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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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The New Mexico Register

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New Mexico Register

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September 27, 2022

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Notices of Rulemaking and Proposed Rules

**ENVIRONMENT
DEPARTMENT**

**NEW MEXICO ENVIRONMENT
IMPROVEMENT BOARD
NOTICE
OF SCHEDULED PUBLIC
HEARING TO CONSIDER
PROPOSED AMENDMENTS
TO 20.3.3 NMAC, 20.3.5 NMAC,
20.3.7 NMAC, 20.3.12 NMAC,
AND 20.3.15 NMAC OF THE
RADIATION PROTECTION
REGULATIONS
EIB 22-35**

The Environmental Improvement Board (“EIB”) will hold a public hearing December 16, 2022 beginning at 9:00 a.m. MST via internet (WebEx), telephone, and in person.

If you would like to attend the public hearing in person, please go to the following address:

Marquez Building
525 Camino De Los Marquez
Santa Fe, New Mexico 87505

If you would like to join the public hearing online via video conference, go to:
<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m431b5a46004719eade0a5a52c2ab575f>
Meeting number:
2459 934 8536
Password:
WpcGwJZF236

If you would like to join the public hearing via telephone, please dial the following number:

+1-415-655-0001 US Toll
Access code: 2459 934 8536

Comments will be received via electronic mail or smart comment through the conclusion of the hearing. To comment via electronic mail, send correspondence to: Pamela.Jones@state.nm.us. To comment via smart comment, use the following

link: <https://nmed.commentinput.com/?id=Jx2uQ>.

At the public hearing the EIB will consider proposed amendments to the following regulations: 20.3.3 NMAC “Licensing of Radioactive Materials”; 20.3.5 NMAC “Radiation Safety Requirements for Industrial Radiographic Operations”; 20.3.7 NMAC “Medical Use of Radionuclides”; 20.3.12 NMAC “Licenses and Radiation Safety Requirements for Well Logging”; 20.3.15 NMAC “Licenses and Radiation Safety Requirements for Irradiators”, as proposed in the Petition to Amend 20.3.3 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC of the Radiation Protection Regulations and Request for Hearing (“Petition”), docket number EIB 22-35. The Petition has been filed by the Radiation Control Bureau (“Bureau”) of the New Mexico Environment Department (“NMED”). The proposed amendments are to align certain provisions within the state regulations with mandatory federal requirements.

New Mexico is an agreement state under 42 U.S.C. § 2021 and NMSA 1978, Section 74-3-15 (1977). As an agreement state, New Mexico’s state regulations must be compatible to the United States Nuclear Regulatory Commission’s (“NRC”) regulations. 42 U.S.C. § 2021(d) (2). The compatibility requirement is met through the promulgation of state regulations when necessary. The majority of the amendments currently being proposed are to align certain provisions within the state regulations with the federal NRC regulations. Pursuant to NMSA 1978, Section 74-3-5(A) (2000), the proposed amendments were provided to the Radiation Technology Advisory Council (“RTAC”) at its June 21, 2022 meeting. The RTAC consented to the amendments as proposed. Finally, the EIB has the authority to amend the Radiation Protection Regulations under NMSA 1978,

Section 74-1-8(A)(5) (2020), NMSA 1978, Section 74-1-9 (1985), and Section 74-3-5(A).

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 NMED may be proposed at the hearing. In addition, the EIB 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.

A copy of the proposed amendments is posted on the Bureau website at <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. In addition, copies of the proposed amendments are posted on the EIB website as attachments to the Petition under docket number EIB 22-35. <https://www.env.nm.gov/environmental-improvement/main-2/>.

To obtain a physical or electronic copy of the proposed amendments contact: Pamela Jones, Board Administrator, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. In your correspondence reference docket number EIB 22-35.

The hearing will be conducted in accordance with the EIB’s Rulemaking Procedures found at 20.1.1.1 – 501 NMAC, the Environmental Improvement Act under Section 74-1-9, and other applicable procedures and procedural orders. Written comments regarding the proposed revisions may be obtained from Pamela Jones, EIB Administrator, at the contact information listed above.

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 via electronic mail to: Pamela.Jones@state.nm.us or via smart comment at the following link: <https://nmed.commentinput.com/?id=Jx2uQ>.

Persons wishing to present technical testimony must file with the EIB a written notice of intent to do so. Notices of intent for the hearing must be received by the EIB by 5:00 p.m. MST on November 28, 2022, and should reference the name of the regulations, the date of the hearing (December 16, 2022), and docket number EIB 22035.

The requirements for a notice of intent can be found in 20.1.1.302 NMAC.

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;
- if the hearing will be conducted at multiple locations, indicate the location or locations at which the witnesses will be present;
- 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 rule language being proposed.

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 Pamela

Jones, Board Administrator, at least 14 days prior to the hearing date at P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, New Mexico, 87502, telephone (505) 660-4305 or email Pamela.Jones@state.nm.us. (TDD or TTY) users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

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

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations.

NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Kathryn Becker, Non-Discrimination Coordinator, New Mexico Environment Department, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us.

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination

Coordinator identified above or visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

ENVIRONMENT DEPARTMENT

AVISO DE LA JUNTA DE MEJORA DEL MEDIO AMBIENTE DE NUEVO MÉXICO SOBRE UNA AUDIENCIA PÚBLICA PROGRAMADA PARA CONSIDERAR LAS ENMIENDAS PROPUESTAS A 20.3.3 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC Y 20.3.15 NMAC DEL REGLAMENTO DE PROTECCIÓN RADIOLÓGICA EIB 22-35

La Junta de Mejora Ambiental ("EIB") llevará a cabo una audiencia pública el 16 de diciembre de 2022 a partir de las 9:00 a. m., MST (hora estándar de la montaña), a través de Internet (WebEx), teléfono y en persona.

Si desea asistir personalmente a la audiencia pública, diríjase a la siguiente dirección:

Marquez Building
525 Camino De Los Marquez
Santa Fe, NM 87505

Si desea unirse a la audiencia pública en línea a través de una videoconferencia, vaya a:

<https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m431b5a46004719eade0a5a52c2ab575f>

Número de la reunión:

2459 934 8536

Clave:

WpcGwJZF236

Si desea unirse a la audiencia pública por teléfono, marque el siguiente número:

+1-415-655-0001 Peaje en EE. UU.
Código de acceso: 2459 934 8536

Los comentarios se recibirán por correo electrónico o a través de comentarios inteligentes hasta la conclusión de la audiencia. Para comentar por correo electrónico, envíe la correspondencia a: Pamela.Jones@state.nm.us. Para comentar a través de comentarios inteligentes, use el siguiente enlace: <https://nmed.commentinput.com/?id=Jx2uQ>.

En la audiencia pública, la EIB considerará las enmiendas propuestas a las siguientes regulaciones: 20.3.3 NMAC “Licencias para materiales radiactivos”; 20.3.5 NMAC “Requisitos de seguridad radiológica para operaciones radiográficas industriales”; 20.3.7 NMAC “Uso médico de radionúclidos”; 20.3.12 NMAC “Licencias y requisitos de seguridad radiológica para el registro de pozos”; 20.3.15 NMAC “Licencias y requisitos de seguridad radiológica para irradiadores”, tal como se propone en la [Petición para enmendar 20.3.3 NMAC, 20.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC y 20.3.15 NMAC del Reglamento de Protección Contra las Radiaciones y Solicitud de Audiencia](#) (“Petición”), expediente número EIB 22-35. La Petición ha sido presentada por la Oficina de Control de la Radiación (“Oficina”) del Departamento de Medio Ambiente de Nuevo México (“NMED”). Las enmiendas propuestas son para alinear ciertas disposiciones dentro de las regulaciones estatales con los requisitos federales obligatorios.

Nuevo México es un estado de acuerdo bajo 42 U.S.C. § 2021 y NMSA 1978, Sección 74-3-15 (1977). Como estado de acuerdo, las regulaciones estatales de Nuevo México deben ser compatibles con las regulaciones de la Comisión Reguladora Nuclear de los Estados Unidos (“NRC”). 42 USC § 2021(d)(2). El requisito de compatibilidad se cumple mediante la promulgación de regulaciones estatales cuando sea necesario. La mayoría de las enmiendas que se proponen actualmente son para alinear ciertas disposiciones dentro de las regulaciones estatales con

las regulaciones federales de la NRC. De conformidad con NMSA 1978, Sección 74-3-5(A) (2000), las enmiendas propuestas se proporcionaron al Consejo Asesor de Tecnología de la Radiación (“RTAC”) en su reunión del 21 de junio de 2022. El RTAC dio su consentimiento a las enmiendas propuestas. Finalmente, la EIB tiene la autoridad para enmendar el Reglamento de Protección Contra las Radiaciones bajo NMSA 1978, Sección 74-1-8(A)(5) (2020), NMSA 1978, Sección 74-1-9 (1985), y Sección 74- 3-5(A).

Además, las enmiendas propuestas incluyen otros cambios menores y aclaraciones a las definiciones, regulaciones y procedimientos actuales. Tenga en cuenta que en la audiencia se pueden proponer cambios de formato y técnicos menores en las regulaciones distintos de los propuestos por el NMED. Además, la EIB puede realizar otros cambios según sea necesario para lograr el propósito de proporcionar salud y seguridad pública en respuesta a los comentarios del público y las pruebas presentadas en la audiencia.

Se publica una copia de las enmiendas propuestas en el sitio web de la Oficina en <https://www.env.nm.gov/rcb/open-meeting-notification-for-radioactive-material-rule-revision/>. Además, las copias de las enmiendas propuestas se publican en el sitio web de la EIB como archivos adjuntos a la Petición con el número de expediente EIB 22-35. <https://www.env.nm.gov/environmental-improvement/main-2/>.

Para obtener una copia física o electrónica de las enmiendas propuestas, comuníquese con: Pamela Jones, administradora de la Junta, P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502; Pamela.Jones@state.nm.us; (505) 660-4305. En su correspondencia haga referencia al número de expediente EIB 22-35.

La audiencia se llevará a cabo de acuerdo con los Procedimientos de elaboración de normas de la EIB

que se encuentran en 20.1.1.1 - 501 NMAC, la Ley de mejora ambiental en virtud de la Sección 74-1-9 y otros procedimientos y órdenes procesales aplicables. Los comentarios por escrito sobre las revisiones propuestas se pueden obtener de Pamela Jones, administradora de la EIB, en la información de contacto mencionada anteriormente.

A todas las personas interesadas se les dará una oportunidad razonable en la audiencia para presentar pruebas, datos, puntos de vista y argumentos pertinentes, en forma oral o por escrito, para presentar pruebas instrumentales e interrogar a los testigos. Cualquier persona que desee presentar una declaración no técnica por escrito para el registro en lugar de un testimonio oral debe presentar dicha declaración antes del cierre de la audiencia por correo electrónico a: Pamela.Jones@state.nm.us o por medio de comentarios inteligentes al siguiente enlace: <https://nmed.commentinput.com/?id=Jx2uQ>.

Las personas que deseen presentar testimonio técnico deben presentar ante la EIB un aviso por escrito de su intención de hacerlo. La EIB debe recibir los avisos de intención para la audiencia a más tardar a las 5:00 p. m. MST (hora estándar de la montaña) del 28 de noviembre de 2022 y debe hacer referencia al nombre de la regulación, la fecha de la audiencia (16 de diciembre de 2022) y el número de expediente EIB 22035.

Los requisitos para un aviso de intención se pueden encontrar en 20.1.1.302 NMAC.

- El aviso de intención deberá:
- identificar a la persona o entidad en nombre de la cual testificarán los testigos;
 - identificar cada testigo técnico que la persona pretende presentar e indicar las calificaciones del testigo, incluida una descripción de su historial académico y laboral;
 - si la audiencia se llevará a cabo

en varias ubicaciones, indique la ubicación o las ubicaciones en los que estarán presentes los testigos;

- incluir una copia del testimonio directo de cada testigo técnico en forma narrativa;

- incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y
- enumerar y adjuntar todas las pruebas instrumentales que se anticipa que ofrecerá esa persona en la audiencia, incluida cualquier declaración propuesta de razones para la adopción del lenguaje de la norma que se propone.

Si usted es una persona con una discapacidad y necesita asistencia o un dispositivo auxiliar, por ejemplo, un intérprete de lenguaje de señas, para participar en cualquier aspecto de este proceso, comuníquese con Pamela Jones, administradora de la Junta, al menos 14 días antes de la fecha de la audiencia en P.O. Box 5469, 1190 St. Francis Drive, Suite S-2103, Santa Fe, NM, 87502, teléfono (505) 660-4305 o correo electrónico Pamela.Jones@state.nm.us. (TDD o TTY), los usuarios pueden acceder al número a través de New Mexico Relay Network, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

La EIB puede tomar una decisión sobre los cambios regulatorios propuestos al final de la audiencia o puede convocar una reunión después de la audiencia para considerar la acción sobre la propuesta.

DECLARACIÓN DE NO DISCRIMINACIÓN

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, según lo exigen las leyes y reglamentos aplicables.

El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y la recepción de

consultas sobre los requisitos de no discriminación implementados por 40 C.F.R. Partes 5 y 7, incluido el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972 y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tiene alguna pregunta sobre este aviso o cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con:

Kathryn Becker, coordinadora de no discriminación, Departamento de Medio Ambiente de Nuevo México, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@state.nm.us.

Si cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente o visitar nuestro sitio web en <https://www.env.nm.gov/non-employee-discrimination-página-queja/> para saber cómo y dónde presentar una queja por discriminación.

NURSING, BOARD OF NOTICE OF PROPOSED RULEMAKING

The New Mexico Board of Nursing (hereinafter the "Board") will hold a public rule hearing on Thursday, November 3, 2022 at 9:00 a.m. Due to the COVID-19 pandemic and state of emergency, the rules hearing will be held online and telephonically via Microsoft Teams teleconferencing. A Board staff member will also be present on the day of the hearing from approximately 8:00 a.m. to 9:00 a.m. at 6301 Indian School Rd, NE, Suite 710, Albuquerque, NM 87110, to accept comments in written form and submit those comments to the board during the hearing.

To attend the hearing online, please use the following link: <https://links.bon.nm.gov/Rulemaking>
Meeting ID: 239 289 694 576
Passcode: zjmckz

To join the meeting by phone, please call: Dial: +1 505-312-4308, Phone Conference ID: 181 360 186#

The purpose of the rules hearing is to consider changes to approximately seven (7) Parts within the Board's rules. This includes a proposal to repeal and replace for the following five parts: 16.12.1 NMAC ("General Provisions"; 16.12.2 NMAC ("Nurse Licensure"); 16.12.4 NMAC ("Hemodialysis Technicians"); 16.12.5 NMAC ("Medication Aides"); and 16.12.11 (Lactation Care Provider"). In addition, the rules hearing will also consider a new part, 16.12.13 NMAC ("Diversion Program for Chemically Dependent Nurses"). Finally, the rules hearing will consider a proposal to amend 16.12.3 NMAC ("Nursing Education Programs").

Persons desiring to view the proposed rules may download them from <https://nmbon.sks.com/rule-changes.aspx>.

If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9083.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to sheena.ferguson@state.nm.us. Alternatively, members of the public may submit written comments by sending an original, signed copy to:
New Mexico Board of Nursing
ATTN: NMBON Public Comments
PO Box 3628
Albuquerque, NM 87190

The Board will accept written public comment received on or before 5:00 PM on Tuesday, November 1, 2022, as well as written public comment hand-delivered between approximately 8:00 a.m. to 9:00

a.m. at the above-referenced address on the date of the rule hearing. All written comments will be posted to the Board’s website no later than three business days following receipt to allow for public viewing.

The Board will preside over the hearing. The Board will hear public comments, review written public comments, and any exhibits admitted during the hearing.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the NMBON at (505) 841-9083. The NMBON requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Statutory Authority: Subsection A of Section 61-3-10 NMSA 1978 of the Nursing Practice Act, Sections 61-3-1 to -30 NMSA 1978, specifically authorizes the Board to “promulgate rules in accordance with the State Rules Act Chapter 14, Article 4 NMSA 1078 as necessary to enable it to carry into effect the provisions of the Nursing Practice Act and to maintain high standards of practice.” In addition, Section 61-1-31.1 NMSA 1978 of the Uniform Licensing Act, requires the Board to “determine those states and territories of the United States and District of Columbia from which the board will not accept an applicant for expedited licensure and those foreign countries from which the Board will accept an applicant for expedited licensure.”

Purpose of the Proposed Rules: The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board’s statutory obligation to “promote, preserve and protect the public health, safety and welfare.” Section 61-3-2. In addition, several of the proposed rule

changes are intended to address recent statutory changes to the Uniform Licensing Act, Nursing Practice Act, and Lactation Care Provider Act. See H.B. 191, 56th Leg., Regular Session. (N.M. 2022), available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of Proposed Changes:

The Board summarizes its proposed changes to its administrative rules as follows:

16.12.1 NMAC - General Provisions

The proposed changes to Part 1 of the Board’s current rules consist of repealing and replacing existing language. The new Part 1 would set forth critical definitions applicable to all of the Board’s rules. The proposed amended Part 1 also adds a glossary of abbreviations. Additional language is added for the nursing practice advisory committee.

16.12.2 NMAC - Nurse Licensure

The proposed changes to Part 2 of the Board’s current rules consist of repealing and replacing existing language. The new Part 2 deletes all the definitions and glossary of abbreviations. The fees for the military expedited licensure is added to the fee section. New rules for licensure, included expedited licensure and military expedited licensure are included. The number of times a candidate may take the test for licensure is updated. Continuing education requirements for advanced practice registered nurses has also been updated.

16.12.3 NMAC - Nursing Education Programs

The proposed changes to Part 3 of the Board’s current rules are to amend the existing language. The amended Part 3 proposed to change the way the pass rates are calculated for nursing education programs and changes the education requirements for part-time nursing education faculty.

16.12.4 NMAC - Hemodialysis Technicians

The proposed changes to Part 4 of the

Board’s rules consist of repealing and replacing existing language. The new Part 4 updates definitions and creates a process for hemodialysis technicians who have a national certification to function at their level of competency and safety. In addition, language for military expedited licensure has been added.

16.12.5 NMAC - Medication Aide

The proposed changes to Part 5 of the Board’s rules consist of repealing and replacing existing language. The new part 5 updates definitions, updates language for the relationship between the medication aide advisory committee and board and adds language for military expedited licensure.

16.12.11 NMAC - Lactation Care Provider

The proposed changes to Part 11 of the Board’s rules consist of repealing and replacing existing language. The new Part 11 adds language for expedited licensure and military expedited licensure.

16.12.13 NMAC - Diversion Program for Chemically Dependent Nurses

The proposed new Part 13 of the Board’s rules moves the description of the diversion program from the current 16.12.2 NMAC. The new Part 13 also includes languages related to summary suspension.

Technical Information: No technical information provided the basis for either of the proposed rules.

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 22-00085-UT

The New Mexico Public Regulation Commission (the “commission”) hereby gives notice of its initiation of a proposed rulemaking to adopt a new rule to be added to the New Mexico Administrative Code at 17.9.574

NMAC, as “Applications to Expand Transportation Electrification.”

Summary of the full text of the proposed rule and short explanation of its purpose: The commission is considering adopting a new rule concerning NMSA 1978, Section 62-8-12, “Applications to expand transportation electrification,” which was passed by the Legislature in 2019. The proposed rule addresses procedures and timing for filing applications to expand transportation electrification, the contents of such applications, the contents of transportation electrification plans, the use of an independent evaluator, and reporting requirements.

Legal authority authorizing the proposed rule and the adoption of the rule: The commission has the authority to promulgate and adopt the proposed rule under the New Mexico Constitution, Article XI, Sec. 2, under Paragraph 10 of Subsection B of 8-8-4 NMSA 1978, Section 62-8-12, NMSA 1978.

How a copy of the full text of the proposed rule can be obtained: A copy of the full text of the proposed rule and instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by contacting Laurie Ann Trujillo of the commission’s office of general counsel at (505) 670-4830.

How a person can comment on the proposed rule, where comments will be received and when comments are due: Any person wishing to comment on the proposed rule may do so by submitting written initial comments no later than **October 28, 2022**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **November 10, 2022**. Comments can be electronically filed by sending them in PDF format to prc.records@state.nm.us. Comments must refer to Docket No. 22-00085-UT. All

written comments will be posted on the commission’s website within three days of their receipt by the records bureau. The record closure date for this proceeding is **November 21, 2022**. From that date through the completion of this proceeding, rulemaking participants will be forbidden from communicating with the commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person can participate in the hearing: A public hearing on the proposed rule and any proposed alternative amendments to the rule, to be presided over by the commission or its designee, will be held beginning at **10:00 a.m. on November 17, 2022**, via the Zoom online platform. Any person who wishes to make a comment at the hearing must contact Laurie Ann Trujillo at (505) 670-4830 or laurieann.trujillo1@state.nm.us by no later than **12:00 noon on November 15, 2022** to sign up as a hearing participant. The commission’s office of general counsel will email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via computer. The hearing will be held in order to receive oral comments. In the interest of administrative efficiency, only commenters who have not submitted written comments will be allowed to speak. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the commission or its designee. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing the rulemaking docket, Docket No. 22-00085-UT. Any person with a disability requiring special assistance in order to participate in the hearing should contact Renada Peery-Galon at (505) 467-9116 at least 48 hours prior to the commencement of the hearing.

Technical information that served as a basis for the proposed rule and how the information can be obtained:

When adopting the proposed rule, the commission considered the New Mexico EV infrastructure deployment plan issued by the New Mexico Department of Transportation on July 13, 2022. Copies of this technical information can be obtained from the rulemaking page on the commission’s website at <https://www.nm-prc.org/rulemaking-proceedings> or by contacting Laurie Ann Trujillo at (505) 670-4830 or laurieann.trujillo1@state.nm.us.

Instructions on how to access the complete rulemaking record, reports and other items filed in the commission’s e-docket system can be found at <https://www.nm-prc.org/rulemaking-proceedings/>.

**REGULATION
AND LICENSING
DEPARTMENT
PROFESSIONAL ENGINEERS
AND PROFESSIONAL
SURVEYORS, BOARD OF
LICENSURE FOR**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico Board of Licensure for Professional Engineers and Professional Surveyors has scheduled a rule hearing on Friday, November 4, 2022, at 9:00 a.m. Following the rule hearing, the Full Board will convene a regular board meeting to consider the adoption of the rules and address regular business. These meetings are being conducted in a hybrid format where the public may choose to participate in person at New Mexico State University, Goddard Hall, 1100 S Horseshoe Street, Room 200, Las Cruces, NM, 88003, through a teleconference platform or by telephone. To attend the hearing online, please use the following link:

<https://us02web.zoom.us/j/89508046339?pwd=NkdwYzA2UHllOUNxa2o3SzdTsk9WUT09>

Meeting ID: 895 0804 6339
Passcode: 670847

One tap mobile
+13462487799,,89508046339#,,,,*670847# US (Houston)
+16694449171,,89508046339#,,,,*670847# US

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)

Meeting ID: 895 0804 6339
Passcode: 670847

Find your local number: <https://us02web.zoom.us/j/89508046339?pwd=NkdwYzA2UHllOUNxa2o3SzdTsk9WUT09>

The purpose of the rule hearing is to consider proposed amendments, repealing and/or replacing the following rules.

- 16.39.2 NMAC - Continuing Professional Development
- 16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements.
- 16.39.5 NMAC - Surveying
- 16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans
- 16.39.8 NMAC - Code of Professional Conduct - Engineering and Surveying

To obtain and review copies of the proposed changes and public comments, you may download them from <https://www.sblpes.state.nm.us/>. A copy of the proposed rules may be requested by contacting BLPEPS via Isaac Maes at Isaac.maes@state.nm.us, via mail at New Mexico Board of Licensure for Professional

Engineers and Surveyors ATTN: BLPEPS Request for Rules P.O. Box 1967, Santa Fe, NM 87504. Phone: (505) 476-4565. Fax: (505) 476-4802.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes via email to board.licensurepeps@state.nm.us. Alternatively, members of the public may submit written comments by sending an original, signed copy to: New Mexico Board of Licensure for Professional Engineers and Surveyors ATTN: BLPEPS Public Comments P.O. Box 1967, Santa Fe, NM 87504. The Board will accept written public comments received on or before 5:00 PM on October 28, 2022, as well as written public comments hand-delivered between approximately 8:00 a.m. to 9:00 a.m. New Mexico State University, Goddard Hall, 1100 S Horseshoe Street, Room 200, Las Cruces, NM, 88003 on Friday, November 4, 2022. All written comments will be posted to the Board’s website no later than three (3) business days following receipt to allow for public viewing. Persons will also be given the opportunity to present their oral or written comments at the public rule hearing.

The agenda for the Board meeting will be posted and available at least 72 hours before the meeting on the BLPEPS website at: <https://www.sblpes.state.nm.us/> and 2550 Cerrillos Road, Santa Fe, NM 87505 or by contacting the Board at board.licensurepeps@state.nm.us.

If you are a person with a disability and you require this information in an alternate format or require a special accommodation to participate in the public hearing, please contact the Board office at phone number (505) 476-4565 or fax number (505) 476-4803. The BLPEPS requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Statutory Authority: Subsections B through E of Section 61-23-10

NMSA 1978 of the Engineering and Surveying Practice Act (“ES Practice Act”), Sections 61-23-1 to 61-23-36 NMSA 1978, specifically authorizes the Board, the Professional Engineering Committee, the Professional Surveying Committee, and the Joint Engineering and Surveying Committee to promulgate and amend rules of professional responsibility and to effect the provisions of the ES Practice Act. Sections 61-1-34 of the Uniform Licensing Act (“ULA”), Sections 61-1-1 to -36 NMSA 1978, requires the Board to update how military service members, veterans and military families may apply for expedited licensure.

