination of the maximum income limit for a qualified individual 1 (QI1) applicant or eligible recipient. For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed. The following income levels apply:

| <u>Applicant or eligible recipient</u> | <u>Amount</u> |
|--|--|
| 1. Individual | At least [\$1,149] <u>\$1,294</u> per month but no more than [\$1,293] <u>\$1,313</u> per month. |
| 2. Couple | At least [\$1,551] <u>\$1,744</u> per month but no more than [\$1,745] <u>\$1,770</u> per month. |

[E. 150% FPL: This income level is used only in the determination of the maximum income limit for state coverage insurance (SCI) (category 062) applicant or eligible recipient. Add \$502 for each additional person in the budget group. The following income levels apply:

| <u>Size of budget group</u> | <u>FPL per month</u> |
|-----------------------------|----------------------|
| 1 | \$1,437 |
| 2 | \$1,939 |
| 3 | \$2,442 |
| 4 | \$2,944 |
| 5 | \$3,447 |
| 6 | \$3,949 |
| 7 | \$4,452 |
| 8 | \$4,954 |

[F.] E. 185% FPL:

| Size of budget group | FPL per month |
|----------------------|-------------------|
| 1 | [\$1,772] \$1,800 |
| 2 | [\$2,392] \$2,426 |
| 3 | [\$3,011] \$3,051 |
| 4 | [\$3,631] \$3,677 |
| 5 | [\$4,251] \$4,303 |
| 6 | [\$4,871] \$4,929 |
| 7 | [\$5,490] \$5,555 |
| 8 | [\$6,110] \$6,181 |

Add [\$620] \$626 for each additional person in the budget group.

[G.] E. 200% FPL:

| Size of budget group | FPL per month |
|----------------------|-------------------|
| 1 | [\$1,915] \$1,945 |
| 2 | [\$2,585] \$2,622 |
| 3 | [\$3,255] \$3,299 |
| 4 | [\$3,925] \$3,975 |
| 5 | [\$4,595] \$4,652 |
| 6 | [\$5,265] \$5,329 |
| 7 | [\$5,935] \$6,005 |
| 8 | [\$6,605] \$6,682 |

Add [\$670] \$677 for each additional person in the budget group.

[H.] G. 235% FPL:

| Size of budget group | FPL per month |
|----------------------|-------------------|
| 1 | [\$2,251] \$2,286 |
| 2 | [\$3,038] \$3,081 |
| 3 | [\$3,825] \$3,876 |
| 4 | [\$4,612] \$4,671 |
| 5 | [\$5,400] \$5,466 |
| 6 | [\$6,187] \$6,261 |
| 7 | [\$6,974] \$7,056 |
| 8 | [\$7,761] \$7,851 |

Add [\$787] \$795 for each additional person in the budget group.

[I.] H. 250% FPL:

| Size of budget group | FPL per month |
|----------------------|-------------------|
| 1 | [\$2,394] \$2,432 |
| 2 | [\$3,232] \$3,278 |
| 3 | [\$4,069] \$4,123 |
| 4 | [\$4,907] \$4,969 |
| 5 | [\$5,744] \$5,815 |
| 6 | [\$6,582] \$6,661 |
| 7 | [\$7,419] \$7,507 |
| 8 | [\$8,257] \$8,353 |

Add [\$838] \$846 for each additional person in the budget group.

[8.200.520.11 NMAC - Rp, 8.200.520.11 NMAC, 1-1-14; A, 5-1-14]

8.200.520.16 MAXIMUM COUNTABLE INCOME FOR INSTITUTIONAL CARE MEDICAID AND HOME AND COMMUNITY BASED WAIVER SERVICES (HCBS) CATEGORIES: Effective [January 1, 2013] January 1, 2014, the maximum countable monthly income standard for institutional care medicaid and the home and community based waiver categories is \$2,163.
[8.200.520.16 NMAC - Rp, 8.200.520.16 NMAC, 1-1-14; A, 5-1-14]

NEW MEXICO HUMAN SERVICES DEPARTMENT
MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.291.430 NMAC, Section 10, effective May 1, 2014.