Purpose of the Proposed Rules:
The proposed amendment/repeal/replace of the rules is intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certification holders, and to generally satisfy the Board’s obligation “to safeguard life, health and property and to promote the public welfare.” Section 61-23-2 NMSA 1978. Further, several of the proposed rule changes are intended to address recent statutory changes to the Uniform Licensing Act. See H.B. 191, 57th Leg., regular session (N.M. 2022) available at <https://nmlegis.gov/Sessions/22%20Regular/final/HB0191.pdf>.

Summary of the Proposed Changes:

16.39.2 NMAC – Continuing Professional Development:
The proposed amendment/repeal/ replacement to this part is to clarify language that may have caused confusion because previous strikeouts submitted were never removed in the 2017 adopted rules.

16.39.3 NMAC - Engineering Licensure, Disciplines, Applications, Exams, Practice, Seal of Licensee and Endorsements:
The proposed amendment/repeal/ replacement to this part is to add

geotechnical, mineral and materials to the list of engineering disciplines. Updates to the height of the text used in the design for an alternative Professional Engineer seal/stamp were made.

16.39.5 NMAC - Surveying:

The proposed amendment/peal/replacement of this part is to add the New Mexico State Specific Exam as a requirement for licensure as a Professional Surveyor. Updates to the height of the text used in the design for an alternative Professional Surveyor seal/stamp were made.

16.39.6 NMAC - Licensure for Military Service Members, Spouses and Veterans:

Pursuant to the Uniform Licensing Act, Sections 61-1-31.1 and 61-1-34 NMSA 1978, the proposed amendment/peal/replacement of this part is to update the definitions that were changed and to update how military service members, spouses, and veterans may apply for expedited licensure.

16.39.8 NMAC - Code of Professional Conduct – Engineering and Surveying:

The proposed amendment/peal/replacement to this part is to correct the reference by removing the word subparagraph and changing it to paragraph. Also, the word licenses will be corrected to licensees.

Technical Information: No technical information provided the basis for any of the proposed rules.

At the hearing, the New Mexico Board of Licensure for Professional Engineers and Professional Surveyors will take oral and written comments related to the rulemaking actions.

SUPERINTENDENT OF INSURANCE, OFFICE OF

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN

that the Superintendent of Insurance (“OSI” or “Superintendent”) will hold a public video/telephone hearing regarding the proposed new chapter 13.22 NMAC - AUTOMOBILE THEFT PREVENTION AUTHORITY, and new rule 13.22.2 NMAC - BOARD AND GRANT ADMINISTRATION. This hearing will commence on **November 1, 2022, at 9:00 a.m.**

PURPOSE OF THE PROPOSED RULE:

The purpose of this rule is to establish definitions and procedures for the conduct of business by the New Mexico Automobile Theft Prevention Authority board and for the review, approval, and administration of grants made by that board pursuant to Section 59A-16C-17 NMSA 1978.

STATUTORY AUTHORITY:

Sections 59A-16C-5, 59A-16C-16 and 59A-16C-17 NMSA 1978.

TO ATTEND THE HEARING:

Join Zoom Meeting
<https://us02web.zoom.us/j/85432502605?pwd=NGhxQVRQTndJcDJoUkhtMXI2UXg1UT09>
Meeting ID: 854 3250 2605
Passcode: 151067

Dial-in: find your local number:

<https://us02web.zoom.us/j/kd520cTpLd>

The Superintendent designates Lawrence M. Marcus to act as the hearing officer for this rulemaking. Oral comments will be accepted at the public hearing from members of the public and other interested parties. Any updates concerning the hearing date, time, or location will be available by subscribing to the “Rulemaking and Ratemaking” newsletter at: <https://newsletter.osi.state.nm.us/>.

Copies of the Notice of Proposed Rulemaking and proposed new rules are available by electronic download from the OSI eDocket <https://edocket.osi.state.nm.us/guest/case-view/5793> or by requesting a copy by calling (505) 372-9135.

Written comments will be accepted through 4:00 p.m. on November 1, 2022. Responses to written comments or oral comments will be accepted through 4:00 p.m. on November 14, 2022. All comments shall be filed electronically through the OSI eDocket <https://edocket.osi.state.nm.us/guest/case-view/5793> or mailed to:

**OSI Records and Docketing
NM Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM
87504-1689**

For help submitting a filing, please contact OSI-docketfiling@state.nm.us.

The below docket number must be indicated on filed comments.

Docket No. 2022-0072
IN THE MATTER OF ADOPTING
A NEW RULE REGARDING THE
NEW MEXICO AUTOMOBILE
THEFT PREVENTION
AUTHORITY

All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments and will review all timely submitted written comments and responses.

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Freya Joshi at 505-372-9135 no later than ten (10) business days prior to the hearing.

DONE AND ORDERED this 27th day of September, 2022
/S/RUSSELL TOAL

**WORKFORCE SOLUTIONS,
DEPARTMENT OF**

NOTICE OF RULEMAKING

The New Mexico Department of Workforce Solutions (“Department”

or “NMDWS”) hereby gives notice that the Department will conduct a public hearing in the Leo Griego Auditorium of the State Personnel Office (Willie Ortiz Building) located at 2600 Cerrillos Road in Santa Fe, New Mexico, 87505 on November 1, 2022, from 10:00 am to 12:00 pm. The public comment hearing will also be conducted virtually.

<https://us06web.zoom.us/j/88966436521?pwd=OVIUUhBoVUk5ajIrQjVITjBFMzNYdz09>

Passcode: 860321

Or One tap mobile :

US: +17193594580,,88966436521#,,,,*860321# or +12532158782,,88966436521#,,,,*860321#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 436 2866 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799

Webinar ID: 889 6643 6521

Passcode: 860321

International numbers available:

<https://us06web.zoom.us/j/kdhnLYoYGc>

The purpose of this public hearing will be to obtain input and public comment on proposed amendments to the regulations concerning Unemployment Compensation, Claims Administration. The proposed amendment will be to clarify the provision of Subsection D in 11.3.300.417 NMAC “Determination of Contribution Rates After Total or Partial Experience History Transfer.” The next proposed amendment will be to correct citation in 11.3.300.422 NMAC by removing unnecessary citation.

Summary: Section 51-1-38, NMSA 1978 states that any person who is found by the secretary to have so obtained or increased the amount of any benefit for the person, the person shall, in addition to other penalties provided herein, forfeit all benefit

rights under the Unemployment Compensation Law for a period of not more than one year from and after such determination. The proposed amendment changes provisions in the current 11.3.300.317 NMAC to clarify the provision of section D “Determination of Contribution Rates After Total or Partial Experience History Transfer.”

Under Section 9-26-4 NMSA 1978, the Workforce Solutions Department is responsible for the administration of the workforce technology division and the workforce transition services division. The Department is therefore responsible for the administration of the Unemployment Compensation Law pursuant to Section 51-1-1 et seq., NMSA 1978.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on October 31, 2022. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at <https://www.dws.state.nm.us/> or obtained by calling Andrea Christman at (505) 841-8478 or sending an email to Andrea.Christman@state.nm.us. The proposed rule will be made available at least thirty days prior to the hearing.

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

End of Notices of Rulemaking and Proposed Rules

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Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided 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.

HOMELAND SECURITY AND EMERGENCY MANAGEMENT, DEPARTMENT OF STATE FIRE MARSHAL

This is an amendment to 10.25.5 NMAC, Sections 1, 2, 5, 7 through 9, 11 through 15, and 18, and adding a new section 20, effective 11/1/2022.

10.25.5.1 ISSUING AGENCY: [~~New Mexico Public Regulation Commission;~~ New Mexico Department of Homeland Security and Emergency Management.]
[10.25.5.1 NMAC - Rp, 10.25.5.1 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.2 SCOPE:

A. This rule establishes the state’s minimum requirements that apply to structures, processes, premises and safeguards regarding:

- (1) the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
- (2) conditions hazardous to life, property, or public welfare in the occupancy of structures or premises;
- (3) fire hazards in the structure or on the premises from occupancy or operation;
- (4) matters related to the construction, extension, repair, alteration, or removal of fire protection systems; and
- (5) conditions affecting the safety of firefighters and emergency responders during emergency operations.

B. This rule does not apply to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate

means of egress and their accessory structures not more than three stories above grade in height built to the New Mexico Residential Building Code except for those being used as commercial properties.

C. Other state agencies have adopted rules that may or may not apply and that may or may not affect this rule.

(1) The construction industries division of the New Mexico regulation and licensing department (CID) adopts regulations for all construction pursuant to Title 14 NMAC, Housing and Construction, Chapters 5 through 10 NMAC, setting forth the state’s minimum requirements that include provisions on fire prevention.

(2) The New Mexico environmental improvement board has adopted rules for aboveground and underground storage tanks containing petroleum or hazardous substances and rules governing hazardous waste administered by the environment department in Title 20, Chapter 5 NMAC.

(3) The board of licensure for professional engineers and surveyors has adopted rules for the design of fire protection and alarm systems pursuant to Title 16, Chapter 39 NMAC.

(4) CID has jurisdiction over all contractors and journeymen installers of fire protection systems and establishes the minimum requirements for licenses and certificates pursuant to the Construction Industries Licensing Act and to Title 14, Chapter 6, Part 6 NMAC on CID license classifications and scopes.

D. AHJs, defined below, may adopt fire protection requirements that are more stringent than 10.25.5 NMAC, provided such

requirements do not conflict with this rule. The authority for administration and interpretation of construction-related sections of the NMFC, defined below, that apply to construction projects requiring a building permit is the responsibility of the chief building official or the AHJ. The FM, defined below, shall have the authority for the administration and interpretation of fire protection systems and the chief building official of an AHJ shall have the authority for the administration and interpretation of building codes other than fire protections systems.
[10.25.5.2 NMAC - Rp, 10.25.5.2 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.5 EFFECTIVE DATE: [~~November 26, 2019~~ November 1, 2022 unless a later date is cited at the end of a section.
[10.25.5.5 NMAC - Rp, 10.25.5.5 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.7 DEFINITIONS:
In addition to the definitions in 10.25.1 NMAC:

A. “Authority Having Jurisdiction (AHJ)” means an organization, office, or individual responsible for enforcing the minimum requirements of codes, standards and permits for approving equipment, materials and installations or a procedure within its jurisdiction.

B. “Certificate of Fitness” means the State Fire Marshall’s verification document of a fire protection installation, maintenance and inspection company’s competence in the methods and materials of the specific fire system subject to the permit, which is obtained pursuant to 10.25.2 NMAC.

C. “Fire Code Official” shall have the meaning provided in Section 202 of the IFC.

D. “Fire Marshal (FM)” means the fire marshal with the authority over permitting and inspections of fire systems within a particular political subdivision of the state.

E. “IFC” means the New Mexico currently adopted international fire code, [2015] 2021 edition, published by the International Code Council and is available by contacting: Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.

F. “Life Safety Features” means compliance with NFPA 1 and NFPA 101 for structures built on or before November 15, 2007, and the NMFC for structures build after November 15, 2007.

G. “NFPA 1” means the fire prevention code, 1997 edition, published by the National Fire Protection Association and available by contacting: Secretary, Standards Council, National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101.

H. “NFPA 101” means the life safety code, 1997 edition, published by the National Fire Protection Association and available by contacting: Secretary, Standards Council, National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269-9101.

I. “New Mexico Fire Code (NMFC)” means the New Mexico fire code created by this rule including the IFC currently adopted by the construction industries division of the regulation and licensing department in New Mexico by reference.

J. “State Fire Marshal (SFM)” means the director of the state fire marshal division under the [public regulation commission] department of homeland security and emergency management who has the authority for final determination of the application of the fire provisions of this rule throughout the state. [10.25.5.7 NMAC - Rp, 10.25.5.7 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.8 ADOPTION OF NATIONAL STANDARD: The

SFM adopts the IFC which is then incorporated by reference as revised in this rule. In this rule, revisions are numbered to correspond with the section numbering of the IFC and such revisions further amend such sections of the IFC. All references in the IFC to the International Mechanical Code mean the New Mexico Mechanical Code, CID rule 14.9.2 NMAC. All references in the IFC to the International Plumbing Code mean the New Mexico Plumbing Code, CID rule 14.8.2 NMAC. For purposes of this rule, the application of building code section 102.4 of the IFC, [2015] 2021 edition, means that the design and construction of new structures shall comply with the currently adopted New Mexico Building Code (NMBC), CID rule 14.7.2 NMAC, and any alterations, additions, changes in use or changes in structures required by the NMFC, and shall be made in accordance with the currently adopted NMBC, CID rule 14.7.2 NMAC. [10.25.5.8 NMAC - Rp, 10.25.5.8 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.9 CHAPTER 1 ADMINISTRATION:

A. Section 101 General.

(1) Section 101.1 Title. Insert in brackets: New Mexico.

(2) Section 101.2 Scope. This section of the IFC shall not apply. 10.25.5.2 NMAC defines the scope of this rule.

(3) Section 101.2.1 Appendices. ~~[The appendices of the IFC shall not apply, except where adopted by an AHJ.]~~ The SFM adopts appendices D and I. All other appendices of the IFC shall not apply except where adopted by the local AHJ.

(4) Sections 101.3 through 101.5. See the corresponding sections of the IFC.

B. Section 102.3 (Applicability, Change in use or occupancy.) Delete this section and replace with the following: “Changes shall not be made in the use or occupancy of any structure

that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the NMBC. Subject to the approval of the building code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the NMBC for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.”

C. Section 104 [General authority and responsibilities.] Duties and Powers of the Fire Code Official. If Section

104.6 (official records) or any other provision of the NMFC conflicts with the Inspection of Public Records Act, Sections 14-2-1 through 14-2-12 NMSA 1978, the provisions of the Inspection of Public Records Act shall control.

D. Section 105 permits. ~~[The following sections of the IFC are deleted: Section 105.6, Section 105.7.2 through 105.7.5, Section 105.7.8 through 105.7.16 and Section 105.7.18.]~~ The following sections of the IFC are deleted: Section 105.3, Section 105.5, Section 105.6.2 through 105.6.3, Section 105.6.5, Section 105.6.8 through 105.6.18, Section 105.6.20 through 105.6.22, and Section 105.6.24. All permits required through the CID permitting process are strictly within the authority of CID. The NMFC establishes the state minimum fire code allowing local jurisdictions and political subdivisions the ability to enact stricter ordinances provided the state minimum is complied with by all such jurisdictions. The SFM requires permits and licenses for fireworks as provided in 10.25.6 NMAC.

E. Certificates of fitness. The SFM requires certificates of fitness for the installation, inspection, maintenance and repair of fire protection systems as provided in 10.25.2 NMAC.

F. Section 105.3 Conditions of a Permit. This section is deleted in its entirety. [and replaced with the following language: “105.3 conditions of a permit. Such permission, if granted in Section 105.1.2.2, shall not be construed as authority to violate, cancel or set aside any other provisions of this code or other applicable regulations or laws of the jurisdiction.”]

G. Section [105.4.1] 106.1 Construction documents: submittals. This section is deleted in its entirety and replaced with the following language:

(1) One set of construction documents shall be submitted to the Building Official, SFM or FM, who is the AHJ for the construction project.

(2) All construction documents that are submitted to the SFM shall comply with the plans submittal information provided by the SFM on their respective website and shall be submitted with the applicant’s certificate of fitness number, permit application and permit number or building official unique identifier and shall comply with the approval process provided in 10.25.5.16 NMAC and with the CID regulation on permits, CID rule 14.5.2 NMAC.

H. [Section 106.2.2] Approval Required. Change the last sentence to read, “Any portions that do not comply shall be corrected and such portion shall not be covered or concealed prior to inspection as required by the fire code official.”] **Section 107 Fees.** This section of the IFC shall not apply.

I. [Section 108] Board of appeals. This section is deleted in its entirety and replaced with the following language: The appeal processes provided in Sections 59A-52-21 and 59A-52-22 NMSA 1978 shall apply and may be initiated by filing an appeal as provided in 10.25.1 NMAC.] **Section 108.2.2 Approval Required.** Change the last sentence to read, “Any portions that do not comply shall be corrected and such portion shall not be covered

or concealed prior to inspection as required by the fire code official.”

J. [Section 109] Violations. The penalties listed in section 109.4 of the IFC shall not apply in New Mexico. The penalties authorized in Sections 59A-52-24 and 59A-52-25 NMSA 1978 shall apply.] **Section 111 Means of Appeals.** This section is deleted in its entirety and replaced with the following language: The appeal processes provided in Sections 59A-52-21 and 59A-52-22 NMSA 1978 shall apply and may be initiated by filing an appeal as provided in 10.25.1 NMAC.

K. [Section 111] Stop work order. The penalties listed in section 111.4 of the IFC shall not apply. The penalties authorized in Sections 59A-52-24 and 59A-52-25 NMSA 1978 shall apply.] **Section 112 Violations.** The penalties listed in section 109.4 of the IFC shall not apply in New Mexico. The penalties authorized in Sections 59A-52-24 and 59A-52-25 NMSA 1978 shall apply.

L. [Section 113] Fees. This section of the IFC shall not apply.] **Section 113 Stop work order.** The penalties listed in section 111.4 of the IFC shall not apply. The penalties authorized in Sections 59A-52-24 and 59A-52-25 NMSA 1978 shall apply. [10.25.5.9 NMAC - Rp, 10.25.5.9 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.11 CHAPTER 3 GENERAL REQUIREMENTS:

A. Section 301.1 Scope. This section applies as mandated by the local AHJ.

B. Section 301.2 Permits. This Section shall apply to the extent mandated by the local AHJ.

C. Section 304.1.2 Vegetation. This section applies to the extent mandated by the local AHJ.

D. Section [307;] 307 Open burning, recreational fires and portable outdoor fireplaces. This section of the IFC applies only and to the extent mandated by the local AHJ.

E. [Section 308.3] Group A Occupancies Exception #2: Delete the word “international”

and replace with the word “New Mexico”.] **Section 308.1.6.3 Sky lanterns.** Add “unless approved by the local AHJ” at the end of section.

F. Section 308.3 Group A Occupancies Exception #2. Delete the word “international” and replace with the word “New Mexico”.

G. Section 319.2 Permit required. This section applies as mandated by the local AHJ. [10.25.5.11 NMAC - Rp, 10.25.5.11 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.12 CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS: [In section 405.5 Record keeping, item number 7 is deleted and replaced with the following language: “Problems encountered and corrective actions for the problems encountered.”]

A. Section 405.3 Frequency. Add Exception: “E” occupancies shall comply with PED rule 6.29.1.8 NMAC emergency drills and practiced evacuations.

B. Section 405.6 Record keeping. Item number 7 is deleted and replaced with the following language: “Problems encountered and corrective actions for the problems encountered.” [10.25.5.12 NMAC - Rp, 10.25.5.12 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.13 CHAPTER 6 BUILDING SERVICES AND SYSTEMS: Amend section [603-9] 605.9 to add “if required by the fire code official” at the end of the section. [10.25.5.13 NMAC - Rp, 10.25.5.13 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.14 CHAPTER 9 FIRE PROTECTION SYSTEMS: Throughout chapter 9, the following shall apply:

A. Delete the term “International Mechanical Code” where used in this chapter and replace with the term “New Mexico Mechanical Code”.

B. Delete the term “International Plumbing Code” where used in this chapter and replace with the term “New Mexico Plumbing Code”.

C. Section 904.12 Commercial cooking systems. The replacement of commercial cooking equipment, including but not limited to a stove, hood, deep fryer, grill, griddle, or any other device used in the cooking process, shall comply with this Section and with the Uniform Mechanical Code as adopted by reference in CID rule 14.9.2.13 NMAC.

D. Section 905.3.4.1 Hose and Cabinet. Insert the following sentence at the end of this section, “Unless required by a fire code official, one and one-half inch hoses and hose cabinets are not required for class II and class III standpipe systems.

E. Section 903.3.8.5 Calculations. Add “A 10 psi safety factor shall be added to all hydraulic calculations as mandated by the AHJ”.

[10.25.5.14 NMAC - Rp, 10.25.5.13 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.15 CHAPTER 10 MEANS OF EGRESS: See Section 10 of the NMBC, CID rule 14.7.2 NMAC, and IFC section [1032] Maintenance of the Means of Egress. [10.25.5.15 NMAC - Rp, 10.25.5.14 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.18 APPROVAL OF FIRE PROTECTION SYSTEMS: Prior to beginning construction or occupancy of any building or structure regulated by the currently adopted New Mexico Building Codes and the NMFC, the contractor shall apply for a permit and submit drawings for plan review by the AHJ and approval of the fire protection system from the SFM or FM, as appropriate, of [a] all fire protection system for the building or structure. The review and approval of fire protection systems is in addition to all review required by CID pursuant to Title 14 of the New Mexico administrative code.

A. Filing drawings with the SFM for review.

(1)

Documents required. The contractor shall submit one set of drawings for

the building or structure. Submittals shall be in accordance with “Plans Submittal Information” obtained via the SFM website and this rule. For convenience, a contractor may submit additional sets of drawings and an envelope with prepaid postage directly to the SFM for the SFM’s use in returning the drawings after review. Electronic filing of fire protection plans will be accepted via electronic plans review software that is compatible with software used by the SFM.

(2) Where to submit. The contractor shall submit drawings of the fire protection system to the fire code enforcement bureau of the SFM in compliance with 10.25.1 NMAC or to an AHJ as required by the AHJ. The SFM shall not accept drawings by facsimile transmission.

(3) Requirements for drawings. The drawings shall clearly indicate fire protection systems in sufficient detail to establish compliance with applicable codes and standards and shall include the signature and seal of the licensed professional engineer in accordance with the New Mexico Engineering and Surveying Practice Act (found at Chapter 61, Article 23 NMSA 1978) that prepared the drawings. Drawings submitted shall comply with plans submittal information provided by the SFM on its website.

(4) Fees. The SFM does not require any fees for review of fire protection systems.

B. Third party review. The FM or FM, as appropriate, in their sole discretion, may require third party review of drawings if specialized expertise or knowledge is needed, and shall so notify the contractor in writing with a cost estimate if so determined. If the contractor agrees to proceed with review, the contractor shall file written approval by the method provided in 10.25.1.8 NMAC and shall pay directly to the third party the cost of such review before the SFM or FM, as appropriate, returns the drawings.

C. Return of drawings. If the SFM or FM, as

appropriate, approves the drawings, the drawings shall be stamped “approved”, with the SFM or FM, as appropriate, retaining one complete set of drawings or submittals. If the SFM or FM, as appropriate, rejects the drawings or submittals or does not approve the drawings, an explanation for the basis for rejection or non approval shall be given to the contractor. The contractor shall pick up approved drawings if prior arrangements have not been agreed to for return by mail.

D. Rejection. The SFM or FM, as appropriate, may reject fire protection system drawings for the following reasons:

- (1) the drawings are incomplete;
- (2) the drawings indicate a violation of these rules or applicable codes and standards;
- (3) the submitted drawings are not in accordance with Title 16, Chapter 39 NMAC;
- (4) no certificate of fitness is on file with the SFM;
- (5) the drawings or submittals contain a misrepresentation or inaccuracy;
- (6) third party review of the drawings or submittals reveals a violation of these rules, applicable codes or standards;
- (7) all SFM or FM requirements have not been included in the submittals; or
- (8) any other valid reason as determined by the SFM.

E. Re-submission. If drawings are rejected, the contractor may correct the deficiencies noted in the rejection letter. New submittals shall be submitted by the same process for filing original drawings for review.

F. Construction.
(1) Construction may commence upon approval of plans and issuance of the proper permits.

(2) After installation of the fire protection

system has been completed, a request for inspection shall be made to the FM. The request may be made orally or in writing to the FM or as otherwise required by the SFM.

G. Inspection and testing. The SFM or FM, as appropriate, will inspect the fire protection system of a building or structure within a reasonable period of time after a request for inspection. The SFM or FM, as appropriate, shall notify the AHJ of approval or rejection of drawings or of the fire protection system, and, if applicable, the AHJ may request a letter indicating the system is in compliance with approved plans and applicable codes and standards. The SFM or FM, as appropriate, shall not approve the installation if the inspection indicates:

- (1) a violation of this rule or applicable codes and standards;
- (2) the fire protection system was not installed in compliance with the drawings;
- (3) the fire protection system was not installed by a licensed entity and certified journeyman;
- (4) no valid certificate of fitness is on file with the SFM;
- (5) the final acceptance testing of each fire protection system is not recorded as complete; or
- (6) any other valid reason as determined by the SFM.

H. Re-inspection. If the FM does not approve the installation of the fire protection system and the responsible party corrects the deficiencies noted in the inspection, the responsible party may re-apply for inspection following the same procedure as for the initial inspection.

[10.25.5.18 NMAC - Rp, 10.25.5.18 NMAC, 11/26/2019; A, 11/01/2022]

10.25.5.20 CHAPTER 23
MOTOR FUEL-DISPENSING
FACILITIES AND REPAIR
GARAGES: Section 2311.2.3

applies as mandated by the local AHJ.
 [10.25.5.20 NMAC – N, 11/01/2022]

**HUMAN SERVICES
 DEPARTMENT
 INCOME SUPPORT DIVISION**

This is an emergency amendment to 8.102.500 NMAC, Section 8 effective 10/1/2022.

8.102.500.8 GENERAL REQUIREMENTS:

A. Need determination process: Eligibility for NMW, state funded qualified aliens and EWP cash assistance based on need requires a finding that:

(1) the benefit group’s countable gross monthly income does not exceed the gross income limit for the size of the benefit group;

(2) the benefit group’s countable net income after all allowable deductions does not equal or exceed the standard of need for the size of the benefit group;

(3) the countable resources owned by and available to the benefit group do not exceed the \$1,500 liquid and \$2,000 non-liquid resource limits;

(4) the benefit group is eligible for a cash assistance payment after subtracting from the standard of need the benefit group’s countable income, and any payment sanctions or recoupments.

B. Gross income limits: The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October.

(2) The gross income limit for the size of the benefit group is as follows:

one person	[\$913] <u>\$963</u>
two persons	[\$1,234] <u>\$1,297</u>

three persons	[\$1,556] <u>\$1,632</u>
four persons	[\$1,878] <u>\$1,966</u>
five persons	[\$2,199] <u>\$2,300</u>
six persons	[\$2,520] <u>\$2,635</u>
seven persons	[\$2,842] <u>\$2,969</u>
eight persons	[\$3,164] <u>\$3,303</u>

add [~~\$322~~] \$335 for each additional person.

C. Eligibility for support services only: Subject to the availability of state and federal funds, a benefit group that is not receiving cash assistance but has countable gross income that is less than one hundred percent of the federal poverty guidelines applicable to the size of the benefit group may be eligible to receive services. The gross income guidelines for the size of the benefit group are as follows:

(1) one person	[\$1,074] <u>\$1,133</u>
(2) two persons	[\$1,452] <u>\$1,526</u>
(3) three persons	[\$1,830] <u>\$1,920</u>
(4) four persons	[\$2,209] <u>\$2,313</u>
(5) five persons	[\$2,587] <u>\$2,706</u>
(6) six persons	[\$2,965] <u>\$3,100</u>
(7) seven persons	[\$3,344] <u>\$3,493</u>
(8) eight persons	[\$3,722] <u>\$3,886</u>
(9) add [\$379]	<u>\$394</u> for each additional person.

D. Standard of need:

(1) The standard of need is based on the number of participants included in the benefit group and allows for a financial standard and basic needs.
 (2) Basic needs include food, clothing, shelter, utilities, personal requirements and the participant’s share of benefit group supplies.

(3) The financial standard includes

approximately \$91 per month for each participant in the benefit group.

(4) The standard of need for the NMW, state funded qualified aliens, and EWP cash assistance benefit group is:

	(a)	one person	\$266
	(b)	two persons	\$357
	(c)	three persons	\$447
	(d)	four persons	\$539
	(e)	five persons	\$630
	(f)	six persons	\$721
	(g)	seven persons	\$812
	(h)	eight persons	\$922

add \$91 for each additional person.

E. Special needs:

(1) **Special**

clothing allowance: A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(a)

For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age if the child is six years of age or older and less than age 19 by the end of August.

(b)

The clothing allowance shall be allowed for each school-age child who is included in the NMW, TBP, state funded qualified aliens, or EWP cash assistance benefit group, subject to the availability of state or federal funds.

(c)

The clothing allowance is not allowed in determining eligibility for NMW, TBP, state funded qualified aliens, EWP cash assistance, or wage subsidy.

(2) **Layette:**

A one-time layette allowance of \$25 is allowed upon the birth of a child who is included in the benefit group.

The allowance shall be authorized by no later than the end of the month following the month in which the child is born.

(3) **Special**

circumstance: Dependent upon the availability of funds and in accordance with the federal act, the HSD secretary, may establish a separate, non-recurring, cash assistance program that may waive certain New Mexico Works Act requirements due to a specific situation. This cash assistance program shall not exceed a four month time period, and is not intended to meet recurrent or ongoing needs.

F. Non-inclusion of

legal guardian in benefit group:

Based on the availability of state and federal funds, the department may limit the eligibility of a benefit group due to the fact that a legal guardian is not included in the benefit group. [8.102.500.8 NMAC - Rp 8.102.500.8 NMAC, 07/01/2001; A, 10/01/2001; A, 10/01/2002; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A, 07/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 11/15/2007; A, 01/01/2008; A/E, 10/01/2008; A, 08/01/2009; A, 08/14/2009; A/E, 10/01/2009; A, 10/30/2009; A, 01/01/2011; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 02/01/2018; A/E, 10/01/2018; A, 03/01/2019; A/E, 10/01/2019; A, 03/01/2020; A/E, 10/01/2020; A, 03/01/2021; A/E, 10/01/2021; A 04/01/2022; A/E, 10/01/2022]

**HUMAN SERVICES
DEPARTMENT
INCOME SUPPORT DIVISION**

This is an emergency amendment to 8.106.500 NMAC, Section 8 effective 10/1/2022.

8.106.500.8 GA - GENERAL REQUIREMENTS:

A. Limited state funds may result in a suspension

or reduction in general assistance benefits without eligibility and need considered.

B. Need

determination process: Eligibility for the GA program based on need requires a finding that the:

(1) countable resources owned by and available to the benefit group do not exceed either the \$1,500 liquid or \$2,000 non-liquid resource limit;

(2) benefit group's countable gross earned and unearned income does not equal or exceed eighty-five percent of the federal poverty guideline for the size of the benefit group; and

(3) benefit group's countable net income does not equal or exceed the standard of need for the size of the benefit group.

C. GA payment

determination: The benefit group's cash assistance payment is determined after subtracting from the standard of need the benefit group's countable income and any payment sanctions or recoupments.

D. Gross income test:

The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October.

(2) The gross income limit for the size of the benefit group is as follows:

	(a)	one person	[\$913] <u>\$963</u>
	(b)	two persons	[\$1,234] <u>\$1,297</u>
	(c)	three persons	[\$1,556] <u>\$1,632</u>
	(d)	four persons	[\$1,878] <u>\$1,966</u>
	(e)	five persons	[\$2,199] <u>\$2,300</u>
	(f)	six persons	[\$2,520] <u>\$2,635</u>
	(g)	seven persons	[\$2,842] <u>\$2,969</u>
	(h)	eight persons	[\$3,164] <u>\$3,303</u>

(i) add [~~318~~] §335 for each additional person.

E. Standard of need:

(1) As published monthly by the department, the standard of need is an amount provided to each GA cash assistance benefit group on a monthly basis and is based on availability of state funds, the number of individuals included in the benefit group, number of cases, number of applications processed and approved, application approval rate, number of case closures, IAR caseload number and expenditures, and number of pending applications.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements and an individual benefit group member's share of supplies.

(3) Notice:

The department shall issue prior public notice identifying any change(s) to the standard of need amounts for the next quarter, as discussed at 8.106.630.11 NMAC.

F. Net income test:

The total countable earned and unearned income of the benefit group after all allowable deductions cannot equal or exceed the standard of need for the size of the GA benefit group. After the countable net income is determined it is rounded down prior to the comparison of the household's income to the standard of need to determine the households monthly benefit amount.

G. Special clothing allowance for school-age dependent children: A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(1) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age as defined by PED.

(2) The clothing allowance shall be allowed for each school-age child who is included in the GA cash assistance

benefit group, subject to the availability of state or federal funds.

(3) The clothing allowance is not counted in determining eligibility for GA cash assistance.

H. Supplemental issuance: A one-time supplemental issuance may be distributed to recipients of GA for disabled adults based on the sole discretion of the secretary of the human services department and the availability of state funds.

(1) The one time supplemental issuance may be no more than the standard GA payment made during the month the GA payment was issued.

(2) To be eligible to receive the one time supplement, a GA application must be active and determined eligible no later than the last day of the month in the month the one time supplement is issued.

I. Minimum Benefit Amount: Benefits less than ten dollars (\$10.00) will not be issued for the initial month or subsequent months. ISD shall certify household beginning the month of application. [8.106.500.8 NMAC - N, 07/01/2004; A/E, 10/01/2004; A/E, 10/01/2005; A, 7/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 01/01/2008; A, 06/16/2008; A/E, 10/01/2008; A, 07/01/2009; A/E, 10/01/2009; A, 10/30/2009; A, 12/01/2009; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A, 07/01/2013; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 2/01/2018; A/E, 10/01/2018; A, 3/1/2019; A/E, 10/01/2019; A, 3/1/2020 A/E, 10/01/2020; A, 3/1/2021; A/E, 10/01/2021; A, 04/01/2022; A/E, 10/01/2022]

HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

This is an emergency amendment to 8.139.120 NMAC, Section 9 effective 10/1/2022.

8.139.120.9 SIMPLIFIED REPORTING: All households will be assigned to simplified reporting (SR). Households must submit an interim report once every six or twelve months, depending on their certification period. Households assigned to a 12-month certification period have an interim report form due at six months. Households assigned to a 24-month certification period have an interim report form due at 12 months.

A. Household Certification Periods: A household that is approved for SNAP benefits shall be assigned the longest certification period possible in accordance with the household's circumstances. Households wherein all adult members are elderly or disabled, with no earned income, will be assigned a 24-month certification period. All other households will be assigned a 12-month certification period.

B. Household responsibility to turn in interim report form:

(1) A household assigned to a 12-month certification period shall be required to file an interim report form no later than the tenth day of the sixth month of the certification period in order to receive uninterrupted benefits.

(2) A household assigned to a 24-month certification period shall be required to file an interim report form no later than the tenth day of the twelfth month of the certification period in order to receive uninterrupted benefits.

C. Information that ISD is responsible to provide to households regarding simplified reporting: At the initial certification and at recertification, ISD shall provide the household with the following:

(1) a written and oral explanation of how simplified reporting works;

(2) a written and oral explanation of the reporting requirements including:

(a) what needs to be reported and verified;

(b) when the interim report form is due;

(c) how to obtain assistance; and

(d) the consequences of failing to file an interim report form.

(3) special assistance in completing and filing interim reports to households whose adult members are all either mentally or physically handicapped or are non-English speaking or otherwise lacking in reading and writing skills such that they cannot complete and file the required report; and

(4) a toll-free number which the household may call to ask questions or to obtain help in completing the interim report.

D. Information requirements for the interim report form: The interim report form will be written in clear, simple language, include information on the availability of a bilingual version of the document described in 7 CFR 272.4(b), and shall specify:

(1) the deadline date to submit the form to ISD to ensure uninterrupted benefits if the household is determined eligible;

(2) the consequences of submitting a late or incomplete form including whether ISD shall delay benefits if the form is not received by the due date;

(3) verification the household must submit with the form;

(4) a statement to be signed by a member of the household indicating his or her understanding that the information provided may result in a reduction or termination of benefits;

(5) where to call for help in completing the form;

(6) a statement explaining that ISD will not change certain deductions until the household's next recertification and identify those deductions if ISD has chosen to disregard reported changes that affect certain deductions

in accordance with paragraph (c) of section 7 CFR 273.12;

(7) a brief explanation of fraud penalties; and

(8) how the agency may use social security numbers.

E. The following information, along with required verification, must be returned to ISD with the interim report form:

(1) a change of more than [~~one hundred dollars (\$100)~~] one hundred twenty-five dollars (\$125) in the amount of unearned income, except changes relating to public assistance (PA) or general assistance (GA) programs when jointly processed with SNAP cases;

(2) a change in the source of income, including starting or stopping a job or changing jobs, if the change in employment is accompanied by a change in income;

(3) changes in either:

(a) the wage rate or salary or a change in full-time or part-time employment status as defined in Subsection C of 8.102.461.11 NMAC, provided the household is certified for no more than six months; or

(b) a change in the amount earned of more than [~~one hundred dollars (\$100)~~] one hundred twenty-five dollars (\$125) a month from the amount last used to calculate the household's allotment, provided the household is certified for no more than six months.

(4) all changes in household composition, such as the addition or loss of a household member;

(5) changes in residence and the resulting shelter costs;

(6) the acquisition of a licensed vehicle, unless the household is categorically eligible as defined at Sections 8 and 9 of 8.139.420 NMAC or the vehicle is not fully excludable under 8.139.527 NMAC;

(7) when cash on hand, stocks, bonds and money in

a bank account or savings institution reach or exceed the resource limit set at 8.139.510.8 NMAC, unless the household is categorically eligible as defined at Sections 8 and 9 of 8.139.420 NMAC;

(8) changes in the legal obligation to pay child support;

(9) for able-bodied adults subject to the time limit of 7 CFR 273.24, any changes in work hours that bring an individual below 20 hours per week, averaged monthly, as defined in 7 CFR 273.24(a)(1)(i); and

(10) In accordance with 7 CFR 273.12(a)(2), SNAP households must report substantial lottery and gambling winnings;

(a) if the substantial lottery and gambling winning is won by multiple beneficiaries and is over the elderly and disabled resource standard, each SNAP member's share must be reported;

(b) if the winning is less than the elderly and disabled resource standard it does not need to be reported;

F. ISD's responsibility with interim report forms:

(1) **Interim report form is not received:** If a household fails to file a report by the specific filing date, defined in Subsection B of 8.139.120.9 NMAC, ISD will send a notice to the household advising of the missing report no later than 10 calendar days from the date the report should have been submitted. If the household does not respond to the notice, the household's participation shall be terminated.

(2) **Incomplete interim report form is received:**

(a) An interim report form that is not signed shall be returned to the household for a signature. The household:

(i) shall be notified that the form is incomplete;

(ii) what needs to be completed to complete the interim report form; and
 (iii) shall be given 10 calendar days to provide the signed interim report form to be reviewed for completeness.

(b) An interim report form that is incomplete because required verification is not provided shall not be returned to the household. The household:

(i) shall be notified that the form is incomplete;

(ii) what information must be provided to complete the interim report form; and

(iii) shall be given 10 calendar days to provide the verification to process the interim report form.

(3) Complete interim report form is received:

(a) A form that is complete and all verifications are provided, shall be processed within 10 calendar days of receipt.

(b) A form that is complete, and all verifications are provided except for verification of an allowable deduction, shall be processed, unless the verification is otherwise questionable, in accordance with 8.100.130.12 NMAC. The household:

(i) shall be notified that verification is questionable; and

(ii) shall be given 10 calendar days to provide the verification to process the allowable deduction.

(c) A deduction that is verified within the month the interim report form is due shall be processed as part of the interim report form.

(d) A deduction that is verified in the month after the interim report form is due shall be processed as a change reported by the household.

(e) If the household files a timely and complete report resulting in reduction

or termination of benefits, ISD shall send a notice of case action. The notice must be issued so that the household will receive it no later than the time that its benefits are normally received. If the household fails to provide sufficient information or verification regarding a deductible expense, ISD will not terminate the household, but will instead determine the household's benefits excluding the deduction from the benefit calculation.

G. Changes that must be reported at any time during certification period: Households must report changes no later than 10 days from the end of the calendar month in which the change occurred, provided that the household has at least 10 calendar days within which to report the change. If there are not 10 days remaining in the month, the household must report within 10 days from the date the work hours fall below 20 hours per week, averaged monthly or when income exceeding the gross federal poverty limit as mentioned below is first received. The interim report form is the sole reporting requirement for any information that is required to be reported on the form, except that a household must report at any time during the certification period:

(1) the household must report when its monthly gross income exceeds one hundred thirty percent of poverty level. A categorically eligible household defined in accordance with 8.139.420.8 NMAC, must report when its monthly gross income exceeds one hundred sixty-five percent of poverty level. The household shall use the monthly gross income limit for the household size that existed at the time of certification or recertification regardless of any subsequent changes to its household size; and

(2) able-bodied adults subject to the time limit in accordance with 7 CFR 273.24 shall report whenever their work hours fall below 20 hours per week, averaged monthly.

(3) in accordance with 7 CFR 273.12(a)(2), SNAP households must report substantial lottery and gambling winnings within 10 days of the end of the month in which the household received the winnings.

(a) if the substantial lottery and gambling winning is won by multiple beneficiaries and is over the elderly and disabled resource standard, each SNAP member's share must be reported.

(b) if the winning is less than the elderly and disabled resource standard it does not need to be reported.

H. Action on changes reported outside of the interim report form: In addition to changes that must be reported in accordance with Subsection G of 8.139.120.9 NMAC, ISD must act on changes in between interim report forms, if it would increase the household's benefits. ISD shall not act on changes that would result in a decrease in the household's benefits unless:

(1) The household has voluntarily requested that its case be closed.

(2) ISD has information about the household's circumstances considered verified upon receipt. Verified upon receipt is defined:

(a) information is not questionable; and

(b) the provider of the information is the primary source of information; or

(c) the recipient's attestation exactly matches the information received from a third party.

(3) A household member has been identified as a fleeing felon or probation violator in accordance with 7 CFR 273.11(n);

(4) There has been a change in the household's cash grant, or where cash and SNAP cases are jointly processed in accordance with 7 CFR 273.2(j)(2).

I. Responsibilities on reported changes outside of the interim report form: When

a household reports a change, ISD shall take action to determine the household's eligibility or SNAP benefit amount within 10 working days of the date the change is reported.

(1) During the certification period, action shall not be taken on changes to medical expenses of households eligible for the medical expense deduction which ISD learns of from a source other than the household and which, in order to take action, requires ISD to contact the household for verification. ISD shall act only on those changes in medical expenses that it learns about from a source other than the household, if those changes are verified upon receipt and do not necessitate contact with the household.

(2) **Decreased or termination of benefits:** For reported and verified changes that result in a decrease or termination of household benefits, ISD shall act on the change as follows:

(a) Issue a notice of adverse action within 10 calendar days of the date the change was reported and verified unless one of the exemptions to the notice of adverse action in 7 CFR 273.13 (a)(3) or (b) applies.

(b) When a notice of adverse action is used, the decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested.

(c) When a notice of adverse action is not used due to one of the exemptions in 7 CFR 273.13 (a)(3) or (b), the decrease shall be made effective no later than the month following the change. Verification which is required by 7 CFR 273.2(f) must be obtained prior to recertification.

(3) **Increased benefits:** For reported and verified changes that result in an increase of household benefits, ISD shall act on the change as follows:

(a) For changes which result in an increase in a household's benefits, other than changes described in paragraph (b) of this section, ISD shall make the change effective no later than the first allotment issued 10 calendar days after the date the change was reported to ISD.

(b) For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of fifty dollars (\$50) or more in the household's gross monthly income, ISD shall make the change effective not later than the first allotment issued 10 calendar days after the date the change was reported.

(i) In no event shall these changes take effect any later than the month following the month in which the change is reported.

(ii) If the change is reported after the last day to make changes and it is too late for ISD to adjust the following month's allotment, ISD shall issue a supplement or otherwise provide an opportunity for the household to obtain the increase in benefits by the tenth day of the following month, or the household's normal issuance cycle in that month, whichever is later.

(4) **No change in SNAP benefit amount:** When a reported change has no effect on the SNAP benefit amount, ISD shall document the change in the case file and notify the household of the receipt of the report.

(5) **Providing verification:** The household shall be allowed 10 calendar days from the date a change is reported to provide verification, if necessary. If verification is provided at the time a change is reported or by the deadline date, the increase in benefits shall be effective in accordance with (a) and (b) above. If the household fails to provide the verification by the deadline date, but does provide it at a later date, the increase shall be effective in the month following the

month the verification is provided. If the household fails to provide necessary verification, its' SNAP benefit amount shall revert to the original benefit amount.

J. Resolving unclear information:

(1) During the certification period, ISD may obtain information about changes in a household's circumstances from which ISD cannot readily determine the effect of the change on the household's benefit amount. The information may be received from a third party or from the household itself. ISD must pursue clarification and verification of household circumstances using the following procedure if unclear information received outside the periodic report is:

(a) information fewer than 60 days old relative to the current month of participation; and,

(b) if accurate, would have been required to be reported under simplified reporting rules, in accordance with 8.139.120.9 NMAC.

(c) ISD must pursue clarification and verification of household circumstances in accordance with the process outlined in Subsection B of 8.100.130.12 NMAC, for any unclear information that appears to present significantly conflicting information from that used by ISD, at the time of certification.

(2) **Unclear information resulting from certain data matches:**

(a) if the department receives match information from a trusted data source as described in 7 CFR 272.13 or 7 CFR 272.14, ISD shall send a notice in accordance with Subsection B of 8.100.130.12 NMAC in accordance with 7 CFR 272.13(b)(4) and 7 CFR 272.14 (c)(4). The notices must clearly explain what information is needed from the household and the consequences of failing to respond to the notice.

(b) if the household fails to respond to

the notice or does respond but refuses to provide sufficient information to clarify its circumstances, ISD shall remove the individual and the individual's income from the household and adjust benefits accordingly. As appropriate, ISD shall issue a notice of adverse action.

K. Failure to report changes: If ISD discovers that the household failed to report a change as required, ISD shall evaluate the change to determine whether the household received benefits to which it was not entitled or if the household is entitled to an increased benefit amount.

(1) Decreased benefit amount: After verifying the change, ISD shall initiate a claim against the household for any month in which the household was over issued SNAP benefits. The first month of the over issuance is the month following the month the adverse action notice time limit would have expired had the household timely reported the change. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if its benefits will be reduced. No claim shall be established because of a change in circumstances that a household is not required to report in accordance with Subsection G of 8.139.120.9 NMAC above.

(2) Increased benefit amount: When a household fails to make a timely report of a change which will result in an increased SNAP benefit amount, the household is not entitled to a supplement for any month prior to and including the month in which the change was reported. The household is entitled to an increased benefit amount effective no later than the first benefit amount issued 10 calendar days after the date the change was reported.

[2/1/1995, 10/01/1995, 06/15/1996, 09/14/1996, 11/01/1996, 07/01/1998, 06/01/1999; 8.139.120.9 NMAC - Rn, 8 NMAC 3 FSP.123, 05/15/2001; 8.139.120.9 - N, 02/14/2002; A, 01/01/2004; A, 07/16/2008; A, 08/15/2008; A/E, 10/15/2008; A,

12/31/2008; A, 09/01/2017; A, 09/01/2017; A/E, 10/01/2021; A, 04/01/2022; A/E, 10/1/2022]

PUBLIC EDUCATION DEPARTMENT

At a public hearing on August 30, 2022, the Public Education Department agreed to repeal 6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12, filed 12/14/2000, and replace it with 6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12, adopted 09/15/2022 and effective 09/27/2022.

PUBLIC EDUCATION DEPARTMENT

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 63 SCHOOL PERSONNEL - LICENSURE REQUIREMENTS FOR ANCILLARY AND SUPPORT PERSONNEL
PART 11 LICENSURE IN REHABILITATION COUNSELING, GRADES PRE K-12**

6.63.11.1 ISSUING AGENCY: Public Education Department, hereinafter the department. [6.63.11.1 NMAC – Rp, 6.63.11.1 NMAC, 9/27/2022]

6.63.11.2 SCOPE: All persons seeking licensure in rehabilitation counseling, grades prekindergarten to 12. [6.63.11.2 NMAC – Rp, 6.63.11.2 NMAC, 9/27/2022]

6.63.11.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-17 NMSA 1978. [6.63.11.3 NMAC – Rp, 6.63.11.3 NMAC, 9/27/2022]

6.63.11.4 DURATION: Permanent. [6.63.11.4 NMAC – Rp, 6.63.11.4 NMAC, 9/27/2022]

6.63.11.5 EFFECTIVE DATE: September 27, 2022, unless a later date is cited in the history note at the end of a section. [6.63.11.5 NMAC – Rp, 6.63.11.5 NMAC, 9/27/2022]

6.63.11.6 OBJECTIVE: The purpose of this rule is to establish the requirements for individuals seeking licensure in rehabilitation counseling Individuals with a license in rehabilitation counseling may provide rehabilitation counseling services and assist with providing transition services, developing individualized education programs (IEPs), and similar plans and services for students in public and private schools, institutions, and agencies. Public or private agencies unable to hire an individual with a license in rehabilitation counseling may provide required transition and rehabilitation counseling services to students through an alternate delivery system approved by the department. [6.63.11.6 NMAC – Rp, 6.63.11.6 NMAC, 9/27/2022]

6.63.11.7 DEFINITIONS:
A. "Ancillary provider certificate" means a one-year, non-renewable certificate issued to a candidate who holds a baccalaureate degree in a field of study reasonably related to vocational rehabilitation and who is working toward a level 1 license in rehabilitation counseling under a one-year individualized mentorship plan approved by the department.

B. "Individualized mentorship plan" means a plan developed by the employer of an individual holding an ancillary provider certificate that describes the training and skills required for an individual to achieve competency in rehabilitation counseling.

C. "Rehabilitation counseling" means services provided by qualified personnel in individual or

group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability who receives services under the federal Individuals with Disabilities Education Act (IDEA). The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the federal Rehabilitation Act of 1973, as amended.

D. “Related field”

means a:

(1)

baccalaureate degree in a field of study reasonably related to vocational rehabilitation that demonstrates basic preparation in a field of study, such as vocational rehabilitation counseling, social work, psychology, disability studies, business administration, human resources, special education, management, public administration, or another field that reasonably provides competence in the employment sector, in a disability field, or in both business-related and rehabilitation-related fields; or

(2)

master’s or doctoral degree in a field of study, such as vocational rehabilitation counseling, law, social work, psychology, disability studies, business administration, human resources, special education, management, public administration, or another field that reasonably provides competence in the employment sector, in a disability field, or in both business-related and rehabilitation-related fields.

E. “Transition services” means a coordinated set of activities for a student with a disability, as defined in the Individuals with Disabilities Education Act, that:

(1)

is designed within an outcome-oriented process that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(2)

is based on the individual student’s needs, taking into account the student’s preferences and interests; and

(3)

includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and functional vocational evaluation. [6.63.11.7 NMAC – Rp, 6.63.11.7 NMAC, 9/27/2022]

6.63.11.8 REQUIREMENTS FOR LEVEL 1 LICENSE:

Individuals seeking licensure in rehabilitation counseling shall be at least 18 years of age and meet the requirements of subsections A, B, or C of this section.

A. Attainment of a baccalaureate degree and demonstration of experience as follows:

(1)

Baccalaureate degree in a field of study reasonably related to vocational rehabilitation, that demonstrates basic preparation in a field of study, such as vocational rehabilitation counseling, social work, psychology, disability studies, business administration, human resources, special education, supported employment, customized employment, economics, or another field that reasonably prepares individuals to work with consumers and employers; and

(2) Paid or unpaid work experience, for not less than one year, consisting of:

(a)

Direct work with individuals with disabilities in a setting such as an independent living center;

(b)

Direct service or advocacy activities that provide experience and skills in working with individuals with disabilities; or

(c)

Direct experience in competitive and integrated employment environments as an employer, a small business owner or operator, as self-employed, or in other capacities that provide

experience in human resources or recruitment, or experience in supervising employees, training, or other activities.