8.291.430.10 FEDERAL POVERTY LEVEL (FPL): This part contains the monthly federal poverty level table for use in determining monthly income standards for categories of eligibility outlined in 8.291.400.10 NMAC:

| HOUSEHOLD SIZE | 100% | 133% | 138% | 190% | 240% | 250% | 300% |
|----------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| 1 | [\$958] \$973 | [\$1,274] \$1,294 | [\$1,322] \$1,343 | [\$1,820] \$1,848 | [\$2,298] \$2,334 | [\$2,394] \$2,432 | [\$2,873] \$2,918 |
| 2 | [\$1,293] \$1,311 | [\$1,720] \$1,744 | [\$1,784] \$1,809 | [\$2,456] \$2,491 | [\$3,102] \$3,146 | [\$3,232] \$3,278 | [\$3,878] \$3,933 |
| 3 | [\$1,628] \$1,650 | [\$2,165] \$2,194 | [\$2,246] \$2,276 | [\$3,093] \$3,134 | [\$3,906] \$3,959 | [\$4,069] \$4,123 | [\$4,883] \$4,948 |

| | | | | | | | |
|----|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|-----------------------|
| 4 | [\$1,969] \$1,988 | [\$2,611] \$2,644 | [\$2,709] \$2,743 | [\$3,729] \$3,777 | [\$4,710] \$4,770 | [\$4,907] \$4,969 | [\$5,888] \$5,963 |
| 5 | [\$2,298] \$2,326 | [\$3,056] \$3,094 | [\$3,171] \$3,210 | [\$4,366] \$4,420 | [\$5,514] \$5,582 | [\$5,744] \$5,815 | [\$6,893] \$6,978 |
| 6 | [\$2,633] \$2,665 | [\$3,502] \$3,544 | [\$3,633] \$3,677 | [\$5,002] \$5,062 | [\$6,318] \$6,395 | [\$6,582] \$6,661 | [\$7,898] \$7,993 |
| 7 | [\$2,968] \$3,003 | [\$3,947] \$3,994 | [\$4,096] \$4,144 | [\$5,639] \$5,705 | [\$7,122] \$7,206 | [\$7,419] \$7,507 | [\$8,903] \$9,008 |
| 8 | [\$3,303] \$3,341 | [\$4,393] \$4,444 | [\$4,558] \$4,611 | [\$6,275] \$6,348 | [\$7,926] \$8,018 | [\$8,257] \$8,353 | [\$9,908] \$10,023 |
| +1 | [\$3,335] \$338 | [\$4,446] \$450 | [\$4,62] \$467 | [\$6,36] \$643 | [\$8,04] \$812 | [\$8,38] \$846 | [\$1,005] \$1,015 |

[8.291.430.10 NMAC - Rp, 8.291.430.10 NMAC, 1-1-14; A, 5-1-14]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
BOARD OF CHIROPRACTIC
EXAMINERS**

This is an amendment to 16.4.15.11, effective 04/30/2014.

**16.4.15.11 CHIROPRACTIC
FORMULARY:**

- A. Hormones for topical, sublingual, oral use
 - (1) estradiol
 - (2) progesterone
 - (3) testosterone
 - (4) desicated thyroid
- B. Muscle relaxers; cyclobenzaprine
 - (1) ibuprofen
 - (2) naproxen
- C. NSAIDs - prescription strength
 - (1) ibuprofen
 - (2) naproxen
- D. Prescription medications for topical use
 - (1) NMDC Ca² dextromethorphan
 - (2) NSAIDs
 - (a) ketoprofen
 - (b) piroxicam
 - (c) naproxen
 - (d) ibuprofen
 - (e) diclofenac
 - (3) muscle relaxers; cyclobenzaprine
 - (4) sodium chanel antagonist; lidocaine
 - [(5) minerals; magnesium]
- E. Homeopathics requiring prescription
- F. Other substances by injection
 - (1) sterile water
 - (2) sterile saline
 - (3) sarapin or its generic
 - (4) caffeine
 - (5) procaine HCL
 - (6) epinephrine
 - (7) homeopathic for injection
 - [(8) lidocaine
 - (9) vitamins
 - (a) aqueous vitamin A (IM)

- (b) ascorbic acid (vitamin C) (sub-Q or IM)
- (c) cyanocobalamin (vitamin B12) (sub-Q or IM)
- (d) folic acid (sun-Q IM)
- (e) hydroxocobalamin (vitamin B12) (IM)
- (f) methycobalamin (vitamin B12) (IM)
- (g) thiamin (vitamin B1) (IM)
- (10) dextrose (with additional chiropractic board approved education)
- (11) phenol (with additional chiropractic board approved education)
- (12) autologous blood (with additional medical board approved education)
- (13) collagenase (with additional medical board approved education)
- (14) glucosamine (with additional medical board approved education)
- (15) glycerin (with additional medical board approved education)
- (16) platelet rich plasma (with additional chiropractic board approved education)
- (17) sodium morrhuate (with addition medical board approved education)
- (18) sodium hyaluronate (with addition medical board approved education)]
- G. Glutathione for inhalation
[16.4.15.11 NMAC - N, 09/11/2009; A, 7/23/2010; A, 11/13/11; A, 04/30/2014]

**NEW MEXICO
DEPARTMENT OF
WORKFORCE SOLUTIONS**

The Department of Workforce Solutions repeals its rule entitled Public Works Apprenticeship and Training Act Policy Manual, 11.1.3 NMAC filed 7/23/98 effective 4/30/2014 and replaces it with 11.1.3 NMAC Public Works Apprenticeship and Training Act Policy Manual, effective 4/30/2014.

**NEW MEXICO
DEPARTMENT OF
WORKFORCE SOLUTIONS**

**TITLE 11 LABOR AND
WORKERS' COMPENSATION
CHAPTER 1 LABOR GENERAL
PROVISIONS
PART 3 PUBLIC WORKS
APPRENTICESHIP AND TRAINING
ACT POLICY MANUAL**

- 11.1.3.1 ISSUING AGENCY:**
New Mexico Department of Workforce Solutions, Labor Relations Division, Labor and Industrial Bureau, Public Works Unit.
[11.1.3.1 NMAC - Rp, 11.1.3.1 NMAC, 04/30/2014]
- 11.1.3.2 SCOPE:** All contractors, subcontractors, employers or any person acting as a contractor employing laborers or mechanics on public works projects.
[11.1.3.2 NMAC - Rp, 11.1.3.2 NMAC, 04/30/2014]
- 11.1.3.3 STATUTORY AUTHORITY:** Section 13-4D-1 to 13-4D-8 NMSA 1978.
[11.1.3.3 NMAC - Rp, 11.1.3.3 NMAC, 04/30/2014]
- 11.1.3.4 DURATION:**
Permanent.
[11.1.3.4 NMAC - Rp, 11.1.3.4 NMAC, 04/30/2014]
- 11.1.3.5 EFFECTIVE DATE:**
04/30/2014, unless a later date is written at the end of section.
[11.1.3.5 NMAC - Rp, 11.1.3.5 NMAC, 04/30/2014]
- 11.1.3.6 OBJECTIVE:** The purpose of the Public Works Apprentice and Training Act is to ensure funding, through contributions made by employers, to establish an apprenticeship program that will develop skilled building trades' craftsmen in occupations recognized by

the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency. The funding will ensure adequate training during economic downturns, increase the number of New Mexicans possessing skills that will enhance their opportunities for employment and maintain the high standards of craftsmanship in our state.