B.

Attainment of a master’s or doctoral degree in a field of study, such as vocational rehabilitation counseling, law, social work, psychology, disability studies, business administration, human resources, special education, management, public administration, or another field that reasonably provides competence in the employment sector, in a disability field, or in both business-related and rehabilitation-related fields.

C.

Attainment of a certificate as a rehabilitation counselor issued by the Commission on Rehabilitation Counselor Certification. [6.63.11.8 NMAC – Rp, 6.63.11.8 NMAC, 9/27/2022]

6.63.11.9 REQUIREMENTS FOR AN ANCILLARY PROVIDER CERTIFICATE:

A.

An ancillary provider certificate may be issued to an individual who:

(1) is at least

18 years of age;

(2) holds

at least a baccalaureate degree in vocational rehabilitation counseling or a related field; and

(3) possesses

a one-year individualized mentorship plan approved by the department and signed by the individual’s direct supervisor or program manager as well as the employing agency’s human resources division.

B.

Upon successful completion of a department-approved mentorship plan, an individual holding an ancillary provider certificate shall be eligible for a level 1 license in rehabilitation counseling. [6.63.11.9 NMAC – Rp, 6.63.11.9 NMAC, 9/27/2022]

6.63.11.10 REFERENCED MATERIAL:

Competencies for rehabilitation counselors. The rehabilitation counselor will be able to:

A. provide those individualized and/or group services, which will assist in career development, employment preparation, self-determination development; vocational assessment, and integration in the workplace and community for all students;

B. demonstrate job development skills and address application of job modification assistance;

C. provide technical assistance to special education teachers in developing transition plans and implementing those plans;

D. provide program development at the high school and middle school level that supports transition planning and provides a continuum of career development activities from exploration through planning;

E. provide assistance with course selection and registration for middle school and high school students including special education students;

F. demonstrate strong leadership skills and teamwork through interagency collaboration; working with general education staff, vocational education staff, parents, students, employers, adult service providers and post secondary education representatives;

G. demonstrate knowledge of labor markets, post-secondary opportunities, curricula and materials that support the identification of student aptitudes, interests, preferences, and strengths;

H. participate in meetings of individualized educational program teams that address transition requirements for students served under the IDEA;

I. provide staff development in the area of transition for students with disabilities including training for students, employers, counselors, teachers, parents, and other service providers;

J. provide leadership in self-determination, including facilitating the participation of students in their own IEP team meetings;

K. work with the department to ensure compliance with applicable state and federal regulations;

L. participate in professional development activities to maintain knowledge of preferred practices in rehabilitation counseling. [6.63.11.10 NMAC – Rp, 6.63.11.10 NMAC, 9/27/2022]

HISTORY OF 6.63.11 NMAC: [RESERVED]

6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12, filed 12/14/2000, was repealed and replaced by 6.63.11 NMAC, Licensure in Rehabilitation Counseling, Grades Pre K-12, effective 9/27/2022.

**PUBLIC LANDS,
COMMISSIONER OF**

**TITLE 19 NATURAL
RESOURCES & WILDLIFE
CHAPTER 2 STATE TRUST
LANDS
PART 24 CULTURAL
PROPERTIES PROTECTION**

19.2.24.1 ISSUING AGENCY: Commissioner of Public Lands - New Mexico State Land Office - 310 Old Santa Fe Trail - P.O. Box 1148 - Santa Fe, New Mexico 87501. [19.2.24.1 NMAC - N, 12/01/2022]

19.2.24.2 SCOPE: This part pertains to the identification and protection of cultural properties on state trust lands. [19.2.24.2 NMAC - N, 12/01/2022]

19.2.24.3 STATUTORY AUTHORITY: The commissioner is the executive officer of the state land office, pursuant to Section 19-1-1 NMSA 1978. The commissioner’s authority to manage, control, and care for state trust lands is found in N.M. Const., art. XIII, Section 2 and in Section 19-1-1 NMSA 1978. The New Mexico Cultural Properties Protection Act, Sections 18-6A-1 to 18-6A-6 NMSA 1978, requires the state land office, as an agency

with jurisdiction over state land, to exercise due caution to ensure that cultural properties on state trust lands are not inadvertently damaged or destroyed. The New Mexico Cultural Properties Act, Sections 18-6-1 to 18-6-17 NMSA 1978, authorizes the commissioner to initiate action against any person who violates the Cultural Properties Act by causing damage to or destroying cultural properties located on state trust lands. The authority to promulgate this part is found in Section 19-1-2 NMSA 1978. [19.2.24.3 NMAC - N, 12/01/2022]

19.2.24.4 DURATION: Permanent. [19.2.24.4 NMAC - N, 12/01/2022]

19.2.24.5 EFFECTIVE DATE: December 1, 2022 unless a later date is cited at the end of a section. [19.2.24.5 NMAC - N, 12/01/2022]

19.2.24.6 OBJECTIVE: The objective of this part is to establish and maintain processes to proactively identify cultural properties on state trust lands to ensure that such properties are not damaged or destroyed, by generally requiring informational reviews and archaeological surveys before surface disturbing activity on state trust lands takes place, requiring avoidance and mitigation of damage to cultural properties, and providing mechanisms to enforce protections for cultural properties. This part applies to all state trust lands, the surface of which is held in trust by the commissioner. [19.2.24.6 NMAC - N, 12/01/2022]

19.2.24.7 DEFINITIONS: As used in 19.2.24 NMAC, the following terms have the meaning set forth in this section unless otherwise indicated in the text of this rule:

A. “Archaeological survey” or “Survey” means a visual inspection of land to examine, identify, record, evaluate, and interpret cultural properties, which

may include communications with potentially impacted tribes and may include limited tests but shall not include excavation or test excavation, as provided in 4.10.15 NMAC. An archaeological survey is conducted by an archaeologist who meets the professional qualification standards in accordance with 4.10.8 NMAC.

B. “Area of potential effect” or “APE” means the geographic area or areas within which a project may directly or indirectly cause changes in the character or use of a cultural property, if any such properties exist, as provided in 4.10.15 NMAC. The APE is influenced by the scale and nature of the project, variation in topography and vegetation, and the results of consultations, and may be different for different kinds of effects caused by the undertaking and may include a buffer.

C. “ARMS inspection” means a search of the New Mexico cultural resources information system (NMCRIS) and the other cultural resource records maintained by the archaeological records management section (ARMS) of the historic preservation division of the New Mexico department of cultural affairs, in accordance with 4.10.15.9 NMAC.

D. “Commissioner” means the commissioner of public lands. The commissioner is the executive officer of the state land office and may delegate to state land office staff the performance of duties required of the commissioner under this rule.

E. “Cultural property” means a structure, place, site, object, or resource having historic, archaeological, scientific, architectural, or other cultural significance. A cultural property includes a property listed on or eligible for inclusion on either the New Mexico register of cultural properties pursuant to the Cultural Properties Act, or listed on or eligible for listing on the national register of historic places pursuant to the National Historic Preservation Act, 54 U.S.C. 300101 et seq.

F. “Cultural Properties Act” means the New Mexico Cultural Properties Act, Sections 18-6-1 through 18-6-17 NMSA 1978.

G. “Cultural Properties Protection Act” means the New Mexico Cultural Properties Protection Act, Sections 18-6A-1 through 18-6A-6 NMSA 1978.

H. “Party” means any person applying to the commissioner for a lease, sublease, easement, permit, license, grant, amendment, certificate or other instrument issued by the commissioner of public lands; any person to whom the commissioner has issued a lease, sublease, easement, permit, license, grant, amendment; certificate or other instrument; and any person who is otherwise lawfully present and conducting activities on state trust lands, including well operators and unit operators.

I. “Person” is a natural person or group of persons, or a partnership, corporate entity, association or organization, governmental entity, or any other legal entity.

J. “Project” means any surface disturbing activity or proposed surface disturbing activity on state trust lands that requires a lease, sublease, easement, permit, license, grant, amendment, certificate, or other entitlement from the commissioner, as well as any surface disturbing activity that is directly undertaken by the state land office. Project activity includes temporary work spaces and installation surface disturbing activities.

K. “State historic preservation officer” or “SHPO” means the individual appointed pursuant to Section 18-6-8 NMSA 1978 of the Cultural Properties Act who serves as the director of the historic preservation division of the New Mexico department of cultural affairs.

L. “State land office” means the New Mexico state land office.

M. “State trust lands” or “trust lands” means those lands,

their natural products, and all assets derived from them, which are under the care, custody, and control of the commissioner.

N. “Surface disturbance” or “Surface disturbing” means any ground disturbing or ground breaking activity, including but not limited to blading, scraping, contouring, excavating, trenching, drilling, digging, burying, paving, covering, or compacting soil surfaces, whether or not previously disturbed, and whether or not the person engaged in those activities is authorized to occupy or use state trust lands.

O. “Tribe” means any tribe, nation, or pueblo that may or may not be federally recognized but has indicated cultural affinity to New Mexico areas as documented in the tribal consultation list maintained by the historic preservation division of the New Mexico department of cultural affairs.

P. “Trust” means the trust established by the Enabling Act (Act of June 20, 1910, 36 Statutes at Large 557, Chapter 310) and that trust’s assets, which are administered through the state land office by the commissioner.

[19.2.24.7 NMAC - N, 12/01/2022]

19.2.24.8 GENERAL REQUIREMENTS:

A. Avoidance of damage. Any persons engaged in activities on state trust lands are subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC. Persons shall not disturb, dislodge, damage, destroy, or remove any cultural properties on state trust lands. Any project on state trust lands that has the potential to directly or indirectly damage cultural properties is additionally subject to the requirements of Subsections B, C, D, and E of 19.2.24.8 NMAC.

B. Signed acknowledgment. Parties shall acknowledge, on a form prescribed by the commissioner, that they understand and agree to comply

with applicable laws and rules pertaining to the protection of cultural properties on state trust lands.

C. ARMS inspection and survey. Prior to conducting surface disturbing activities, parties shall cause a permitted archaeologist to submit to the state land office an ARMS inspection of the entire area of potential effect. More detailed guidance regarding the submission process for ARMS inspection and surveys under this subpart will be provided in an instructional document to be published on the state land office’s website and also will be provided to any party or other interested person upon request. The time when that submission is required is provided in Subsection E of this section. In the best interest of the trust, the commissioner, in the commissioner’s discretion, may elect to provide the ARMS inspection for any particular portion of state trust land. The following subparagraphs describe the necessary steps to be taken after an ARMS inspection is conducted.

(1) If the ARMS inspection demonstrates that the entire area of potential effect has been surveyed, and that no cultural properties are located within the area of potential effect, then the party shall cause a permitted archaeologist to submit the ARMS inspection to the state land office, in which case the required archaeological review is complete.

(2) If the ARMS inspection or survey demonstrates that the entire area of potential effect has been surveyed, and cultural properties are identified within the area of potential effect, the party shall cause a permitted archaeologist to submit the most recent applicable survey(s) to the state land office. If a prior survey is submitted that is more than ten years old, the state land office will determine if the survey conforms to the requirements of 4.10.15 NMAC and if it does not, may require an updated survey. The party shall

be subject to the requirements of Subsection D of this section.

(3) If the ARMS inspection demonstrates that the entire area of potential effect has not been surveyed, a complete archaeological survey must be conducted by a permitted archaeologist in accordance with the requirements of 4.10.15 NMAC and submitted to the state land office.

The new survey need not include areas already subjected to acceptable surveys. The party shall be subject to the requirements of Subsection D of this section, if cultural properties are identified in the survey.

D. Compliance measures. For any application or project where any survey has identified cultural properties within the area of potential effect, the party shall cause a permitted archaeologist to develop and submit to the state land office compliance measures related to project siting, and avoidance and mitigation of damage to cultural properties; those compliance measures may be included within the survey that is submitted to the state land office on behalf of any party, or may be submitted separately. The state land office will review any applicable compliance measures, and determine if those measures are sufficient to protect or mitigate damages to the affected cultural properties, a review that may include consultation with the SHPO and shall include consultation with any impacted tribe. In the best interests of the trust, the state land office may require additional or different compliance measures as a condition to approval of the application or project. This review process will be completed within 60 calendar days of submission of an administratively complete submission (ARMS inspection or survey, and any applicable compliance measures), but that time period may be extended in the commissioner’s discretion for up to an additional 60 calendar days as may be necessary to ensure appropriate review. Upon commissioner approval, the relevant leasing division shall include appropriate compliance measures in

the relevant lease, easement, or other instrument, if applicable, consistent with applicable statutes and rules.

E. Timing of requirements. The undertakings required in Subsections A, B, and C of 19.2.24.8 NMAC are required at different points in time depending on the nature of the application or project, as follows:

(1) **Leases, easements, or other instruments not requiring subsequent approval.** For applications or projects where no review or approval is required after issuance of the applicable lease, easement, or other instrument: the acknowledgment specified in Subsection B of 19.2.24.8 NMAC, an ARMS inspection and survey specified in Subsection C of 19.2.24.8 NMAC, and any applicable compliance measures specified in Subsection D of 19.2.24.8 NMAC, are required at the time of submission of the application for the lease, easement, or other instrument, and in any event prior to commencement of surface-disturbing activities.

(2) **Leases, easements, or other instruments requiring subsequent approval.** For applications or projects where subsequent review by the commissioner is required after a lease, easement, or other instrument may be issued, and before project activities may take place: the acknowledgment specified in Subsection B of 19.2.24.8 NMAC is required at the time of submission of application or bid. The ARMS inspection or survey specified in Subsection C of 19.2.24.8 NMAC, and any applicable compliance measures specified in Subsection D of 19.2.24.8 NMAC, are required at the time of submission of the project plans or, if no project plans are required to be submitted, at least 60 calendar days prior to commencement of surface disturbing activities.

(3) **Oil and gas leases.** This subpart applies to oil and gas leases. The acknowledgment specified in Subsection B of 19.2.24.8 NMAC is required prior to issuance of a lease or any lease assignment. For all surface disturbing activities

(whether under a new or existing lease or lease assignment), the description and location of the project, the ARMS inspection or survey specified in Subsection C of 19.2.24.8 NMAC, and any applicable compliance measures specified in Subsection D of 19.2.24.8 NMAC, must be received, reviewed, and approved by the state land office prior to any surface disturbing activity, along with the acknowledgment specified in Subsection B of 19.2.24.8 NMAC if one has not already been submitted by the party undertaking the surface disturbing activity for that particular lease. Upon authorization from the state land office, the party may commence the surface disturbing activity.

(4) Mining

leases. This subpart applies to leases for mining as specified in Chapter 19, Articles 8-9 NMSA 1978, and 19.2.2, 19.2.3, 19.2.4, 19.2.5, 19.2.6, and 19.2.7 NMAC. The acknowledgment specified in Subsection B of 19.2.24.8 NMAC is required at the time of submission of an application or bid to lease. The ARMS inspection or survey specified in Subsection C of 19.2.24.8 NMAC and any applicable compliance measures specified in Subsection D of 19.2.24.8 NMAC, are required at the time of submission of an application for a mining permit with the mining and minerals division of the New Mexico energy, minerals, and natural resources department, or equivalent permitting agency, for leases that are subject to 19.2.2 and 19.2.6 NMAC; and prior to commencement of any surface disturbing activity for all other types of mineral leases.

F. Archaeological survey permits and notifications to survey. Individuals with valid archaeological survey permits issued by the New Mexico cultural properties review committee, as provided in 4.10.8 NMAC, are preapproved to access state trust lands for the sole purpose of conducting archaeological surveys pursuant to this rule, without the need for a separate authorization from the commissioner. For other project purposes (that is, other than

archaeological surveys), parties who are already authorized to access and occupy particular state trust lands by virtue of a lease or easement are not required to obtain separate authorization from the commissioner. All other persons needing access to state trust lands for other project purposes (that is, other than archaeological surveys) shall apply for a right of entry permit on a form prescribed by the commissioner, and the state land office will process such application on a timely basis. The state land office should be notified at least 15 calendar days before an archaeological survey is conducted, except for exigent situations, including but not limited to responses to spills or hazardous conditions, in which case the state land office should be notified as soon as possible and in any event prior to the survey. [19.2.24.8 NMAC - N, 12/01/2022]

19.2.24.9 ACKNOWLEDGMENT-ONLY REQUIREMENTS: The acknowledgement specified in Subsection B of 19.2.24.8 NMAC shall be included with applications for the following, with no ARMS inspection or survey as specified in Subsection C of 19.2.24.8 NMAC or compliance measures as specified in Subsection D of 19.2.24.8 NMAC, unless those additional measures are specifically required by the commissioner for a particular application:

- A.** renewals or reissues, assignments, conversions, and subleases of existing grants, leases or permits, and agricultural improvement replacements, where no new surface disturbance will occur, or when the area of potential effect of a new project activity is entirely within a previously disturbed area of the same nature and extent of disturbance;
- B.** applications for new agricultural leases in open acreage or through competitive bid; and
- C.** applications for non-surface disturbing rights of entry, with the final decision vested with the commissioner about

whether or not the relevant activity is surface disturbing. [19.2.24.9 NMAC - N, 12/01/2022]

19.2.24.10 EXEMPTIONS:

A. The following activities are exempt from the acknowledgment, ARMS inspection and survey, and compliance measures requirements of this rule. These exemptions do not provide authorization to enter or occupy state trust lands, which must be granted by the commissioner under a valid lease, easement, permit, or other instrument:

- (1)** law enforcement, emergency response, or natural disaster response (“emergency response”) activities, whether or not undertaken by or in coordination with the state land office, that are necessary to protect immediate threats to public health, safety, or the environment, including but not limited to firefighting, flood management, or for controlling, containing, or capturing releases of hazardous or harmful materials. If the state land office is not already involved in undertaking or coordinating the emergency response, it shall be notified of the response as soon as practicable. Any known cultural property within the area of emergency response should be monitored to the extent practicable so that any adverse effects to the cultural property can be avoided, mitigated, or minimized;
- (2)** administrative actions performed by the state land office, such as executive orders or rule making activities, and any internal agency processes or decisions that do not create new surface disturbance;
- (3)** memoranda of understanding or agreements to cooperate executed by the commissioner;
- (4)** easements, leases, or other instruments granted by the commissioner to any person that do not directly expand current surface uses or create new surface disturbance;
- (5)** recreational access permits and educational access permits,

applications for such permits, non-surface disturbing natural resource authorizations, or activities that already require the presence of an archaeological monitor such as special use agreements;

(6) projects analyzed under the National Environmental Policy Act of 1969, 42 U.S.C. Section 4321 et seq. and the National Historic Preservation Act of 1966, 16 U.S.C. Section 470 et seq., and their implementing regulations, so long as such analysis includes impacted state trust lands. For such projects, the party shall submit a copy to the state land office of the survey or portions thereof pertaining to impacted state trust lands;

(7) acquisition or disposition of lands through exchange or sale; and

(8) plugging, restoration, remediation, or reclamation activities that do not involve new surface disturbing activity outside the authorized boundaries of any existing roads, rights of way, well pads, associated oil and gas facilities or other structures.

B. Parties or other persons engaged in the activities exempted in Subsection A of 19.2.24.10 NMAC remain subject to the requirements of the Cultural Properties Act, the Cultural Properties Protection Act, and 19.2.24.13 NMAC.

C. Notwithstanding any other provision of this part, the commissioner may require an ARMS inspection or survey for any project when determined to be in the best interest of the trust.
[19.2.24.10 NMAC - N, 12/01/2022]

19.2.24.11 CONFIDENTIALITY: Consistent with the Cultural Properties Act, Section 18-6-11.1 NMSA 1978 and Section 19-1-2.1 NMSA 1978, any information in the custody of the state land office concerning the location of cultural properties, the preservation of which is in the interest of the state of New Mexico, shall remain confidential and not subject to inspection under the New Mexico Inspection of Public

Records Act, Section 14-2-1 to Section 14-2-12 NMSA 1978 unless the commissioner determines that the dissemination of such information will further the purposes of the Cultural Properties Act and will not create a risk of loss of cultural properties.
[19.2.24.11 NMAC - N, 12/01/2022]

19.2.24.12 ENFORCEMENT AND IMPLEMENTATION:

A. In the event any party becomes aware of actual or threatened damage to cultural properties on state trust lands where that party is conducting project activities or has filed an application to conduct project activities, the party shall immediately notify the state land office, which will then notify the SHPO, and the party shall immediately suspend all project activities in the immediate area of the damage or the threatened cultural property, in consultation with the state land office. Project activities shall remain suspended until the state land office, in consultation with the SHPO and any impacted tribe, approves resumption of those activities, and such approval may be conditioned on the party's adoption of compliance measures relating to project siting, avoidance, or mitigation of impacts to the cultural properties at issue. If human remains are uncovered, project activities within 50 feet shall stop immediately and the party shall notify the local law enforcement agency with jurisdiction, the state land office and the SHPO pursuant to the Cultural Properties Act, Subsection C of Section 18-6-11.2 NMSA 1978. Subsequent response by local law enforcement is governed by 4.10.11 NMAC.

B. In the event a party conducts project activities without first performing a survey or does not comply with any applicable avoidance and mitigation measures established by the survey or contained within the relevant lease, permit, or other instrument, and cultural property is damaged in the process, the party will be required to conduct an archaeological damage assessment at the party's own expense and will

be liable for damages as determined by the archaeological damage assessment in the amount equal to the cost of restoration, stabilization, and interpretation of the damaged cultural property. If the party failed to conduct an archaeological survey as required by this rule prior to conducting surface disturbing activity, that party shall undertake such survey after the fact. In addition, the commissioner may recover an amount equal to twice the cost of restoration, stabilization, and interpretation of the damaged cultural property, in accordance with the Cultural Properties Act, Section 18-6-9.2 NMSA 1978.

C. All parties that are subject to any provision of 19.2.24.8 and 19.2.24.9 NMAC shall promptly provide to the state land office all records relating to compliance with this part upon request.

D. As provided by the Cultural Properties Act, Section 18-6-9.2 NMSA 1978 the commissioner may initiate a civil action against any person violating the Cultural Properties Act on or with respect to state trust lands. This remedy is not exclusive and does not limit the rights or remedies that are otherwise available to the commissioner and the state land office under applicable law, including action against a lease, easement, or other instrument issued by the commissioner.

E. The commissioner may refer a criminal violation of the Cultural Properties Act, Sections 18-6-9, 18-6-9.1, and 18-6-9.3 NMSA 1978 to the New Mexico attorney general or to the district attorney in whose district the violation took place.

F. The state land office may undertake monitoring and staff training to protect against damage to cultural properties.

G. The commissioner will develop instructional materials and forms necessary for the implementation of this rule.
[19.2.24.12 NMAC - N, 12/01/2022]

HISTORY of 19.2.24 NMAC:
[RESERVED]

SUPERINTENDENT OF INSURANCE, OFFICE OF

The Office of Superintendent of Insurance held a hearing on 6/10/2021 on proposed changes to 13.10.16 NMAC. Following the hearing and after considering the received commentary, on 9/13/2022 the Superintendent adopted the hearing officer’s findings, conclusions and recommendations and repealed the existing rule of 13.10.16 NMAC, PROVIDER GRIEVANCES and replaced it with the new rule under the same part name, effective 1/1/2023.

SUPERINTENDENT OF INSURANCE, OFFICE OF

**TITLE 13 INSURANCE
CHAPTER 10 HEALTH
INSURANCE
PART 16 PROVIDER
GRIEVANCES**

13.10.16.1 ISSUING

AGENCY: Office of Superintendent of Insurance (“OSI”).
[13.10.16.1 NMAC - Rp, 13.10.16.1 NMAC, 01/01/2023]

13.10.16.2 SCOPE:

A. This rule applies to every:

- (1) health insurance carrier, as defined in Paragraph (2) of Subsection C of Section 59A-16-21.2 NMSA 1978;
- (2) vision and dental plans that use a provider network; and
- (3) multiple employer welfare arrangement (individually a “carrier” and collectively “carriers”).

B. A carrier is not subject to this rule with respect to any “health benefits plan” or “plan” as defined in Paragraph (1) of Subsection C of Section 59A-16-21.2 NMSA 1978, which only provides “excepted benefits,” as this term is defined in Subsection B of Section 59A-23G-2 NMSA 1978.

[13.10.16.2 NMAC - Rp, 13.10.16.2 NMAC, 01/01/2023]

13.10.16.3 STATUTORY AUTHORITY:

Sections 59A-16-21.1, 59A-23-14, 59A-46-54, 59A-47-49 and 59A-57-6 NMSA 1978.
[13.10.16.3 NMAC - Rp, 13.10.16.3 NMAC, 01/01/2023]

13.10.16.4 DURATION:

Permanent.
[13.10.16.4 NMAC - Rp, 13.10.16.4 NMAC, 01/01/2023]

13.10.16.5 EFFECTIVE DATE:

January 1, 2023, unless a later date is cited at the end of a section.
[13.10.16.5 NMAC - Rp, 13.10.16.5 NMAC, 01/01/2023]

13.10.16.6 OBJECTIVE:

The purpose of this rule is to mandate provider grievance processes that are fair, efficient and compliant with all applicable state and federal laws, and to specify practices and procedures for external OSI review of provider grievance appeals.
[13.10.16.6 NMAC - Rp, 13.10.16.6 NMAC, 01/01/2023]

13.10.16.7 DEFINITIONS:

- A.** Terms used in this rule are as defined in Section 59A-22B-2 NMSA 1978 and in 13.10.29 NMAC.
- B.** For the purposes of this rule, the subsequent term is supplemented and superseded as follows; “**Termination**” means the discontinuance of a provider’s employment, contractual relationship or other business relationship with, and initiated by, a carrier.
[13.10.16.7 NMAC - Rp, 13.10.16.7 NMAC, 01/01/2023]

13.10.16.8 GENERAL RULES:

A carrier shall adopt and implement a provider grievance plan that complies with this rule. This rule does not preclude a carrier and provider from addressing or resolving a concern through any other process agreed on between them, but no such alternative process shall preclude a provider from presenting a grievance through a process that complies with this rule.