[11.1.3.6 NMAC - Rp, 11.1.3.6 NMAC, 04/30/2014]

11.1.3.7 DEFINITIONS:

A. "Approved program" means building trades apprenticeship and training programs in New Mexico that are recognized by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency.

B. "Qualified apprentices" mean participants in approved apprenticeship and training programs that have had 90% of 144 hours of classroom instruction and not less than 1000 hours of on-the-job training for the fiscal year.

[11.1.3.7 NMAC - Rp, 11.1.3.7 NMAC, 04/30/2014]

11.1.3.8 DISBURSEMENT/CREATION OF FUNDS: The director of the labor relations division, New Mexico department of workforce solutions, shall disburse the public works apprentice and training fund in accordance with NMSA 1978, Section 13-4D-5.

A. The director shall develop an annual budget taking into account the crafts that participated in the same fiscal year beginning July 1 and ending the following year on June 30.

B. The director shall utilize no more than 15% of the funds to be used by the public works unit to administer the Public Works Apprentice and Training Act.

C. The remainder of the funds shall be disbursed by the director to approved apprenticeship and training programs in New Mexico.

(1) Disbursement of funds. The director shall disburse the funds to approved apprenticeship and training programs in proportion to amount collected and participants within such programs.

(a) The director, in disbursing the funds, shall take into account participants who have had 90% of 144 hours of classroom instruction and not less than 1000 hours of on-the-job training for the fiscal year.

(b) The funds shall be disbursed in proportion to the number of qualified apprentices within each approved program.

(2) Method of calculation. The director shall take into account the number of participants in each approved program, the total amount collected (minus the administrative fee) divided by the total amount of approved participants for that fiscal year and disburse to each participating sponsor.

| EXAMPLE: MULTIPLE PROGRAMS | |
|---|----------------------|
| Funds collected by public works unit: | |
| Hours times contribution (1000 times \$.50/hour) | \$500.00 |
| Minus 15% administration fee | -\$75.00 |
| Funds available | \$425.00 |
| Approved apprenticeship programs | |
| Associated builders and contractors | 20 |
| Northern New Mexico IEC | 80 |
| Ironworkers JATC | 20 |
| Plumbers and pipefitters JATC | 100 |
| Total apprentices | 220 |
| Funds available divided by participants (\$425.00 divided by 220) | \$1.9318/participant |

| Programs | Participants | Amount per participant | Amount to be distributed |
|---|---------------------|-------------------------------|---------------------------------|
| ABC | 20 | \$1.9318 | \$38.64 |
| NNMIEC | 80 | \$1.9318 | \$154.54 |
| IEC Las Cruces | 20 | \$1.9318 | \$38.64 |
| Electricians JATC | 100 | \$1.9318 | \$193.18 |
| Total | | | \$425.00* |
| *Any remaining amount reverts to the public works apprentice and training fund. | | | |

D. A single apprentice contribution rate will be determined annually by the director. All approved apprenticeship and training programs shall submit to the director by July 30 of each year, the apprenticeship costs data for the program's most recent completed fiscal year and the total number of registered apprentices. The director will take into account all submissions in determining the apprenticeship contribution rate that will be in effect on qualifying public works projects at the beginning of each new calendar year.

[11.1.3.8 NMAC - Rp, 11.1.3.8 NMAC, 04/30/2014]

11.1.3.9 STATEMENT OF COMPLIANCE ON CERTIFIED PAYROLLS: Statement of compliance on certified payrolls shall contain a statement identifying the program approved by the United States department of labor, office of apprenticeship or the New Mexico state apprenticeship agency or paid to the public works apprentice and training fund.

A. A monthly record of contributions shall be submitted to the public works unit of the labor relations division, New Mexico department of workforce solutions, identifying the project by state wage decision number, week ending, employee's name, number of hours, and rate in the following format by **all** contractors/subcontractors employing laborers or mechanics requiring apprenticeship contributions in the following sample form.

| EXAMPLE: COMPLIANCE STATEMENT | | | | | | | | |
|---|--------|--|--------|--------|--------|-------------|-----------|----------------|
| WAGE DECISION NO.: | | (SA 93-990 A and B) | | | | | | |
| NAME OF PROJECT: | | (Constr. Of Labor and Industrial Div. Offices/Street Paving) | | | | | | |
| NAME OF COMPANY: | | (XYZ CONSTRUCTION CO., INC.) | | | | | | |
| ADDRESS: | | (111 Oak St., Santa Fe, NM 87501) | | | | | | |
| PAYMENT FOR MONTH/YEAR: (APRIL) 20 (xx) TOTAL OF CHECK: \$12.75 CHECK NO. (17895) | | | | | | | | |
| EMPLOYEE | WK END | WK END | WK END | WK END | WK END | TOTAL HOURS | RATE/HOUR | TOTAL CONTRIB. |
| | (4/2) | (4/09) | (4/16) | (4/23) | (4/30) | | | |
| (John Doe) | 2 | 0 | 3 | 5 | 5.5 | 15.5 | \$.50 | \$7.75 |
| (Tom Smith) | 0 | 0 | 5 | 0 | 5.0 | 10.0 | \$.50 | \$5.00 |
| SIGNATURE | | | | | | | | |

B. The above information shall be submitted no later than the 15th of the following month with a copy of check paid to apprenticeship and training fund by contractors that **do** pay into an approved apprenticeship and training program in New Mexico.

C. A monthly check of contributions and the above compliance statement shall be submitted by contractors that **do not** participate in an approved apprenticeship and training program to the apprenticeship and training fund, labor relations division, New Mexico department of workforce solutions.

D. A notation shall be made in each certified payroll indicating where payment is being sent when applicable.

E. The director shall publish a list of approved apprenticeship and training programs in New Mexico to be furnished upon request.

[11.1.3.9 NMAC - Rp, 11.1.3.9 NMAC, 04/30/2014]

HISTORY OF 11.1.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: PWAT 93-1, Rules and Regulations under the New Mexico Public Works Apprenticeship and Training Act, filed 6/24/93.

History of Repealed Material:

11 NMAC 1.3, Public Works Apprenticeship and Training Act Policy Manual, filed 7/23/1998, repealed 04/30/2014.

End of Adopted Rules Section

Submittal Deadlines and Publication Dates 2014

| Volume XXV | Submittal Deadline | Publication Date |
|-----------------|--------------------|------------------|
| Issue Number 1 | January 2 | January 15 |
| Issue Number 2 | January 16 | January 31 |
| Issue Number 3 | February 3 | February 14 |
| Issue Number 4 | February 17 | February 28 |
| Issue Number 5 | March 3 | March 14 |
| Issue Number 6 | March 17 | March 31 |
| Issue Number 7 | April 1 | April 15 |
| Issue Number 8 | April 16 | April 30 |
| Issue Number 9 | May 1 | May 15 |
| Issue Number 10 | May 16 | May 30 |
| Issue Number 11 | June 2 | June 13 |
| Issue Number 12 | June 16 | June 30 |
| Issue Number 13 | July 1 | July 15 |
| Issue Number 14 | July 16 | July 31 |
| Issue Number 15 | August 1 | August 15 |
| Issue Number 16 | August 18 | August 29 |
| Issue Number 17 | September 2 | September 15 |
| Issue Number 18 | September 16 | September 30 |
| Issue Number 19 | October 1 | October 15 |
| Issue Number 20 | October 16 | October 30 |
| Issue Number 21 | October 31 | November 13 |
| Issue Number 22 | November 14 | November 26 |
| Issue Number 23 | December 1 | December 15 |
| Issue Number 24 | December 16 | December 30 |

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

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