A. Allowed

grievances. At a minimum, a carrier’s provider grievance plan shall allow a provider to present any concern regarding:

- (1) credentialing deadlines;
- (2) claim payment amount or timing;
- (3) claim submission requirements or compliance;
- (4) network adequacy, including participation determinations based on network composition;
- (5) network composition including provider qualifications;
- (6) utilization management practices;
- (7) provider contract construction or compliance;
- (8) patient care standards or access to care;
- (9) surprise billing reimbursement amount, rate or timing;
- (10) termination;
- (11) operation of the plan including compliance with any law enforceable by the superintendent, or of any directive of the superintendent; or

Discrimination.

B. Timeline to file.

A provider grievance plan shall allow a provider at least 90 days from the incident that is the subject of the grievance, to file a grievance.

C. Filing procedures and response.

A provider grievance plan shall allow a provider to submit a written grievance electronically or manually. A carrier shall send a written acknowledgment of the grievance to the provider within five days of its receipt of the grievance using the provider’s preferred communication method.

D. Point of contact.

A provider grievance plan may require the submission of a complaint to a designated contact, as specified in the carrier’s provider manual which shall identify the designated contact by

name or position and provide a valid mailing address, phone number, and email address for the designated point of contact.

E. Request for supplemental information. A provider grievance plan may allow a carrier to request supplemental information pertinent to the resolution of a grievance from the provider. Any such request shall be made within 10 days of the carrier's receipt of a grievance, and shall require the provider to submit the requested supplemental information within the next 10 days.

F. Review panel. A provider grievance plan shall, at a minimum, require a carrier to form a review panel comprised of multiple members, at least one of whom is in a position of authority over the carrier operations that are the subject of a grievance. The review panel shall be responsible for reviewing and deciding the provider's grievance. If the grievance raises a quality-of-care concern the panel must include a New Mexico-licensed medical professional who practices in the general area of concern. A New Mexico-licensed physician shall be included on a review panel considering complex quality-of-care concerns. No person with a conflict of interest shall participate in a decision to resolve a grievance. Employment with the carrier, standing alone, does not present a conflict of interest.

G. Response. A provider grievance plan shall require a carrier to deliver a written response, to a grievance using the provider's preferred method of communication within 45 days of the later of receipt of the grievance, receipt of supplemental information requested to resolve the grievance, or the due date for submission of any requested supplemental information. The response shall include:

- (1) the name(s), title(s), and qualification(s) of each person who participated in the grievance decision;
- (2) a statement of issue(s) decided and of the ultimate decision(s);

- (3) a clear and complete explanation of the rationale for the decision and a summary of the evidence relied upon to support the decision;

- (4) a summary of any proposed remedial action; and

- (5) information on the provider's appeal rights.

H. Extension of deadlines. If confirmed in a documented communication a carrier and provider may agree to extend any deadline imposed by this rule or a provider grievance plan.

I. Presentation of evidence. A provider grievance plan shall include reasonable procedures by which a provider may present oral or documentary evidence to the assigned grievance panel.

J. Bundled or group grievances. A provider grievance plan shall allow a provider to submit multiple related grievances simultaneously provided the grievances are not unduly duplicative or repetitive, and for a group of providers to assert a single grievance on behalf of multiple providers.

K. Non-participating providers. A carrier's provider grievance plan shall allow a non-participating provider to submit a grievance described in Paragraphs (1), (2), (4), (5), (6), (9) or (12) of Subsection A of this section. The grievance must assert and explain that the carrier's act or practice directly impacted the non-participating provider or a patient of that provider. [13.10.16.8 NMAC - Rp, 13.10.16.8 NMAC, 01/01/2023]

13.10.16.9 PROVIDER TERMINATION: For a grievance that concerns a termination a provider grievance plan shall also comply with this section.

A. Terminations for cause. If a termination for cause, the provider grievance plan shall provide these minimum rights and protections:

- (1) the right of the provider to appear in person at a hearing before the deciding panel;

- (2) the right of the provider to present testimonial or documentary evidence at the hearing;

- (3) the right of the provider to call witnesses, and cross-examine any witness;

- (4) the right of the provider to be represented by an attorney or by any other person of the provider's choice;

- (5) the right to an expedited hearing within 14 days of the termination in those instances where the carrier has not provided advance written notice of termination and the termination could result in imminent and significant harm to a covered person;

- (6) a written decision within 20 days after the hearing, contemporaneously delivered via the provider's preferred method of communication; and

- (7) if a group of providers is terminated for cause, each provider in the group shall have an individual right to a hearing. However, if any one of the providers in the group submits a grievance relating to the termination the carrier shall provide each similarly situated provider in the group with a notice of hearing, and each provider who receives such notice shall be bound by the carrier's determination subject to any appeal rights.

B. Other terminations. If a termination is not for cause, the provider grievance plan shall require the carrier to furnish the provider written notice at least 60 days before the effective date of termination. Such notice shall:

- (1) be communicated in writing via the format preferred by the provider; and

- (2) contain an explanation of the termination. [13.10.16.9 NMAC - Rp, 13.10.16.9 NMAC, 01/01/2023]

13.10.16.10 APPEALS: At the request of a provider, the superintendent shall conduct an external review of a provider grievance as authorized by this section.

A. Types of grievances subject to appeal. The superintendent shall only review a provider grievance that pertains to:

- (1) an alleged violation of a law enforceable by the superintendent;
- (2) alleged noncompliance with an order of the superintendent; or
- (3) a termination based on a provider's alleged failure to comply with a law or order enforceable by the superintendent.

B. Disposition. In the disposition of an appeal, the superintendent may only impose a remedy, penalty, or corrective action authorized by the Insurance Code.

C. Exhaustion of internal remedies required. The superintendent shall not review a provider grievance appeal unless the provider has exhausted the carrier's internal grievance process.

D. Timeline for filing appeal. A provider appeal of a grievance shall be filed no later than 30 days after the provider receives a response to the grievance, or the deadline for the response, whichever is earlier.

E. Appeal content. The superintendent shall not review a provider grievance appeal that does not contain the following information:

- (1) the provider's name, license number, address, daytime telephone number, email address, and any relevant claim number(s);
- (2) the name and phone number of the carrier;
- (3) certification that the grievance did not pertain to Medicaid or Medicare coverage, excluding Medicare supplement;
- (4) a copy of the carrier's written disposition of the grievance, or certification by the provider that the carrier did not issue a written disposition within the time allowed by law;
- (5) the date the provider received the carrier's written disposition of the grievance, or the

date by which the carrier was required to provide a written disposition if no disposition was received; and

- (6) a clear and concise statement of the issue on appeal, and the remedy requested on appeal.

F. Additional documentation. Within 45 days of receipt of a provider grievance appeal, the superintendent shall determine whether the appeal is authorized by this section and otherwise reviewable. The superintendent may request supplemental information from the provider or carrier to so determine. The time between any such request and the delivery of the requested information by the superintendent shall be excluded from the 45-day deadline imposed by this section.

- (1) If the superintendent determines that an appeal is not authorized or reviewable, the superintendent shall issue an order dismissing the appeal and stating the reason for dismissal.
- (2) If the superintendent determines that an appeal is authorized and reviewable, the superintendent shall schedule either a formal or an informal hearing pursuant to the superintendent's rules, as appropriate to the issues, facts and circumstances presented in the appeal. The order setting the hearing shall authorize a designated hearing officer to take or authorize any action authorized by law to resolve the appeal.

G. Settlement. The superintendent may order the parties to an appeal to participate in formal or informal settlement discussions focused on resolving the issue on appeal. If all parties to an appeal consent, the assigned hearing officer may facilitate the settlement discussions without being disqualified from issuing a recommended decision on appeal.

H. Waiver. Upon an express finding of good cause, the superintendent may waive any deadline, format or process requirement imposed by this section. [13.10.16.10 NMAC - Rp, 13.10.16.10 NMAC, 01/01/2023]

13.10.16.11 RETALIATORY ACTION PROHIBITED: No person shall be subject to retaliatory action by a carrier for submitting or supporting a grievance or appeal. [13.10.16.11 NMAC - N, 01/01/2023]

13.10.16.12 PROVIDER MANUAL: A carrier's provider manual shall include a clear statement of a provider's right to grieve, the internal grievance process, the right of appeal and the appeal process. The carrier shall publish its provider grievance plan on a website accessible to any provider. [13.10.16.12 NMAC - N, 01/01/2023]

13.10.16.13 REPORTING AND COMPLIANCE:

A. Provider grievance plan publication and changes. No carrier shall publish a provider grievance plan., or any amendment of a provider grievance plan., that has not been reviewed and approved by the superintendent. A provider grievance plan shall be deemed approved if the superintendent fails to expressly approve, disapprove, or object to the provider grievance plan within 60 days from submission.

B. Submission of provider grievance plan. In conjunction with the provider contract certificate, a carrier shall submit a provider grievance plan for the superintendent's review and approval. At a minimum, the provider grievance plan shall include:

- (1) a description of the procedures used by the carrier to receive, review, and respond to a provider grievance;
- (2) the criteria and process the carrier uses to select the persons responsible for reviewing and responding to a provider grievance;
- (3) the procedures by which the carrier's governing body is informed of provider grievances and the carrier's responses; and
- (4) the title of staff responsible for implementation and oversight of the provider grievance process.

C. Grievance log.

A carrier shall maintain a detailed log of provider grievances and their resolutions for a period of no less than five years. The carrier shall make the log available to the superintendent upon request.

[13.10.16.13 NMAC - N, 01/01/2023]

13.10.16.14 SEVERABILITY:

If any section of this rule, or the applicability of any section to any person or circumstance, is for any reason held invalid by a court of competent jurisdiction, the remainder of the rule, or the applicability of such provisions to other persons or circumstances, shall not be affected.

[13.10.16.14 NMAC - N, 01/01/2023]

History of 13.10.16 NMAC:

13.10.16 NMAC – Provider Grievances, filed 12/01/1998, Recompiled 11/30/2001, was repealed and replaced by 13.10.16 NMAC – Provider Grievances, effective 01/01/2023.

SUPERINTENDENT OF INSURANCE, OFFICE OF

**TITLE 13 INSURANCE
CHAPTER 10 HEALTH INSURANCE
PART 40 VACCINE PURCHASING FUND**

13.10.40.1 ISSUING

AGENCY: Office of Superintendent of Insurance (“OSI”).

[13.10.40.1 NMAC - N, 01/01/2023]

13.10.40.2 SCOPE: These rules apply to every “health insurer” and “group health plan,” as defined in the Vaccine Purchasing Act (“VPA”), who are providing coverage to residents of New Mexico, regardless of location of the policy, and are therefore subject to compliance obligations under Sections 24-5A-1 through 24-5A-9 NMSA 1978. For purposes of this rule, a multiple employer welfare arrangement as defined in Section 59A-1-8.1 NMSA 1978 is considered a “health insurer”

subject to the VPA.

[13.10.40.2 NMAC - N, 01/01/2023]

13.10.40.3 STATUTORY AUTHORITY:

This rule is issued pursuant to Section 24-5A-8 NMSA 1978.

[13.10.40.3 NMAC - N, 01/01/2023]

13.10.40.4 DURATION:

Permanent.

[13.10.40.4 NMAC - N, 01/01/2023]

13.10.40.5 EFFECTIVE DATE:

January 1, 2023, unless a later date is cited at the end of a section.

[13.10.40.5 NMAC - N, 01/01/2023]

13.10.40.6 OBJECTIVE: To establish procedures to implement and enforce the provisions of the VPA.

[13.10.40.6 NMAC - N, 01/10/2023]

13.10.40.7 DEFINITIONS:

All definitions of terms found in Section 24-5A-2 NMSA 1978 are incorporated herein as though stated fully. The following definitions apply to this rule only:

A. “covered employer” means any employer who offers group health insurance coverage to a resident of New Mexico through a group health plan or policy issued by a health insurer; and

B. “day” or “days” shall be calculated as follows, unless otherwise specified:

(1) one to 10 days means only working days and excludes weekends and state holidays; and

(2) 11 or more days means calendar days, including weekends and state holidays.

[13.10.40.7 NMAC - N, 01/01/2023]

13.10.40.8 REPORTING AND PAYMENT REQUIRED:

As directed in these rules, every health insurer and group health plan shall annually report to the superintendent the number of insured children who are residents of New Mexico under each policy and plan, who were under the age of 19 as of the previous December 31st, even if that number is zero.

A. Report deadline.

The required report is due by the date established by the superintendent, but no later than July 31st of each year.

(1) The superintendent may extend the deadline for good cause. A reporter must file a request for an extension, with the reason for the request, at least five days before the report is due.

(2) Failure to report by this deadline shall result in a \$500 a day penalty pursuant to Subsection B of Section 24-5A-7 NMSA 1978. The superintendent shall issue written notice of failure to submit a timely report which specifies the statutory penalty to the designated contact person for each health insurer or group health plan.

B. Report contents.

The annual report shall include all information requested by the superintendent and, at a minimum, shall provide:

(1) the number of children who were enrolled in or participated in the plan during any part of the prior year, and who were under the age of 19 as of December 31st, excluding any children who are not residents of New Mexico, were enrolled in Medicaid or in any medical assistance program administered by the department or the human services department, and children who are members of a Native American tribe.

(2) the name of a designated contact person, including title, email address, and office phone number.

(a) If the contact changes prior to the billing cycle referenced in the table below or the following year’s reporting cycle, then an updated contact shall be provided to the department and the superintendent as soon as practicable after the change occurs, but no later than 30 days after the change.

(b) Communications to and from the designated contact shall be treated as communications between the superintendent and the health insurer or group health plans for all purposes

under the VPA. Failure to provide or update contact information shall not relieve a health insurer or group health plan of any obligation under the VPA.

- (3) the names of employers or groups on behalf of whom the data is submitted.
- (4) if a group health plan or health insurer did not cover any children during the prior year, an attestation of that circumstance.
- (5) the annual report shall be submitted even if the number of children to report is zero.

C. Method of reporting. A health insurer or group health plan shall report in the method prescribed by the superintendent. All such reports to the office of the superintendent shall be copied to the department at vpa.fund@state.nm.us.

D. Responsibility for reporting. A health insurer or group health plan is solely responsible for reporting. A group health plan may delegate reporting obligations to an employer group or plan administrator, but the group health plan or health insurer remains responsible for any late report or reporting error, and corresponding statutory penalties.

E. Mid-year plan termination. If an employer terminates its plan with a health insurer or group health plan mid-year, the new health insurer or group health plan shall be responsible for reporting and shall be responsible for reimbursing the vaccine purchasing fund for coverage of the prior years' insured children.

F. Report changes. An erroneous report may be changed only as approved by the superintendent or upon determination of a good faith discrepancy in accordance with Subsection C of Section 24-5A-7 NMSA 1978.

G. Receivership report. Before any health insurer is placed into receivership, it shall report its latest count of covered children to the superintendent.

[13.10.40.8 NMAC - N, 01/01/2023]

13.10.40.9 BILLING AND ENFORCEMENT:

A. Billing cycle. The department shall send out the invoices to each health insurer and each group health plan for one-fourth of its proportionate share of the estimated amount and reserve calculated pursuant to Subsection B of this Section, as required by Subsection D of Section 25-5A-3 NMSA 1978, according to the following billing cycle:

Billing Cycle	Department's Invoices Date	Insurer's and Group Health Plan's Due Date
July 1 to September 30	September 1	October 1
October 1 to December 31	December 1	January 1
January 1 to March 31	March 1	April 1
April 1 to June 30	June 1	July 1

B. Payment. A health insurer or group health plan shall remit payment to the department's fiscal agent in the manner directed by the department in the invoice, with a corresponding notification of remittance to vpa.fund@state.nm.us.

(1) The annual amount to be reimbursed by each health insurer or group health plan shall be a fraction, the denominator of which is the total number of insured children reported by all health insurers and group health plans and the numerator of which is the number of insured children reported by such health insurer or group health plan, multiplied by the total amount as determined by the department to be expended annually in the corresponding year.

(2) Failure to remit payment within 30 days receipt of the invoice will result in the issuance of a penalty pursuant to Subsection D of Section 24-5A-7 NMSA 1978.

C. Provider prohibition. To avoid duplication of payment, any providers who administer vaccines are prohibited from billing health insurers and group health plans for the cost of any vaccine which was provided to them by the department.

D. Initial review. Each health insurer or group health plan may request an initial administrative review of their invoice by the department in the event of a dispute over the invoice amount.

(1) The health insurer or group health plan may submit a letter requesting an initial administrative review of the invoice and any supporting documents to the immunization program manager or designee within 10 days of receipt of the department's invoice. Such requests shall be submitted to the immunization program manager at P.O. Box 26110, Santa Fe, NM 87502-6110, and via email at vpa.fund@state.nm.us. The health insurer or group health plan shall send a copy of the request to OSI.

(2) Within 10 working days of receipt of the request for an initial administrative review of the invoice, the department of health's immunization program manager or designee shall review the request for an initial administrative review of the invoice and any supporting documents. After the administrative review is complete the department's immunization program manager or designee shall notify the health insurer or group health plan by mail

if the invoice amount will remain unchanged or modified.

(a)

If a modified invoice is issued by the department then payment is due within five days of receipt of the modified invoice or on the due date identified in the original invoice, whichever is later.

(b)

If the invoice remains unchanged then the invoice amount is due within five days of receipt of the department's decision or on the due date identified in the original invoice, whichever is later.

E. Referral. The department shall refer to the superintendent any health insurer or group health plan that has failed to fully reimburse, including any applicable late penalties, the department within 30 days of the date of invoice. Referrals for invoices subject to review as authorized in Subsection D shall be made within 30 days of the department's decision.

F. Notices. Within 10 days of receipt of report of delinquent account, the superintendent shall;

(1) Inform a delinquent health insurer or group health plan of the failure to timely pay the invoice, the invoice amount, the \$500 a day civil penalty, calculated from the date payment on the invoice was due, and any applicable interest.

(2) Notices shall be delivered in writing to the group health plan or health insurer's designated contact person, and include instructions about how to remit payment.

(3) The superintendent shall provide a copy of this notice to the department.

G. Interest. Interest on late payments and penalties shall accrue at the post-judgment interest rate in effect at the time of default. [13.10.40.9 NMAC - N, 01/01/2023]

13.10.40.10 PUBLICATION: The superintendent shall, by January 31st of each calendar year, make publicly available on their website, a comprehensive list of all health insurers and group health plans that

a) maintained compliance with the VPA in the preceding year, b) failed to comply with reporting requirements under the VPA, and c) failed to make timely payments under the VPA. [13.10.40.10 NMAC - N, 01/01/2023]

13.10.40.11 ACCOUNTING OF THE FUND:

A. Expenditures. Money in the fund shall be expended only for the purposes specified in the VPA, by warrant issued by the secretary of finance and administration pursuant to vouchers approved by the secretary of health.

B. Audit. The fund shall be audited in the same manner as other state funds are audited, and all records of payments made from the fund shall be open to the public.

C. Balance. Any balance remaining in the fund shall not revert or be transferred to any other fund at the end of a fiscal year.

D. Investment. Money in the fund shall be invested by the state investment officer in accordance with the limitations in Article 12 Section 7 of the constitution of New Mexico. Income from investment of the fund shall be credited to the fund.

E. Estimate. July 1 of each year thereafter, the department shall estimate the amount to be expended annually by the department to purchase, store, and distribute vaccines recommended by the advisory committee on immunization practices to all insured children in the state, including a reserve of ten percent of the amount estimated.

F. Update. The department may update its estimated amount to be expended annually and its reserve to take into account increases or decreases in the cost of vaccines or the costs of additional vaccines that the department determines should be included in the statewide vaccine purchasing program and adjust the amount invoiced to each health insurer and group health plan the following quarter. [13.10.40.11 NMAC - N, 01/01/2023]

13.10.40.12 HEARING RIGHTS: Any person aggrieved

by any action, threatened action, or failure to act by the superintendent shall have the same right to a hearing before the superintendent with respect thereto as provided for in general under Chapter 59A, Article 4 NMSA 1978 and the implementing rules. There shall be no right to hearing by the department. [13.10.40.12 NMAC - N, 01/01/2023]

History of 13.10.40 NMAC:
[RESERVED]

WORKFORCE SOLUTIONS, DEPARTMENT OF

This is an amendment to 11.1.2 NMAC Sections 18, 20 and 21 to be effective 1/1/2023.

11.1.2.18 JOB CLASSIFICATIONS AND DESCRIPTIONS: The job classifications and descriptions for public works projects shall be as follows:

A. Asbestos worker or heat and frost insulator: The preparation, alteration, application, erection, assembling, molding, spraying, pouring, mixing, hanging, adjusting, repairing, dismantling, reconditioning, maintenance, finishing or weatherproofing of cold or hot thermal insulations with such materials as may be specified when those materials are to be installed for thermal purpose in voids, or to create voids, or on either piping, fittings, valves, boilers, ducts, flues, tanks, vats and equipment, or on any hot or cold surfaces for the purpose of thermal control, or to be installed for sound control on mechanical devices; equipment; piping and surfaces related in an integral way to the thermal insulation of such mechanical devices, except for materials applied inside sheet metal ducts and fittings. This work also includes all labor connected with:

(1) insulation for: temperature control (excluding batt, and blown-in [~~and sprayed-on~~

insulation]); personnel protection or safety; prevention of condensation; fire proofing of building penetrations.

(2) distribution of, cleanup of, and removal from surfaces as described above, which surfaces will be reinsulated with (excluding demolition which is covered under the laborers classification) the materials they apply.

B. Boilermaker:

Assembles prefabricated boiler parts and fittings to build steam boilers, tanks, vats and other vessels made of ten gauge or heavier metal, and installs catwalks, platforms, stairways and ladders which are erected on, and supported by storage tanks for liquid or gas when such tanks were erected by boilermakers, and installs all catwalks, platforms, stairways and ladders which are erected on and exclusively supported by a pressure vessel.

C. Bricklayer,

blocklayer, stonemason: Constructs partitions, fences, walks, fireplaces, chimneys, smokestacks, etc., using brick, structural tile, concrete and other types of structural block. This classification shall include the setting of stone, marble, slate, and artificial stone. All cutting, grouting and pointing of materials listed above shall be a part of this classification. May also build or repair brick, block, or stone retaining walls, cutting or placing of brick in mortar or other similar material.

D. Carpenter

or lather: Sets batterboards, builds and sets forms for concrete, or structural stud except as provided elsewhere. Builds and erects wood and metal products for the framing of structure or building, including bearing and non-bearing walls, framework in buildings, including partitions, floor and ceiling joists, studding, and rafters. Installs wood subflooring and hardwood flooring. Builds wood stairways, cabinets, steps, etc. Installs wood or premanufactured molding, paneling, doors, windows, etc., products and components related to office interiors - partitions, draperies, shelving, panels, doors, (metal, wood,

etc.); including hardware; insulation around concrete slabs. Install pin metal or steel studs and wood furring (except on roofs). Carpenters may shoot grades for surveying and attaches "sheetrock" and similar wallboard materials to walls and ceilings. Installs insulation material in walls, ceilings, and under floors of buildings where such insulation is not laid in cement or other plastic materials. Sets all woodworking equipment and operates same. Builds forms and structural element for pre-cast and pre-stressed concrete of all types and shapes on project site. Erects self-supporting scaffolding. Installs light iron and metal furring such as rods, channels and other bars or systems to which metal lath, rock lath or other materials used as a substitute for lath are to be attached. Installs metal lath, rock lath, and other materials used as a substitute for lath. Installs metal plastering accessories such as corner beads, door and window casing beads, metal picture mold, chair rails and other metal plastering accessories which are covered and serve as a ground or guard, except that metallic corner beads, when installed by using plastic material, shall be installed under the "plasterer" classification. Cuts wood materials using a stationary or portable power saw of one or more horsepower. Sharpens by use of files, all types of saws and saw blades used for the cutting of wood materials.

E. Carpenter

(millwright): Performs work necessary to assemble, level, align, secure, dismantle, adjust and maintain permanent stationary pumps, motors, generators, turbines, fans, compressors or torque converters which require precision leveling and alignment of such equipment. Installs reduction gear boxes, fluid drives, and speed increasers, including the connection of same to pump or compressor coupling. May align and secure other direct drive motors and machines requiring precision alignment. Installation, repair, or removal of all pulleys, sheaves, sprockets, gears and flywheels including all belts, cables and chains.

Fabricates or installs all templates, soleplates, grout pads and wedge blocks for all machinery requiring foundation or bolts. Installs all machinery, equipment and conveying devices in all classes of plants, factories, buildings, amusement parks, mills, shops stores, warehouses and construction or mining sites.

F. Carpenter

(piledriver): Rigs piledriving equipment, signals pile rig and guides pile and leads to point pile is driven, aligns and plumbs pile using tape and level during driving; splices piles before, during and after driving, cuts off piles, realigns piles after driving. In "piledriving" operations, handles wood, metal, sheetpiling, steel H-beams, concrete, or pipe, fastens them to cable of wench or piledriver, shifts timber piles with cant hook, cleans and points pile with axe or shovel. May drill pilot holes.

G. Cement mason

(composition or mastic - finishing machine operator): Finishes concrete to a specified finish and grade on footings, floors, walks, steps and all concrete surfaces by using tools of the trade such as trowels, floats, screeds, etc. Sets to grade and aligns screeds one board high. Sets to grade and aligns forms for sidewalk, curbs and gutters. Fabricate, cut, bend and tie reinforcing steel and mesh to be placed within the forms for sidewalk, curbs and gutters. Patching, filling of voids and rubbing of concrete to a specified finish, which requires the use of power tools and tools of the trade. Bushhammer and related finish procedure. Concrete saw operation when used on new construction to saw control joints. Vibrating screeds and rollers to achieve final level of concrete. Guniting, in cement mason operation, when it is less than one and one-half inches in thickness, the handling and control of the nozzle shall be the work of the "cement mason." All work involving the laser screed including the ride-on, laser-guided, vibratory screeding machine that establishes grades by laser which disperses concrete by auger and thoroughly vibrates and consolidates the concrete. Applies coloring

material to concrete, also uses mastic to level and waterproof concrete, where tools of the trade are involved. Operates troweling and floating machines which are used in the finishing of concrete. Cementitious insulation, screed wet material to required thickness and darby joints to leave a surface suitable for roofing.

H. Electrician
classifications and description -
Outside:

(1) Groundman (outside): Assists "lineman" and "equipment operator" in their tasks except that the "groundman" does not climb poles or towers.

(2) Equipment operator (outside): Operates power driven equipment used in the erection and installation of materials and apparatus outlined under the "lineman" classification. Includes directional boring to install underground pipe, conduit or cable.

(3) Lineman or technician (outside):

(a) Performs all electrical construction work outside of isolated plants and the property lines of any given property, but not electric signs, and not street electrical decorations, except when messenger or guy wire is necessary for support and when fed and controlled from the street.

(b) Street lighting, traffic signalization, and related wiring when fed and controlled from the street. All line work consisting of wood, concrete or metal (or substitutes therefore), poles or towers, including wires, cables or other apparatus supported therefrom. Line work in public, private or amusement parks.

(c) All work necessary to the assembling, installation, erection, operation, maintenance, repair, control, inspection and supervision of all electrical apparatus, devices, wires, cables, supports, insulators, conductors, ducts and raceways when part of distributing systems outside of buildings, railroads and outside and directly related railroad property and

yards. Installing and maintaining the catenary and trolley work on railroad property, and bonding of rails. All underground ducts and cables when they are installed by and are part of the system of a distributing company, except in power stations during new construction, including ducts and cables to adjacent switch racks or substations. All outdoor substations and electrical connections up to and including the setting of transformers and all connecting of the secondary buses thereto, and all other related work.

(4) Cable splicer (outside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminate gas or liquid filled power cables, when part of a distribution system outside of buildings.

(5) Journeyman technician (outside): Limited to performing only street lighting, traffic signals, and wiring when fed and controlled from the street.

I. Electrician
classifications and descriptions -
Inside:

(1) Wireman or technician (inside): Installs wiring for automatic doors. Plans and executes the layout and installation of electrical conduit, switch panels, buss bars, outlet boxes, electrical wires and cables, lighting standards, lighting fixtures, receptacles, switches, and other electrical devices and apparatus necessary for the complete installation of wiring systems on commercial, industrial, and residential jobs, except electrical work which is incidental to the installation of elevators and escalators and is described under "elevator constructor".

Analyzes proposed telephone and communication systems during the pre-installation stage to detect any basic conflicts in either equipment arrangements or plant facilities. Isolated trouble conditions in inoperable telephone communications systems. Installs a variety of equipment relating to telephone interconnect communication systems

and devices including private branch exchange (PBX-PABX), key equipment and associated devices.

(2) Cable splicer (inside): Splices or terminates power cables which are designed to be used for voltages above 2,000. Splices or terminates gas or liquid filled power cables.

J. Low voltage electrician classification: Low Voltage Technician: Installs pathways (j-hooks) and wiring for low voltage cabling coax or fiber optic and terminates ends of the different types of cables levels and tests. This work includes voice, data security, access control, building automation and video surveillance. Repairs and services inter-communications systems, i.e. speakers, buzzers, microphones, signal lights or other units or components that are an integral part of such system.

K. Elevator constructor: Assembles and installs machinery and devices incidental to a complete elevator or escalator installation, including elevator cars, cables, counterweights, guide rails, hoisting machinery, etc. Installs all electrical wiring which is incidental to the installation of automatic elevators and escalators with the exception of power feed wires to the controller, which shall be classified as a task of "electricians". Steel trusses, girders, and supports for escalators, where riveted or welded and metal frames and bucks for elevator door openings shall be installed under the "ironworker" classification.

L. Elevator constructor helper: Assist elevator constructor in the performance of all phases of their work.

M. Glazier: Installs metal window and door frames without glass, curtain wall systems, window wall systems, cable net systems, canopy systems, structural glazing systems, unitized systems, interior glazing systems, photovoltaic panels and systems, suspended glazing systems, louvers, skylights, entranceway systems including doors and hardware, revolving and automatic door systems, patio doors,

store front systems including the installation of all metals, column covers, panels and panel systems, glass hand rail systems, decorative metals as part of the glazing system, and the sealing of all architectural metal and glass systems for weatherproofing and structural reasons, using vinyl, molding, rubber, lead, sealants, silicone and all types of mastics in wood, iron, aluminum, sheet metal or vinyl sash, doors, frames or any materials of the above systems as part of the glazing systems. Installs glass, including plate and window glass, mirrors, beveled plate, rough ribbed, wire, figured, colored, art and other type glass or substitute for glass when set in sash, frames, doors, skylights, etc., when set with putty, molding or other methods which are common to the glazing trade.

N. Ironworker: Installs reinforcing iron and steel for concrete structures. Installs fabricated steel members such as girders, columns, beams, and bracing in structures to form the steel framework. Installs metal stairways, catwalks, ladders, and decking. Installs ornamental iron and steel. Erects structural steel radio and television towers. Sets wall bearing steel bar joists in building structures. Performs layout work for rods within project area. Fastens rods in place with wire or fasteners; bends or adjusts as required. Selects and places steel bars or spirals in concrete forms to reinforce concrete; fastens rods together with wire or patented fasteners; may cut rods with hack-saw or oxyacetylene torch. May bend rod, using rod bending machine, performs layout work and proper placing of steel in the concrete forms. May prefabricate reinforcement assembly for placement complete in forms. Works as a member of a group that raises and places fabricated or precast concrete beams or structural steel members, such as girders, plates, columns, and units them permanently to form a completed structural steel framework. Heats rivets, signals erection crane, splices cables, rigs equipment. May include dismantling and erecting large units of equipment.

May suspension bridge cables. Erects, trims, and fits together by means of bolts and clamps, iron grills, grating, and special stairways. Erects ornamental enclosures and other iron work not included in structural ironwork. Fastens ironwork to walls of buildings by means of bolts, brackets or anchors. Fastens newel posts, baluser, and other parts of stairways by fastening to supports or embedding them in sockets. Forges, welds, drills and cuts as needed.

O. Painter (brush): Applies paint, stain, lacquer, varnish, etc., to surfaces in, on or around building structures, using appropriate brushes, rollers, sprayers or trowels. Does preparation of surfaces to receive paint, including sandblasting, small patching, sanding and spackling. Mixes and prepares paints and other materials which are to be applied by painters. Seals, sands and varnishes hardwood flooring. Paints structural steel framework of bridges; guard rails and cables of bridges; and all other surfaces requiring paint. May erect and rig stages and platforms from which painters are to work, including swing stage scaffolding, bosun's chairs, mechanical, staging, cornice or roof hooks, scaffolding, and other devices and apparatus necessary to provide safe forking conditions for painters. Operates gasoline-powered compressor striping machine and walking type sprayers for striping parking lots, etc.

P. Paperhanger: Applies wallpaper, fabric, or other materials used in the same manner as wallpaper, to the interior of rooms. Performs work necessary to prepare surfaces to receive wallpaper or other similar material including removal of old wall paper.

Q. Drywall finisher or taper: Prepares drywall type construction to receive paint, texture, etc. by pointing, taping, bedding, texturing, skimming, wire brushing, stripping, wax, or acid application and finishing.

R. Plasterer: Applies interior and exterior plastering of cement, stucco and stone imitation

or any patented materials when cast. Applies acoustical plaster or materials used as substitutes for acoustical plaster, as well as the preparatory pointing and taping of drywall surfaces to receive these finishes. Applies scratch and brown coats on walls and ceilings where tile, mosaic or terrazzo is to be applied. Molds and sets ornamental plaster and trim and runs ornamental plaster cornice and molding. Install metal corner beads when stuck by using plastic materials. Applies gunite, in plastering operations, when it is one and one-half inches in thickness, the handling and control of the nozzle should be the work of the plasterer. Spray fire proofing material on steel beams or columns. Trowel or sprayed on foam insulation on walls before stucco, etc. Patching outside concrete walls.

S. Plumbers and pipefitters: Fabricates and installs piping, and tubing systems, including installation of all necessary hangers and supports, which are to conduct water, steam, air, and other fluids or gases in and around buildings. Also installs vacuum piping systems. Installs drainage and sewage lines (laterals) from buildings to the point of attachment to mains. Installs plumbing fixtures, such as sinks, faucets, drinking fountains, commodes, etc. Installs refrigeration equipment. Performs cutting, welding and burning which is incidental to the work of plumbing or pipefitting, except as is described under "lead burner". May do other work in connection with the installation and testing of heating and cooling apparatus and control devices.

T. Plumbers and pipefitters (lead burner): Performs cutting, burning and welding operations on lead pipes, tanks, reservoirs, etc.

U. Roofer: Installs, installs alters or repairs roof systems on new or existing roof decks to create a weatherproof and waterproof protective membrane, with or without insulation, using asphalt, pitch, tar, sealants, single ply or multiple ply materials, felt, shakes, shingles,

roof tile, slate, coatings, urethane, urethane foam, metal or any other approved roofing materials, including the preparatory work necessary to bring such surfaces to a condition where roofing can be installed, sealed, or repaired. Includes cutting, shaping fabricating and installing or wood, metal or other approved materials for fascias, soffits, copings, cornices, canals, flashing, gutters, leaders, rainwater downspouts, pans, prefabricated chimneys, at or near roof lines, metal flues, prefabricated roof curbs. Installs roofing insulation, and other necessary waterproofing and damp proofing on walls and floors below ground. May perform other water-proofing operations using methods which are common to the roofing trade. Handles all roofing materials at job site and performs all roofing clean-up. Tears off old roof when roof is to be replaced.

V. Sheet metal worker: Fabricates and installs heating and air conditioning ducts and other ductwork. Fabricates and installs hangers, brackets, etc., used in the installation of sheet metal, and installs grills, registers, etc., which are part of duct systems. Fabricates or installs architectural sheet metal in and around buildings, including metal panel systems, canopies, awnings, exhaust louvers, and cupolas. Installs warm air furnaces except where necessary piping for gas or oil is performed under the plumbing and pipefitting classification. Performs the testing, measuring, adjusting of air and hydronic flows in a building to meet design specifications and local building codes to ensure thermal comfort, indoor air quality, and system energy efficiency are optimized, performs periodic inspections of fire, smoke and combination fire and smoke dampers and conducts differential pressure measurements across, and force testing of stairwell egress doors and performs the functional testing and general required maintenance of smoke control systems and is responsible for recognizing the proper installation, application, and usage of smoke control systems. May install

other heating and cooling devices which are in connection with duct systems.

W. Soft floor layer: Cleans and prepares floors and other surfaces to which linoleum and floor tile is to be applied. Lays carpets. Applies appropriate cement to floors and surfaces and installs materials such as sheet rubber, sheet vinyl, asphalt tile, cork tile, linoleum, rubber tile, artificial turf and other resilient floor coverings. Rolls finished floors and surfaces to smooth and press down coverings which have been applied. Mixes and pours liquid seamless floor covering on floor, gyms, etc. Installs decorative or protective trim to and adjoining the above materials including the attaching of cap strips, nosing, and slats.

X. Sprinkler fitter: Fabricates, assembles, and installs all piping and auxiliary devices which are necessary for the complete installation of sprinkling systems for fire protection in buildings.

Y. Tile setter: Applies glazed, unglazed, mosaic, and other ceramic tiles which are used as a surface on floors, walls, ceilings and other surfaces and which must be set to a specified grade. Applies and floats all setting beds which these tiles are set into. Levels and plumbs these tiles to the specified grade.

Z. Tile setter helper: Handles and mixes materials to be used in floating beds, generally assists tile setter by delivering materials, cleaning and caring for tools.

AA. Power equipment operators - group I performs the following tasks or operate the following equipment:

(1) Concrete paving curing machine (Bridge type): Operates self-propelled machine and operates pump on the machine which sprays curing compound on freshly poured concrete. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Fireman: Hand strokes or fires by gas or oil, a portable or semi-portable steam boiler, such as is used on steam

shovels, pile drivers, cranes, dredges, hoisting equipment and asphalt plants.

(3) Oiler:

A service man who lubricates mechanical equipment, gives signals to operator when applicable, changes oil, greases and filters, refuels equipment. May assist mechanic, head oiler or operator in assembling, setting up, adjusting, maintaining (including operation of steam cleaners) and repairing all types of construction equipment. May, when servicing equipment, drive a truck which carries fuels, oils and greases. May use the tools of the trade at and under the direction of a mechanic, head oiler or operator.

(4)

Screedman: Manipulates handwheels or other devices to raise or lower screeds of asphalt machine. Regulated width of screed and depth of material. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(5) Scale

operator such as (bin-a-batch).

(6) Tractor

(under 50 drawbar h.p. without attachments): Operates a small diesel or gasoline powered rubber-tired, farm -type tractor, with no attachments, to pull by drawbar, seed drills, etc. May oil, grease, or otherwise service and make necessary adjustments.

(7) Industrial

locomotive brakeman: A semi-skilled operator who hooks and unhooks various cars, throws switches, operates car dumps, signals locomotive operator, manipulates controls of loading devices (hopper conveyors, etc.) and assists locomotive operator. May oil, grease or otherwise service and make necessary adjustments.

(8) Helpers:

mechanic, welder, grease truck and crane oiler.

AB. Power equipment operators - group II performs the following tasks or operate the following equipment:

(1) Tractor

(under 50 drawbar h.p. with attachments): Operates a small diesel

or gasoline powered rubber-tired or crawler tractor. May be used with attachments such as dozer, tampers, posthole diggers, postdrivers, etc. May be used to pull brooms, sleds, trailers, etc. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Air compressor (315 c.f.m. and over): Keeps compressor fueled, oiled, clean and ready for service. Keeps oilers and air lines working properly, full of proper oil, sets and checks valves on oiler, sets and checks air pressure, cut off valve and gauges, checks and maintains air tools, keeps moisture drained from air tanks, checks governor, sets throttle to avoid compressor damage. Checks and repairs air brakes on compressor and repairs air hose.

(3) Pumps (six inch intake or over): Operates water pump which pumps water for roadway, prewetted, pumping by transmission line from water source to job area or other use. May oil, grease, prime, or otherwise service and make necessary adjustment to equipment as needed.

(4) Mixer, concrete (one cubic yard and less): Operates a small, portable concrete mixing machine to mix sand, gravel, cement and water to make concrete. Starts power unit and does or oversees loading of materials. Controls the mixing by levers to discharge concrete from drum. This small machine is sometimes charged by shoveling in the proportions of materials directly into the mixing drum and some others have a skip into which materials are shoveled before being hoisted into the mixing drum. Rinses drum with water to remove adhering concrete. May oil, grease or otherwise service and make necessary adjustments as needed.

(5) Roller (sheepsfoot or pneumatic self-propelled without dozer): Operates a diesel or gasoline driven self-propelled machine used for compaction. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(6) Service truck operator (head oiler-type B or C work): An operator of a truck equipped with high pressure grease and oil dispensing equipment. Maintains service records and performs preventative maintenance and visual inspection. Reports vehicle discrepancies to foreman or mechanic.

(7) Screening plants: Operates a screening plant to sort and segregate material. Regulates flow of material through chute to screener. May perform other related work. May oil, grease, or otherwise service and make necessary adjustments or repairs to equipment as needed.

(8) Belt type conveyors (material and concrete): Operates an endless belt-type conveyor that is a machine designed so the belt operates between a head pulley and tail pulley which are located on the opposite ends of the conveyor frame. The belt rides on carrier rollers so formed in shape and positioned that the belt forms a trough to carry the loose material. The operator starts and stops the belt as necessary, maintains the carrier rollers and belt splices, regulates belt speed for correct loading for efficient operation and belt life, maintains belt alignment to insure the belt is not loaded on one side which results in excessive belt wear. Conveyors are used efficiently in confined areas particularly in the placement of concrete with portable type conveyors. (Conveyor systems which are part of a plant shall be operated by the plant operator). May oil, grease or otherwise service and make necessary adjustments.

(9) Concrete paving joint or saw machine or grinder span type: Operates a self-propelled machine which travels on paving form or pavement and cuts grooves for expansion and contraction joints in freshly poured concrete or cured pavement. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(10) Hoist (one drum): Operates a single drum

machine powered by air, electric, gasoline or diesel. Actuates valves, levers, brakes or other control devices which regulates linepull, hold or line release in accordance with signals received by sight, hearing or other signaling devices as necessary. Machines are used for various pulling and hoisting operations on construction work such as to hoist and lower material in various elevations or to hoist and lower material in construction and assembly. May oil, grease or otherwise service and make necessary adjustments.

(11) Air tugger
(12) Elevating

belt type loaders: Operates a self-propelled or tractor-drawn elevating grader, bucket, or belt loader. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(13) Lumber stacker: Operates machine designed to straddle bundles or stacks of lumber or other objects suitable to be handled by this specialized machine, hoists and moves materials to various locations. May oil, grease or otherwise service and make necessary adjustments.

(14) Winch truck: Drive a heavy duty gasoline or diesel truck equipped with a winch and gin poles or other hoisting devices. Shifts winch gears in accordance with signals from helper on ground. May service and make necessary adjustments for proper operation of equipment.

(15) Front end loader (under two cubic yards): Operates a runner tired or crawler-type tractor with an attached bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(16) Fork lift: Operates a machine powered by gasoline, diesel or electric power that is equipped with a vertical hoisting and lowering device that may be canted forward and reverse of vertical center by means of control devices.

Machine is equipped with fork lifting and designed to slide under loads, machine is used for lifting and transporting loads. May oil, grease or otherwise service and make necessary adjustments.

(17) Power plant (electric generator or welding machine): Operates a diesel or gasoline driven machine that generates A.C or D.C. current of 15 K.W. or more used for lighting and electrical power. Keeps cycle and synchronization control board in adjustment adhering to manufacturers specifications. Keeps governor relay in adjustment. Operates welding machine in bank, for arc-welding, uses armature dressing stone as required and resets welding heats as required. May oil grease or otherwise service and make necessary adjustment. May perform other related duties. (Electric power plants, when the principal use is to furnish electric power for camp sites, shall be excluded).

(18) Cat head winch

(19) Oiler with CDL

(20) Concrete curbing machine

(21) Inside and outside material and personnel elevators

(22) Industrial locomotive motorman: An operator of gasoline, diesel or electric powered railroad locomotive used to push, pull or switch railroad cards of various designs loaded with muck, concrete, aggregate, or other applications suitable for rail transport. May oil, grease or otherwise service and make necessary adjustments.

AC. Power equipment operators - group III performs the following tasks or operate the following equipment:

(1) Bituminous distributors

(2) Boilers

(3) Asphalt

Retort heater: Operates a stationary or portable piece of equipment designed to apply heat to a tank, tank car, or tank truck containing

asphalt. Starts fire, controls heat applied to tank by regulating burners. Starts, stops and controls flow of recirculating pumps. Maintains desired temperature in asphalt, regulates valves for discharge of asphalt from tank. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(4) Mixer, concrete (over one cubic yard): Operates a large, portable or sometimes stationary concrete mixing machines to mix sand, gravel, cement and water to make concrete. Starts power unit and oversees the loading of proper proportions of materials into the skip and then manipulates levers that control feeding of material into mixing drum. Starts drum rotating to mix materials; manipulates lever to discharge concrete from drum, either by tilting drum forward or by opening a discharge chute. Rinses drum with water to remove adhering concrete. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(5) Concrete paver mixer (single drum): Operates a paving machine that mixes and dumps concrete, the machine consisting primarily of a skip, concrete mixer, and a boom equipped with a traveling bucket and a power plant, all mounted upon a crawler or wheel unit. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(6) Drilling machine (cable, core or rotary): Sets up and operates a portable cable, core, diamond or rotary drill for the purpose of drilling water wells or exploratory drilling. May drill pilot holes for piling. May oil, grease, or otherwise service and make necessary adjustments.

(7) Shaft and tunnel type equipment:

(a) Refrigeration: Operates a plant designed to circulate brine or other refrigerant through piping system to freeze specified areas for purpose of drilling, trenching, boring, blasting and stabilizing formations to permit such operations. Maintains pressures,

vacuum, intercooling and other related functions. May keep brine or other refrigerants at proper levels in supply tanks.

(b) Slusher operator: Operates hoist as described under one or two drum hoist to raise and lower, drag and release a bucket similar to dragline bucket without a bottom in it. To move loose material into dump chute or other purposes. Sheaves to control line direction are usually secured to roof, side or face of excavation by rock bolts. May oil, grease or otherwise service and make necessary adjustments.

(c) Jumbo form or drilling stage: Operates a specialized machine usually mounted on rails or rubber-tired wheels which has surrounding it, expandable, retractable forms. Drilling stage consists of one or more drilling stages from which drilling operations at the phase are performed for blasting. The operator positions machine for drilling, removes it for blasting, connects and disconnects air and water lines from the source as needed. May oil, grease or otherwise service and make necessary adjustments.

(8) Trenching machine: Operates a power-driven machine that digs trenches for sewer, water, drainage, oil and gas pipelines, footings, etc. The trenching machine is mounted on crawler treads or rubber tires with the digging equipment usually consisting of an endless chain or wheel or edged buckets that excavate and deposit the material on a conveyor belt which in turn discharges the material at the side of the trench. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(9) Pumpcrete machine: Operates a concrete pumping machine that pumps fresh concrete from mixer to forms that mold fresh concrete. Sets up pump, operates power unit of pump and allows fresh concrete to flow into hopper or pump. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(10) Guniting machine: Operates a machine designed to pump dry sand and cement mixture forced under high air pressure to various areas specified for guniting treatment. May oil, grease or otherwise service and make necessary adjustments.

(11) Concrete slip-form paving machine: Operates a self-propelled machine with long forms attached which move along with the machine. Machine vibrates, screeds, spreads and finishes the surface. Operates a roto-mill machine (machine with plane to smooth). May oil, grease or other service and make necessary adjustments to equipment as needed.

(12) Mechanical bull floats

(13) Concrete paving spreader: Operates a self-propelled machine that rides on the paving forms. Operates controls to spread fresh concrete evenly over subgrade or in concrete forms. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(14) Concrete paving finishing machine: Operates self-propelled machine which travels on subgrade or paving forms and levels fresh concrete to approximate grade and contour by pushing and pulling screeds over the surface. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(15) Subgrade or base finisher: Sets and adjusts machine to grade or string line. Operates necessary controls for grading, cutting and finishing subgrade or treated and untreated base material. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(16) Concrete paving sub grader: Operates a machine that finishes subgrade. Machine runs on concrete paving forms or subgrade and is equipped with knives or blades to loosen material and eject same from subgrade. May oil, grease or otherwise service equipment as needed.

(17) Concrete paving form grader: Operates a machine that controls subgrade under forms used in concrete paving and is equipped with knives or blades to loosen dirt and eject same from the form line grade. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(18) Concrete paving gang vibrator: Operates a self-propelled machine which travels on paving forms and operates levers to lower multiple vibrator heads into freshly poured concrete. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(19) Concrete paving longitudinal float: Operates a self-propelled machine which travels on paving forms and moves levers to strike off the concrete to correct elevation. Machine has one or more screeds traveling longitudinally. Operates milling machine (makes ridges). May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(20) Bituminous finishing machines

(21) Certified forklift

(22) Asphalt distributor: Sets spray bar and operates valves and levers of distributor to control distribution of oil or bituminous liquid, also may drive truck on one-man operated distributor. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(23) Asphalt paving or laydown machine: Manipulates controls of paving machine that spreads and levels asphaltic concrete. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

AD. Power equipment operators-group IV performs the following tasks or operates the following equipment:

(1) Front end loader (two through ten cubic yards): Operates a rubber tired or crawler-type tractor with an attached bucket

on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(2) Rollers steel wheeled (all types): Operates a self-propelled machine with steel flat wheels which is used to compact and smooth earth fills, flexible bases, bituminous roads surfaces. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Bulldozer: Operates a tractor with a concave steel scraper blade mounted in front of the chassis to level, distribute and push earth; regulates height of blade. Uses tractor as a pusher in loading earth carrying equipment. May oil, grease or otherwise service and make minor repairs to equipment as needed.

(4) Scrapers (motor or towed): Operates a tractor or self-propelled machine to pull a steel bowl-like scoop (scraper) mounted on wheels that scrapes up earth and transports it to a designated place; manipulates necessary scraper controls. May oil, grease or otherwise service and make necessary adjustments to equipment as needed, twin bowl scraper and quad eight or nine pushers (\$0.35 over base rate). Three bowl scraper (\$0.60 over base rate).

(5) Batch or continuous mix plant (concrete, soil, cement or asphalt): Sets up and operates a large portable or stationary plant for batching concrete, soil-cement or asphaltic materials and aggregates; responsible for control of mixture and plant. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(6) Bobcat with hydraulic backhoe with buckets up to one and one quarter cubic yards.

(7) Backhoes with buckets up to three-fourth cubic yard-Type B or C work.

(8) Small Articulating Truck

AE. Power equipment operators-group V performs the

following tasks or operates the following equipment:

(1) Concrete paver (double drum): Operates a paving machine that mixes and dumps concrete, the machine consisting primarily of a skip, concrete mixer and a boom equipped with a traveling bucket and a power plant, all mounted upon a crawler or wheel unit. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(2) Hoist (two drums): Operates a two drum machine powered by air, electric, gasoline or diesel. Actuates valves, levers, brakes or other control devices which regulates linepull, hold or line release in accordance with signals received various pulling and hoisting operations on construction work such as: to hoist and lower material in various elevations; to hoist and lower material in construction and assembly. May oil, grease or otherwise service and make necessary adjustments.

(3) Cat cranes

(4) Hysters

(5) Forklifts

over 20,000 lbs. lifting capacity grader

AF. Power equipment operators-group VI performs the following tasks or operates the following equipment:

(1) Mucking machine (all types): Operates a machine designed especially to work in confined spaces, generally operated by air or electric power to minimize air pollution, underground. Rocker shovel types have front-mounted buckets that are loaded by being pushed into the material and lifted over the machine and dumped into an attached car, or lifted to a point that gravity dumps the material from the back of the loaded bucket onto a conveyor belt that runs over the machine to a dumping point or into attached car. This type mucking machine usually operates on tracks or are crawler mounted. The bucket is hinged to a boom which in turn is hinged to a turntable on the main frame which allows the main frame

to travel in one direction while the swinging action of the bucket can reach out to the sides to remove such loose material generally called muck. These machines are especially suited for underground, emptying into conveyors or into cars. May oil, grease or otherwise service and make necessary adjustments.

(2) Tractor with hydraulic backhoe.

(3) Backhoes with buckets up to one and one quarter cubic yards- Type B or C work.

(4) Service truck operator (head oiler-type A or H work): An operator of a truck equipped with high pressure grease and oil dispensing equipment, which may have gasoline and diesel fuel tanks, who lubricates, changes oil and filters and refuels equipment. Maintains service records and performs preventative maintenance and visual inspection. Reports vehicle discrepancies to foreman or mechanic.

(5) Motor grader (rough): Operates motor grader. Blade is mounted on a carrying and turning circle under the frame of the machine. Equipment is used in leveling dirt to grade and in laying asphalt and flexible base materials. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

AG. Power equipment operators-group VII performs the following tasks or operates the following equipment:

(1) Steam engineers

(2) Front end loader (over 10 cubic yards): Operates a rubber tired or crawler-type tractor with an attached bucket on front end. Machine is used to load materials from stockpiles, excavation, charging batch plants, loading trucks. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(3) Concrete pump (snorkel type)

(4) Mining machine

(5) Concrete batching plant operator

(6) Asphalt plant operator

(7) Crushing plant operator- Operates a crusher to control flow of materials through plant. Regulates flow of rock through chute to crusher. May perform other related work. May oil, grease, or otherwise service and make necessary adjustments or repairs to equipment as needed.

(8) Hot plant operator

(9) Roof

Bolting Machine

(10) Shuttle Car Operator

AH. Power equipment operators-group (VIII-All shovel type equipment that does not require a State of New Mexico crane license) performs the following tasks or operates the following equipment:

(1) Side boom: Operates a diesel or gasoline powered rubber-tired or crawler-tractor on which is mounted a side boom attachment with necessary hoisting devices. Positions tractor, manipulates control levers, clutches, brakes, and other controls to raise or lower boom, raise or lower load. By tractor motivation, loads may be transported to desired location. May oil, grease or otherwise service and make necessary adjustments.

(2) Crane (crawler or mobile under ten tons): Operates crane type equipment to hoist and move materials and perform other related operations. Such equipment is used for pouring concrete, setting steel or other miscellaneous tasks for which crane type equipment is required. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Backhoes with buckets over one and one quarter cubic yards- Type B or C work.

(4) Backhoes over a three-fourth yard bucket—Type A or H work.

(5) Derrick, cableway: Operates guy, stiff leg or

other derrick, cableway. (Derricks are distinguished from cranes by being stationary and being supported by cables, or structural member, but may be repositioned to higher levels as construction progresses). Derricks use a hoist as described in building hoists, two drums and up, but may vary with different designs, as the source of power for line pull, hold or release through sheaves on the particular derrick or cableway for lifting and moving materials to higher, lower, or the same levels in construction. The operator controls in accordance with signals received by sight, hearing or other signaling devices. If necessary may oil, grease or otherwise service and make necessary adjustments.

(6) Track or excavator backhoe

(7) Pipemobile

(8) Pile driver:

Operates the basic machine, and applicable hammer controls to which pile driving attachments are attached. Pile driving attachments normally consists of leads, to service as a guide for the weight, hammer or extractor. The drop hammer is a weight hoisted by cable along the leads and released to fall by gravity onto the pile. Steam, compressed air, hydraulic, sonic and diesel hammers ride along the leads resting on top of pile or pile cap striking blows on the down stroke of the hammer, from its power source, onto the pile being driven. The extractor is a steam or air hammer that strikes its blows on the upstroke of the hammer equipped with devices for attachment onto the piling to be pulled. May drill or jet pilot holes. May oil, grease or otherwise service and make necessary adjustments.

(9) Mine

hoists: Operates hoists used in mining operations and in compliance with the department of mines regulations. Hoists and lowers men and materials in shafts and inclines in accordance to authorized signals. May oil, grease or otherwise service and make necessary adjustments.

(10) Motor grader (finish)

(11) Mechanic and welder: Assembles, sets up, adjust and maintains and repairs all types of construction equipment, such as internal combustion engines, air compressors, pumps, concrete mixers, heavy earth moving equipment, rock crushers and paving equipment.

(12) Mole operator: Operates a horizontal boring machine which is the vertical rotating cutter head which deposits muck onto conveyor that passes over the machine to a dump point. The operator controls the elevation and direction and travel by hydraulic rams. The machine is a specialized piece of machinery for tunnel boring. May oil, grease or otherwise service and make necessary adjustments.

(13) Mobile pipeline inspection camera

(14) Operator or rigger

(15) Crane inspector

(16) Continuous mining machine

(17) VAC jet rodder

(18) Equipment instructor

(19) Heavy equipment robotics operator or mechanic

(20) Ultra high pressure waterjet cutting tool system operator/mechanic

(21) Vacuum blasting machine operator or mechanic

(22) Master environmental maintenance mechanic

AI. Power equipment operators-group IX: operate hydraulic cranes with less than 150 feet of boom and over 10 tons but less than 100 tons lifting capacity including boom trucks (NM, Class II, license required).

AJ. Power equipment operators-group X: operate hydraulic cranes and boom trucks (100 tons and over); cranes and draglines with booms and jibs over 150 feet through 199 feet; \$.75 above base rate per hour additional; cranes 200 feet and over \$1.00 additional; tower

cranes (NM, Class I Crane License Required).

AK. Truck drivers group I:

(1) Pickup truck three-fourth ton or under: Drives a light truck for transporting small loads of construction materials, tools or equipment. May service and make necessary adjustments for proper operation of equipment.

(2) Service station attendant: Maintains service station. Washes, lubricates, fuels and otherwise services vehicles and equipment. Changes and repairs tires and tubes. Operates and maintains service station equipment.

(3) Swamper or rider helper: Assists truck driver. Shares with a driver the duties of loading and unloading a truck, shifting articles about on truck, handling cumbersome articles and may drive to relieve driver.

AL. Truck drivers-group II:

(1) Bus or taxi: Drives a bus or taxi to transport employees to and from construction project. May oil, grease, or otherwise service and make necessary adjustments to equipment as needed.

(2) Dump or batch truck: Drives a truck, under eight cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(3) Flatbed (bobtail) two ton and under: Drives a truck for transporting loads of construction materials or equipment. May load and unload truck. May service and make necessary adjustments for proper operation of equipment.

AM. Truck drivers-group III:

(1) Dump trucks (including all highway and off highway): Drives a truck, eight cubic yards and under 16 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(2) Tank truck:
Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank, under 3,000 gallons, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Flatbed (bobtail) over two tons: Drives a truck for transporting loads of construction materials or equipment. May load and unload truck. May service and make necessary adjustments for proper operation of equipment.

AN. Truck driver-group IV:

(1) Distributor (asphalt): Only drives truck equipped with tank and controls for regulating distribution of bituminous materials. Does not operate levers or valves (See Power Equipment Operators-Group III). May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Heavy tire repairman

(3) Lumber carrier: Drives truck that hauls logs and lumber with truck trailer or bobtail.

(4) Transit mix or agitator (two or three axle bobtail equipment): Drives a truck upon which is mounted a concrete mixer. Drives truck under loading hopper to receive sand, gravel and cement. Fills water tank and starts and stops mixer. Drives truck to location for unloading. Dumps concrete into chute leading to forms. Cleans mixer drum. May service and make necessary adjustments for proper operation of equipment.

(5) Scissor truck

(6) Trailer or semi-trailer dump: Drives a truck to which is attached a trailer or semi-trailer dump used in transporting construction materials.

(7) Field equipment servicemen

AO. Truck driver-group V:

(1) Dumpster or dumptor: Operator of a self-propelled, four-wheeled, rubber-tired truck type machine which is used in hauling of materials. Machine is normally used off the highway, working around rock crushers or excavation. Being reverse steer, the operator rides facing the dump-bed which is dumped by release of safety lock and sudden stop of machine, which causes off center loading of truck bed to dump. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(2) Tank truck:
Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank, 3,000 to 6,000 gallons, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(3) Lowboy, light equipment: Drives a truck to which is attached a trailer with a low frame or bed upon which light equipment or material is hauled. May service and make necessary adjustments for proper operation of equipment.

(4) Euclid type tank wagon under 6,000 gallons.

AP. Truck driver-group VI:

(1) Vacuum truck

(2) Dump trucks (including all highway and off highway): Drives truck, 16 cubic yards and under 22 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

AQ. Truck driver VII:

(1) Transit mix or agitator (semi or four axle equipment): Drives a truck upon which is mounted a concrete mixer. Drives truck under loading hopper to receive sand, gravel and cement. Fills water tank and starts and stops mixer. Drives truck to location for unloading. Dumps concrete into chute leading to forms. Cleans mixer drum. May service and make necessary

adjustments for proper operation of equipment.

(2) Flaherty truck type spreader box: Drives a self-propelled vehicle, consisting primarily of a hopper mounted on pneumatic-tired wheels, used to spread crushed aggregate on bituminous roadway material. May service and make necessary adjustments for proper operation of equipment.

(3) Slurry truck driver

(4) Bulk cement driver

(5) Semi doubles driver

(6) Four axle bobtail driver

(7) Dump trucks (including all highway and off highway): Drives truck, 22 cubic yards and under 36 cubic yards, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

(8) Head field equipment servicemen.

AR. Truck driver VIII:

(1) Diesel-powered transport (non-self-loading) 10 yards and over: Drives diesel powered Euclid Turnarocker, Terra Cobra, D.W.-10, D.W.-20 Le Tourneau pulls and similar diesel powered equipment when used to haul material and assigned to a "teamster".

(2) Lowboy, heavy equipment: Drives a truck to which is attached a trailer with a low frame or bed upon which light equipment or material is hauled. May service and make necessary adjustments for proper operation of equipment.

(3) Tank truck: Drives a truck or truck with trailer or semi-trailer, on which is mounted a tank 6,000 gallons and over, for transporting loads of liquid products or construction material. May oil, grease or otherwise service and make necessary adjustments to equipment as needed.

(4) Semi-trailer drivers (flatbed or van, tandems)

(5) Light equipment mechanic

(6) Dump trucks (including all highway and off highway): Drives truck, 36 cubic yards and over, for transporting loads of construction material. May service and make necessary adjustments for proper operation of equipment.

AS. Truck driver IX:

(1) Warehouseman: Maintains warehouse for construction supplies and materials. May operate necessary equipment and machinery within warehouse area.

(2) Cardex men

(3) Expediter

(4) Lowboy (heavy equipment double gooseneck)

(5) Heavy equipment mechanic

(6) Welder (body and fender man)

AT. Semi-skilled laborers Group II:

(1) Carpenter tender: Performs labor such as hand handling of materials used by carpenters. Assists in erecting and removing of forms, removes nails and clears lumber.

(2) Concrete worker or buggy operator: Pours and performs other work in relation to the lining with concrete. Operates buggy by pushing or pulling by hand between mixer or other source to site of work.

(3) Fire watch: a laborer who watches the work area for fires when craftsmen are cutting or welding.

(4) Scaffold tender: Tends to the scaffold builder.

(5) Certified flagman: Supervises flag and signing personnel. Prepares revision to the traffic control plan.

(6) Bleacher seating: Unloads, moves to place of erection, assembles and installation of all stadium seating.

(7) Fence builder: Digs post holes, pours concrete for posts, sets posts, stretches fencing material.

(8) Guardrail builder: Attaches and assists in the installation of guardrails, (other than guardrails on bridges) guardrail posts, informational signs and metal fencing; including barb wire, woven wire, and chain link which is used to define right of way, medians or driving lanes or provide safety for such areas. May require the use of small hand tools such as hammer and spud wrench.

(9) Form stripper: Strips, cleans and oils all types of concrete forms.

(10) Gabian basket builders: Assembles wire baskets for rip rap.

(11) Rip rap stoneman: One who places stones into gabian baskets.

(12) Drywall, stocking and handling: Carries and handles of all materials by hand to a point adjacent to place of erection. Assists in placement of materials.

(13) Fly ash vacuum operator: Installs vacuum lines and operates nozzle of vacuum hose at power plants in the cleanup of ash.

(14) Landscaping and planter: Duties include site development, soil preparation, rototilling, fine grading, soil amending, installation of plants, seeded and sodded grasses, gravel and bark mulches. Installation of landscape sprinkler systems including landscape irrigation backflow preventers, and all components downstream including pipe, valves, low voltage control wiring, irrigation controllers, sprinkler heads, and drip components. May operate small behind and stand-on only landscape equipment (including miniskid steers with attachments). Maintenance of landscapes including weeding, mowing, and irrigation repair. Duties do not include electrical work, fencing, concrete retaining walls or other work that is generally performed by skilled craftsmen.

(15) Manhole builder: Constructs a means of permanent access to water, electrical

and sewer lines for maintenance purposes.

(16) Tool room person: manages, inspects and coordinates all tool room activities and exchanges.

(17) Rodmen: holds survey rod.

AU. Skilled laborers: Group III:

(1) Air and power tool man (not a carpenter's tool): A worker who uses a tool driven by compressed air, gas or electric power to perform such work as breaking old pavement, loosening or digging hard earth, trimming bottom and sides of trenches, breaking large rocks, driving sheeting, chipping concrete, trimming or cutting stone, calking steel plates, or compaction of earthen backfill. Install plastic and PVC linings on ponds. Rotary man operates a hand-held device to make cuts on road with a person holding a nozzle to fill cuts with oil.

(2) Asphalt raker: Distributes asphaltic road-building materials evenly over road surface by raking and brushing materials to correct thickness; may control straight edge to regulate width and depth of materials; directs "asphalt shovelers" when to add or take away material to fill low spots or to reduce high spots. Applies color to tennis courts, etc. by using a squeegee. Applies epoxy on concrete floors to seal.

(3) Asphalt heaterman: Tends a stationary or portable liquid asphalt kettle, starts fires (usually fuel oil) under the kettle, controls heat applied to the kettle by regulating dials or burners, maintains desired temperature in asphalt, and regulates valves for discharge of asphalt from kettle.

(4) Asphalt jointman: Cleans and pours asphalt joints in concrete paving with nozzle or can. Takes care of asphalt kettle heaters.

(5) Chain saw-man: Operates a power driven chain saw to clear areas of timber. Falls trees, and sometimes cuts the fallen

trees into short sections to facilitate their removal.

(6) Oxy or Gasoline torch operators: Uses cutting torch only for demolition work on steel or other metal structures.

(7) Cutting torch or welding torch operator or burner person: Uses cutting torch only for demolition work on steel or other metal structures.

(8) Guniting rebound men: A laborer who shoots guniting into place.

(9) Concrete power buggy operator: Drives self-propelled buggy to transport concrete from mixer or source of supply to place of deposit. Operates levers to dump load.

(10) Sandblaster: Cleans and prepares surfaces by the use of sandblasting equipment other than preparation for painting (see painter).

(11) Potman: Cleans screens and feeds sand to hopper or pot of sandblasting machine.

(12) Wagon, air track, drill and diamond driller (outside): Sets up and operates air driven drilling mechanism that drills holes into concrete or rock. Levels machine by placing timbers under wheels. Inserts and fastens drill steel in chuck. Adjusts angle of drill tower and bolts into position. Controls drilling and speed of drill by moving levers. May make other adjustments to equipment as needed.

(13) Multi-plate setter: Assembles large diameter metal culverts by bolting together semi-circular pieces of metal to form a complete circle, and bolts each section of this circle to similar sections which are placed adjacently, repeating these processes until the required length of culvert is formed.

(14) Concrete burner: Operates a device used to burn holes, etc., through concrete. This device consists of a consumable aluminum-magnesium rod inside a small iron pipe. Oxygen is forced through the pipe under pressure, and the end of the assembly is lighted.

The concrete is melted by the intense heat of the device.

(15) Tenderers (to cement mason and plasterer): Assists in the pouring of concrete by spreading concrete, cleaning and caring of cement mason's tools, mixes mortar used in the patching of concrete. Mixes mortar for plasterers and delivers same to location where plasterers are working. Sets up scaffolding as directed by foreman where necessary, and cleans and cares for tools and equipment used in the preparation and application of plaster.

(16) Mortar mixer and mason tender: Mechanically mixes mortar ingredients to proper consistency and delivers to mason on scaffold or at site of work. Keeps materials supplied to mason.

(17) Batching plant scaleman: Manually operates a stationary or portable batching scale that weighs out concrete materials. Adjusts scales for required weight of the materials. Operates controls that admit materials separately from storage hoppers to weighing bins. Observes scales or indicators that show when proper amount of materials have been made. Discharges materials from weighing bin into truck or other carrier or mixer. He may measure materials by volume instead of weight.

(18) Concrete touch-up man: Prepares the surfaces of concrete masonry which is not to be finished (using tools other than those normally used by "cement masons") by patching holes and broken corners, and removing high spots and defective concrete.

(19) Concrete sawman - coring machine: Operates a power driven, hand guided, water-cooled saw or diamond driller which is used to cut through slabs of concrete, except as otherwise provided elsewhere.

(20) Curbing machine, asphalt or cement: Operates a machine which applies asphalt or concrete along the edge of highways or parking aprons to form a small curb.

(21) Metal form setter-road: Fits together, aligns and grades metal road forms for holding concrete in place on road and street surfaces. Dismantles, moves and cleans forms after concrete hardens.

(22) Grade setter or checker: Keeps stakes and stringline set in place out in front of trenching machine so that machine will cut ditch in correct location. Sets stakes so that pipelayers can fine-grade ditch and measure from the batter board down to correct depth of ditch.

(23) Guniting, pumpcreteman and nozzleman: Assists operator and handles the equipment and directs the placing of concrete or mortar that is moved by pressures or pneumatic equipment, such as guniting. May fine-grade and place wire mesh at times.

(24) Vibrator operator (hand type): Lowers hose-like flexible shaft of vibrator into newly poured concrete. Starts power unit and holds shaft, allowing hammerhead on shaft to vibrate, thus compacting the concrete. Air, electric or gasoline operated vibrators are used.

(25) Vibratory compactor (hand type): Operates hand guided vibratory or impact compactor. Adjusts levers, throttles and other devices necessary for operation.

(26) Hod carrier: Assists brickmasons, stonemasons and blockmasons by preparing mortar mix, either by hand or machine, delivers material to masons on scaffold, operates small material moving equipment such as power buggy, hoists, mortar mix pumps and other similar equipment. May erect and dismantle bricklayer scaffolds.

(27) Pipelayer: Unloading, handling, distribution and installation, concrete, corrugated metal pipe and corrugated and smooth wall plastic pipe, PVC and polyethylene pipe. Receives pipe lowered from top of trench; joins pipe ends; adjusts pipe to line and grade; seals joints with cement or other sealing compound. Lowers pipe.

(28) Plaster spreader operator: Mixes plaster to be used in a machine which is designed to apply plaster to surfaces by means of a hose. Handles and maintains hose, places and moves machine, and services and maintains machine.

(29) Jack hammer and chipping hammer operator: Operates jackhammer, chipping hammer, whether powered by air or electric or any other means.

(30) Tamper operator: Performs the compacting of soil using walk or stand behind equipment.

(31) Scaffold builder: Erects and dismantles all types of scaffolding, except wood scaffolding, for job site.

(32) Powderman tender: Carries powder or other explosive to blaster or powderman and assists by placing prepared explosive in hole, connecting lead wire to blasting machine, and performing other duties as directed.

(33) Water pump tender: fuels and tends to all water pumps under six inches for the purpose of moving water on the job site.

(34) Certified scissor lift or man lift operator: Person who completes competent person training certification in the operation of scissor and man lifts.

AV. Specialty laborer: Group IV:

(1) Asbestos abatement remover: A person who has proper certifications for removal of asbestos from pipes, ceiling and other parts of existing buildings, either by scraping or by using pressure by water. In addition, this definition includes a person who cleans up and disposes of asbestos after it has been removed.

(2) Toxic and hazardous waste remover: Person who has the proper certification for the removal of toxic and hazardous materials.

(3) Lead base paint remover: Person who has the

proper certifications for the removal of lead base paints.

(4) Powderman and blaster: Prepares blasting material and inserts this material into predrilled holes. Performs electrical wiring necessary for detonation and assures that all charges have detonated before other workmen resume work in the area made hazardous by the charges.

(5) Pest technician (Licensed by the Bureau of Rodent Management): Technician certified for the removal and handling of rodents and pests.

(6) Radiation worker II: Person that completes proper training for work in areas containing radiation.

AW. Unskilled laborers: Group I:

(1) Chainman, stake driver, stake hopper: Carries supplies, drags chain, holds survey rod, drives stakes and assists surveyor in other related duties.

(2) Building and common laborer: A general term used on construction work covering many unskilled occupations. A laborer works with all crews doing everything from pick and shovel work to cleaning up lumber with hammer; shoveling and placing concrete; applying coats of oil to inside face of forms; stripping forms; working on rock crusher to feed trap; opening cement sacks at batch plant; working with dirt crew to move construction layout stakes; working as flagman, signalman or spotter to control traffic; serving as dumpman; spreading hot asphaltic material over roadbed with shovel; operating hand concrete buggy or wheelbarrow; helping painter to prepare surfaces for painting and cleaning paint equipment. Does not include roofing cleanup.

(3) Concrete buggy operator (hand): Operating buggy by pushing or pulling by hand between mixer or other source to site of work.

(4) Flagman: Flagman is stationed at strategic locations to control flow of traffic by

hand held flags or other hand held warning device.

(5) Window washer: Cleans and washes windows.

(6) Unloading of furniture and fixtures: Unloads furniture and fixtures from trucks and moves them to the place of installation or storage.

(7) Heat tenders: Fuels and tends to heaters use on the job sites.

AX. Underground laborers: Group I: Tunnel workers: Outside laborer, minimum tunnel, labor, dry houseman and hand muckers, top landers, trackmen.

AY. Underground laborers: Group II: Chuck tender, cable or base tenders, concrete laborers, dumpmen, whirley pump operators, tenders on shotcrete, gunniting and sandblasting, tenders core and diamond drills, pot tenders, concrete specialist (1) including finishing, grouting, patching, and curing, concrete specialist tender (2), applying of concrete processing materials, concrete worker, (including all chipping and finishing underground).

AZ. Underground Laborers: Group III: Shaft Miner, tunnel miner, air tugger operators, collapsible form movers and setters, machine men and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required), tunnel liners, plate setters, all cutting and welding incidental to miners' work, vibrator men, internal and external, unloading, stopping and starting of moran agitator cars, diamond and core drill operators, shotcrete operator, gunnite nozzelmen.

[11.1.2.18 NMAC - Rp, 11.1.2.17 NMAC, 12/30/2016; A, 11/10/2020; A, 1/1/2023]

11.1.2.20 PREVAILING WAGE AND FRINGE BENEFIT AND APPRENTICESHIP CONTRIBUTION RATES:

Pursuant to 11.1.2.13 NMAC, the director of the labor relations division

of the department of workforce solutions hereby publishes the proposed [2022] 2023 prevailing wage and fringe benefit rates and apprenticeship contributions that will apply to all wage rate decisions issued from January 1, [2022] 2023 through December 31, [2022] 2023.

A. TYPE A: STREET, HIGHWAY, UTILITY AND LIGHT ENGINEERING			
Trade Classification	Base Rate	Fringe Rate	Apprenticeship
Bricklayer/block layer/stonemason	24.46	8.81	
Carpenter/lather	[26.48] <u>27.73</u>	12.14	
Carpenter: Los Alamos county	[29.24] <u>33.18</u>	[13.94] <u>13.58</u>	
Cement mason	[17.74] <u>18.24</u>	[7.41] <u>7.61</u>	
Drywall Finisher/Taper	[25.21] <u>25.82</u>	[8.00] <u>8.40</u>	
Glazier			
Glazier/Fabricator	[21.00] <u>21.25</u>	[6.45] <u>6.70</u>	
Delivery Driver	[11.50] <u>12.00</u>	[6.45] <u>6.70</u>	
Ironworker	[27.70] <u>28.05</u>	[17.89] <u>18.30</u>	
Painter – Commercial	[17.75] <u>18.25</u>	[8.20] <u>8.50</u>	
Paper Hanger	[17.75] <u>18.25</u>	[8.20] <u>8.50</u>	
Plumber/pipefitter	[33.10] <u>38.63</u>	[13.10] <u>14.55</u>	
Electricians – outside classifications: Zone 1			
Ground man	[24.57] <u>25.43</u>	[11.74] <u>11.76</u>	
Equipment operator	[35.25] <u>36.48</u>	[16.06] <u>16.09</u>	
Lineman	[44.32] <u>46.09</u>	[18.08] <u>18.52</u>	
Journeyman technician	[41.47] <u>42.92</u>	[17.37] <u>17.73</u>	
Cable splicer	[48.75] <u>47.22</u>	[19.19] <u>18.81</u>	
Electricians – outside classifications: Zone 2			
Ground man	[24.57] <u>25.43</u>	[11.74] <u>11.76</u>	
Equipment operator	[35.25] <u>36.48</u>	[16.06] <u>16.09</u>	
Lineman	[44.32] <u>46.09</u>	[18.08] <u>18.52</u>	
Journeyman technician	[41.47] <u>42.92</u>	[17.37] <u>17.73</u>	
Cable splicer	[48.75] <u>47.22</u>	[19.19] <u>18.81</u>	
Electricians – outside classifications: Los Alamos county			
Ground man	[25.27] <u>26.15</u>	[11.76] <u>11.78</u>	
Equipment Operator	[36.27] <u>37.54</u>	[16.09] <u>16.13</u>	
Lineman[/Technician]	[45.47] <u>47.29</u>	[18.36] <u>18.82</u>	
Journeyman technician	[42.41] <u>44.15</u>	[17.60] <u>18.04</u>	
Cable Splicer	[49.59] <u>51.93</u>	[19.40] <u>19.98</u>	
Laborers			
Group I - Unskilled	[14.79] <u>15.99</u>	[6.93] <u>7.11</u>	
Group II – Semi-Skilled	[15.29] <u>15.99</u>	[6.93] <u>7.11</u>	

Group III - Skilled	[16.79] 17.49	[6.93] 7.11	
Group IV - Specialty	[17.29] 17.99	[6.93] 7.11	
Operators			
Group I	[19.93] 21.35	6.74	
Group II	[20.92] 22.38	6.74	
Group III	[21.02] 22.49	6.74	
Group IV	[21.14] 22.62	6.74	
Group V	[21.24] 22.73	6.74	
Group VI	[21.44] 22.94	6.74	
Group VII	[21.61] 23.12	6.74	
Group VIII	[21.92] 23.45	6.74	
Group IX	[29.87] 31.96	6.74	
Group X	[33.32] 35.65	6.74	
Soft Floor Layer	[20.75] 21.00	8.45	
Truck drivers			
Group I - IX	[17.65] 19.00	[8.72] 9.10	
B. TYPE B: GENERAL BUILDING			
Trade Classification	Base Rate	Fringe Rate	Apprenticeship
Asbestos workers/heat & frost insulators	[34.51] 35.56	[12.06] 12.26	.60
Asbestos workers/heat & frost insulators: Los Alamos county	[36.94] 37.99	[12.06] 12.26	.60
Boilermaker/blacksmith	[34.88] 35.88	32.28	.60
Boilermaker/blacksmith: San Juan county	[35.83] 36.83	31.88	.60
Bricklayer/block layer/stonemason	24.97	9.50	.60
Carpenter/lather	[26.48] 27.73	12.14	.60
Carpenter: Los Alamos county	[29.24] 33.18	[13.94] 13.58	.60
Millwright/pile driver	[35.08] 37.10	[27.57] 28.30	.60
Cement mason	[22.04] 23.04	[10.73] 11.30	.60
Electricians - outside classifications: Zone 1			
Ground man	[24.57] 25.43	[11.74] 11.76	.60
Equipment operator	[35.25] 36.48	[16.06] 16.09	.60
Lineman [f] or technician	[44.32] 46.09	[18.08] 18.52	.60
Cable splicer	[48.75] 47.22	[19.19] 18.81	.60
Electricians - outside classifications: Zone 2			
Ground man	[24.57] 25.43	[11.74] 11.76	.60
Equipment operator	[35.25] 36.48	[16.06] 16.09	.60
Lineman [f] or technician	[44.32] 46.09	[18.08] 18.52	.60
Cable splicer	[48.75] 47.22	[19.19] 18.81	.60
Electricians - outside classifications: Los Alamos county			
Ground man	[25.27] 26.15	[11.76] 11.78	.60
Equipment operator	[36.27] 37.54	[16.09] 16.13	.60
Lineman [f] or technician	[45.47] 47.29	[18.36] 18.82	.60

Cable splicer	[49.59] <u>51.93</u>	[19.40] <u>19.98</u>	.60
Electricians – inside classifications: Zone 1			
Wireman/low voltage technician	[35.20] <u>36.75</u>	[12.21] <u>12.40</u>	.60
Cable splicer	[38.72] <u>40.43</u>	[12.31] <u>12.51</u>	.60
Electricians – inside classifications: Zone 2			
Wireman/low voltage technician	[38.37] <u>40.06</u>	[12.30] <u>12.50</u>	.60
Cable splicer	[41.89] <u>43.74</u>	[12.41] <u>12.61</u>	.60
Electricians – inside classifications: Zone 3			
Wireman/low voltage technician	[40.48] <u>42.26</u>	[12.36] <u>12.57</u>	.60
Cable splicer	[44.00] <u>45.94</u>	[12.47] <u>12.68</u>	.60
Electricians – inside classifications: Zone 4			
Wireman/low voltage technician	[44.35] <u>46.31</u>	[12.48] <u>12.69</u>	.60
Cable splicer	[47.87] <u>49.99</u>	[12.58] <u>12.80</u>	.60
Electricians – inside classifications: Dona Ana county, Hidalgo county, Luna county and Otero county			
Wireman/low voltage technician	[31.42] <u>32.07</u>	[8.87] <u>9.81</u>	.60
Cable splicer	[30.77] <u>32.07</u>	[8.64] <u>9.81</u>	.60
Electricians – inside classifications: Los Alamos county			
Wireman/low voltage technician	[40.48] <u>42.26</u>	[14.38] <u>14.68</u>	.60
Cable splicer	[44.00] <u>45.94</u>	[14.67] <u>14.98</u>	.60
Elevator constructor	[46.54] <u>48.93</u>	37.49	.60
Elevator constructor helper	[37.48] <u>39.14</u>	37.49	.60
Glazier			
Journeyman/Fabricator	[21.00] <u>21.25</u>	[6.45] <u>6.70</u>	.60
Delivery driver	[11.50] <u>12.00</u>	[6.45] <u>6.70</u>	.60
<u>Glazier: Los Alamos county</u>	<u>21.25</u>	<u>6.70</u>	<u>.60</u>
Ironworker	[27.70] <u>28.05</u>	[17.89] <u>18.30</u>	.60
Painter	[17.75] <u>18.25</u>	[8.20] <u>8.50</u>	.60
<u>Painter: Los Alamos county</u>	<u>29.51</u>	<u>10.35</u>	<u>.60</u>
Paper Hanger	[17.75] <u>18.25</u>	[8.20] <u>8.50</u>	.60
<u>Paper Hanger: Los Alamos</u>	<u>30.33</u>	<u>10.35</u>	<u>.60</u>
Drywall Finisher/Taper – Light commercial & residential			
Ames tool operator	[26.21] <u>26.82</u>	[8.00] <u>8.40</u>	.60
Hand finisher/machine texture	[25.21] <u>25.82</u>	[8.00] <u>8.40</u>	.60
<u>Drywall Finisher/Taper- Light commercial & residential: Los Alamos county</u>	<u>29.51</u>	<u>10.35</u>	<u>.60</u>
Plasterer	[23.95] <u>24.34</u>	[9.59] <u>9.79</u>	.60
Plumber/pipefitter	[33.10] <u>35.11</u>	[13.10] <u>13.40</u>	.60
Roofer	[26.34] <u>26.94</u>	[9.16] <u>9.36</u>	.60
Sheet metal worker			

Zone 1	[34.54] 35.44	[17.92] 19.00	.60
Zone 2 – Industrial	[35.54] 36.44	[17.92] 19.00	.60
Zone 3 – Los Alamos county	[36.54] 37.44	[17.92] 19.00	.60
Soft floor layer	[20.75] 21.00	[8.45] 9.20	.60
Soft floor layer: Los Alamos county	29.55	10.45	.60
Sprinkler fitter	[32.67] 34.18	[23.46] 24.44	.60
Tile setter	24.46	8.81	.60
Tile setter helper/finisher	16.53	8.81	.60
Laborers			
Group I – Unskilled [and Semi-Skilled]	[18.75] 19.25	[7.52] 7.93	.60
Group II – Semi-Skilled	19.25	7.93	.60
Group [H] III – Skilled	[19.75] 20.25	[7.52] 7.93	.60
Group [HH] IV – Specialty	[22.00] 22.50	[7.52] 7.93	.60
Masonry Laborers			
Group I – Unskilled and Semi-Skilled	19.75	[7.75] 8.09	.60
Group II – Skilled	21.50	[7.75] 8.09	.60
Group III – Specialty	22.00	[7.75] 8.09	.60
Operators			
Group I	[22.63] 23.32	7.67	.60
Group II	[24.79] 25.48	7.67	.60
Group III	[25.25] 25.94	7.67	.60
Group IV	[25.69] 26.38	7.67	.60
Group V	[25.88] 26.57	7.67	.60
Group VI	[26.09] 26.78	7.67	.60
Group VII	[26.20] 26.89	7.67	.60
Group VIII	[29.24] 29.93	7.67	.60
Group IX	[31.63] 32.32	7.67	.60
Group X	[35.03] 35.72	7.67	.60
Truck drivers			
Group I – VII	16.65	8.27	.60
Group VIII	16.71	8.27	.60
Group IX	18.65	8.27	.60
C. TYPE C: RESIDENTIAL			
Trade classification	Base rate	Fringe rate	Apprenticeship
Asbestos workers/heat & frost insulators	[34.51] 35.56	[12.06] 12.26	.60
Asbestos workers/heat & frost insulators: Los Alamos county	[36.94] 37.99	[12.06] 12.26	.60
Boilermaker/blacksmith	[34.88] 35.88	32.28	.60
Boilermaker/blacksmith: San Juan county	[35.83] 36.83	31.88	.60
Bricklayer/block layer/stonemason	24.46	8.81	.60
Carpenter/lather	[26.48] 27.73	12.14	.60
Carpenter: Los Alamos county	[29.24] 33.18	[13.94] 13.58	.60

Cement mason	[17.96] <u>20.07</u>	[9.73] <u>10.48</u>	.60
Electricians – outside classifications: Zone 1			
Ground man	[24.57] <u>25.43</u>	[11.74] <u>11.76</u>	.60
Equipment operator	[35.25] <u>36.48</u>	[16.06] <u>16.09</u>	.60
Lineman [f] or technician	[44.32] <u>46.09</u>	[18.08] <u>18.52</u>	.60
Cable splicer	[48.75] <u>47.22</u>	[19.19] <u>18.81</u>	.60
Electricians – outside classifications: Zone 2			
Ground man	[24.57] <u>25.43</u>	[11.74] <u>11.76</u>	.60
Equipment operator	[35.25] <u>36.48</u>	[16.06] <u>16.09</u>	.60
Lineman [f] or technician	[44.32] <u>46.09</u>	[18.08] <u>18.52</u>	.60
Cable splicer	[48.75] <u>47.22</u>	[19.19] <u>18.81</u>	.60
Electricians – outside classifications: Los Alamos county			
Ground man	[25.72] <u>26.15</u>	[11.67] <u>11.78</u>	.60
Equipment operator	[36.27] <u>37.54</u>	[16.09] <u>16.13</u>	.60
Lineman [f] or technician	[45.47] <u>47.29</u>	[18.36] <u>18.82</u>	.60
Cable splicer	[49.59] <u>51.93</u>	[19.40] <u>19.98</u>	.60
Electricians – inside classifications: Zone 1			
Wireman/low voltage technician	[35.20] <u>36.75</u>	[12.21] <u>12.40</u>	.60
Cable splicer	[38.72] <u>40.43</u>	[12.31] <u>12.51</u>	.60
Electricians – inside classifications: Zone 2		-	
Wireman/low voltage technician	[38.37] <u>40.06</u>	[12.30] <u>12.50</u>	.60
Cable splicer	[44.00] <u>43.74</u>	[12.47] <u>12.61</u>	.60
Electricians – inside classifications: Zone 3			
Wireman/low voltage technician	[40.48] <u>42.26</u>	[12.36] <u>12.57</u>	.60
Cable splicer	[44.00] <u>45.94</u>	[12.47] <u>12.68</u>	.60
Electricians – inside classifications: Zone 4			
Wireman/low voltage technician	[44.35] <u>46.31</u>	[12.48] <u>12.69</u>	.60
Cable splicer	[47.87] <u>49.99</u>	[12.58] <u>12.80</u>	.60
Electricians – inside classifications: Dona Ana county, Hidalgo county, Luna county and Otero county			
Wireman/low voltage technician	[31.42] <u>32.07</u>	[8.87] <u>9.81</u>	.60
Cable splicer	[30.77] <u>32.07</u>	[8.64] <u>9.81</u>	.60
Electricians – inside classifications: Los Alamos county			
Wireman/low voltage technician	[40.48] <u>42.26</u>	[14.38] <u>14.68</u>	.60
Cable splicer	[44.00] <u>45.94</u>	[14.67] <u>14.98</u>	.60
Elevator constructor	[46.54] <u>48.93</u>	[37.49] <u>38.34</u>	.60
Elevator constructor helper	[37.48] <u>39.14</u>	[37.49] <u>38.34</u>	.60
Glazier			
Glazier/Fabricator	[21.00] <u>21.25</u>	[6.45] <u>6.70</u>	.60
Delivery Driver	[11.50] <u>12.00</u>	[6.45] <u>6.70</u>	.60

Ironworker	[27.70] <u>28.05</u>	[17.89] <u>18.30</u>	.60
Painter – Residential	[12.75] <u>13.25</u>	[8.20] <u>18.50</u>	.60
Drywall Finisher/Taper – Light commercial & residential			
Ames tool operator	[22.84] <u>23.45</u>	[8.00] <u>8.40</u>	.60
Hand finisher/machine texture	[21.84] <u>22.45</u>	[8.00] <u>8.40</u>	.60
Paper hanger	[13.75] <u>14.25</u>	[8.20] <u>8.50</u>	.60
Plasterer	[20.60] <u>21.04</u>	[8.52] <u>8.72</u>	.60
Plumber / pipefitter	[26.30] <u>26.92</u>	[7.30] <u>7.35</u>	.60
Roofer	[26.34] <u>26.94</u>	[9.16] <u>9.36</u>	.60
Sheet metal worker			
Zone 1	[34.54] <u>35.44</u>	[17.92] <u>19.00</u>	.60
Zone 2 – Industrial	[35.54] <u>36.44</u>	[17.92] <u>19.00</u>	.60
Zone 3 – Los Alamos county	[36.54] <u>37.44</u>	[17.92] <u>19.00</u>	.60
Soft floor layer	[20.75] <u>21.00</u>	[8.45] <u>9.20</u>	.60
Sprinkler fitter	[32.67] <u>34.18</u>	[23.46] <u>24.44</u>	.60
Tile setter	24.46	8.81	.60
Tile setter help / finisher	16.53	8.81	.60
Laborers			
Group I – Unskilled [and Semi-Skilled]	[11.75] <u>12.25</u>	[7.52] <u>7.93</u>	.60
Group II - -Semi-Skilled	<u>12.25</u>	<u>7.93</u>	<u>.60</u>
Group [H] III – Skilled	[12.75] <u>13.25</u>	[7.52] <u>7.93</u>	.60
Group [HH] IV – Specialty	[13.75] <u>14.25</u>	[7.52] <u>7.93</u>	.60
Operators			
Group I	[17.93] <u>18.57</u>	8.20	.60
Group V	[19.67] <u>20.31</u>	8.20	.60
Group VII	[23.88] <u>24.52</u>	8.20	.60
Group VIII	[25.98] <u>26.62</u>	8.20	.60
Truck drivers			
Group I – IX	20.75	6.27	.60
D. TYPE H: HEAVY ENGINEERING			
Trade Classification	Base Rate	Fringe Rate	Apprenticeship
Asbestos workers/heat & frost insulators	[34.51] <u>35.56</u>	[12.06] <u>12.26</u>	.60
Asbestos workers/heat & frost insulators: Los Alamos county	[36.94] <u>37.99</u>	[12.06] <u>12.26</u>	.60
Boilermaker/blacksmith	[34.88] <u>35.88</u>	32.28	.60
Boilermaker/blacksmith: San Juan county	[35.83] <u>36.83</u>	31.88	.60
Bricklayer/block layer/stonemason	25.54	8.81	.60
Carpenter/lather	[26.48] <u>27.73</u>	12.14	.60
Carpenter: Los Alamos county	[29.24] <u>33.18</u>	[13.94] <u>13.58</u>	.60
Millwright/pile driver	[35.08] <u>37.10</u>	[27.57] <u>28.30</u>	.60
Cement mason	22.30	7.41	.60
Electricians - outside classifications: Zone 1			

Ground man	[24.57] <u>25.43</u>	[11.74] <u>11.76</u>	.60
Equipment operator	[35.25] <u>36.48</u>	[16.06] <u>16.09</u>	.60
Lineman [f] or technician	[44.32] <u>46.09</u>	[18.08] <u>18.52</u>	.60
Cable splicer	[48.75] <u>47.22</u>	[19.19] <u>18.81</u>	.60
Electricians - outside classifications: Zone 2			
Ground man	[24.57] <u>25.43</u>	[11.74] <u>11.76</u>	.60
Equipment operator	[32.25] <u>36.48</u>	[16.06] <u>16.09</u>	.60
Lineman [f] or technician	[44.32] <u>46.09</u>	[18.08] <u>18.52</u>	.60
Cable splicer	[48.75] <u>47.22</u>	[19.19] <u>18.81</u>	.60
Electricians – outside classifications: Los Alamos county			
Ground man	[25.27] <u>26.15</u>	[11.76] <u>11.78</u>	.60
Equipment operator	[36.27] <u>37.54</u>	[16.09] <u>16.13</u>	.60
Lineman [f] or technician	[45.47] <u>47.29</u>	[18.36] <u>18.82</u>	49.59
Cable splicer	[49.59] <u>51.93</u>	[19.40] <u>19.98</u>	.60
Electricians – inside classifications: Zone 1			
Wireman/low voltage technician	[35.20] <u>36.75</u>	[12.21] <u>12.40</u>	.60
Cable splicer	[38.72] <u>40.43</u>	[12.31] <u>12.51</u>	.60
Electricians - inside classifications: Zone 2			
Wireman/low voltage technician	[38.37] <u>40.06</u>	[12.30] <u>12.50</u>	.60
Cable splicer	[41.89] <u>43.74</u>	[12.41] <u>12.61</u>	.60
Electricians - inside classifications: Zone 3			
Wireman/low voltage technician	[40.48] <u>42.26</u>	[12.36] <u>12.57</u>	.60
Cable splicer	[44.00] <u>45.94</u>	[12.47] <u>12.68</u>	.60
Electricians - inside classifications: Zone 4			
Wireman/low voltage technician	[44.35] <u>46.31</u>	[12.48] <u>12.69</u>	.60
Cable splicer	[47.87] <u>49.99</u>	[12.58] <u>12.80</u>	.60
Electricians – inside classifications: Dona Ana county, Hidalgo county, Luna county and Otero county			
Wireman / low voltage technician	[31.42] <u>32.07</u>	[8.87] <u>9.81</u>	.60
Cable splicer	[30.77] <u>32.07</u>	[8.64] <u>9.81</u>	.60
Electricians – inside classifications: Los Alamos county			
Wireman/low voltage technician	[40.48] <u>42.26</u>	[14.38] <u>14.68</u>	.60
Cable splicer	[44.00] <u>45.94</u>	[14.67] <u>14.98</u>	.60
Glazier			
Glazier/Fabricator	[21.00] <u>21.25</u>	[6.45] <u>6.70</u>	.60
Delivery driver	[11.50] <u>12.00</u>	[6.45] <u>6.70</u>	.60
Ironworker			
	[27.70] <u>28.05</u>	[17.89] <u>18.30</u>	.60
Painter – Industrial			
	[22.00] <u>22.25</u>	[10.05] <u>10.77</u>	.60
Paperhanger			
	[19.50] <u>19.75</u>	[10.05] <u>10.77</u>	.60
Drywall Finisher/Taper – Industrial			
Ames tool operator	[27.06] <u>27.67</u>	[8.00] <u>8.40</u>	.60

Hand finisher/machine texture	[26.06] <u>26.67</u>	[8.00] <u>8.40</u>	.60
Plumber / pipefitter	[36.40] <u>38.63</u>	[14.25] <u>14.55</u>	.60
Roofer	[26.34] <u>26.94</u>	[9.16] <u>9.36</u>	.60
Sheet metal worker	[34.54] <u>35.44</u>	[17.92] <u>19.00</u>	.60
Operators			
Group I	[21.81] <u>23.34</u>	6.74	.60
Group II	[22.01] <u>23.55</u>	6.74	.60
Group III	[22.22] <u>23.78</u>	6.74	.60
Group IV	[22.36] <u>23.93</u>	6.74	.60
Group V	[22.47] <u>24.04</u>	6.74	.60
Group VI	[22.67] <u>24.26</u>	6.74	.60
Group VII	[22.69] <u>24.28</u>	6.74	.60
Group VIII	[24.71] <u>26.44</u>	6.74	.60
Group IX	[30.72] <u>32.87</u>	6.74	.60
Group X	[34.15] <u>36.54</u>	6.74	.60
Laborers			
Group I – Unskilled	[19.18] <u>18.34</u>	[6.93] <u>7.11</u>	.60
Group II – Semi-Skilled	[20.06] <u>19.09</u>	[6.93] <u>7.11</u>	.60
Group III – Skilled	[21.93] <u>20.60</u>	[6.93] <u>7.11</u>	.60
Group IV- Specialty	[22.30] <u>21.00</u>	[6.93] <u>7.11</u>	.60
Laborers – Underground			
Group I	[21.43] <u>20.25</u>	6.93	.60
Group II	[21.85] <u>20.62</u>	6.93	.60
Group III	[22.26] <u>20.97</u>	6.93	.60
Soft Floor Layer	[20.75] <u>21.00</u>	[8.45] <u>9.20</u>	.60
Truck drivers			
Group I	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group II	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group III	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group IV	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group V	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group VI	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group VII	[17.65] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group VIII	[17.71] <u>19.00</u>	[8.72] <u>9.10</u>	.60
Group IX	[19.65] <u>25.00</u>	[8.72] <u>9.10</u>	.60
Maintenance Sub Group IX			
Rate I	20.90	9.00	.60
Rate II	21.77	9.00	.60
Rate III	22.24	9.00	.60

[11.1.2.20 NMAC - N, 02-29-2016; Rp, 1/1/2017; A, 1/1/2018, A, 1/1/2019; A, 1/1/2020; A, 1/1/2021; A, 1/1/2022; A, 1/1/2023]

11.1.2.21 Subsistence, zone, and incentive pay rates. All contractors are required to pay subsistence, zone, and incentive pay according to the particular trade.

A. Asbestos workers or heat and frost insulators

(1) Zone 1 shall consist of the area lying within the city limits of a circle whose radius is 66 miles from the city hall in Albuquerque or the city hall in El Paso - \$0.00 per day.

(2) Zone 2 shall consist of Los Alamos county - \$40.00 per day if not furnished a company owned vehicle.

(3) Zone 3 shall consist of the area lying beyond a circle whose radius is over 66 miles from the city hall in Albuquerque or the city hall in El Paso - \$85.00 per day.

B. Boilermakers/blacksmiths

(1) Per diem is calculated from city hall of the dispatch city or the employee's home address, whichever is closer to the job location.

(2) Per diem is \$55.00 per day for travel between 70 and 120 miles and \$85.00 per day for travel over 120 miles.

C. Bricklayers

(1) Between 70 and 120 miles, \$55.00 per day

(2) 121 or more miles, \$70.00 per day

D. Cement Masons

(1) For employees who travel to Santa Fe from Albuquerque or vice versa, \$20.00 per day.

(2) In all other work performed more than 50 miles from the employer's main office, \$50.00 per day.

(3) Mutually agreed-upon lodging or transportation paid for by the employer will substitute for subsistence pay.

E. Drywall Finishers and Tapers:

(1) \$40.00 per day (\$5.00 per hour for eight hours work) for over 60 miles over the most typically traveled route, or other

mutually agreed upon suitable lodging or transportation.

(2) If an employee has worked the full week on four 10 hour days, the employee shall be paid the full week of per diem of \$200.00.

~~(2)~~ (3) Special provision for Santa Fe and Albuquerque: Employees who travel between Santa Fe and Albuquerque will be paid \$15.00 per day or other mutually agreed upon lodging or transportation.

F. Electricians (inside classifications)

(1) For Albuquerque only:

(a) Zone 1 is classified as being within 40 miles from the main post office.

(b) Zone 2 shall extend up to 10 miles beyond zone 1. Work performed within zone 2 shall be compensated nine percent above the journeyman rate for zone 1.

(c) Zone 3 shall extend up to 20 miles beyond zone 1. Work performed within zone 3 shall be compensated fifteen percent above the journeyman rate for zone 1.

(d) Zone 4 shall extend 20 miles or more beyond zone 1. Work performed within zone 4 shall be compensated twenty six percent above the journeyman rate for zone 1.

(2) For Los Alamos county only: work performed within the county shall be compensated fifteen percent above the zone 1 journeyman rate.

(3) For all other counties:

Zone 1 is:

(i) within six miles from the main post office for Raton, Tucumcari, and Farmington.

(ii) within eight miles from the main post office for Las Vegas.

(iii) within ten miles from the main post office for Santa Fe and Gallup.

(iv) within twelve miles from the main post office for Belen, Carrizozo, Clovis, Los Lunas, Portales, Roswell, Ruidoso, Artesia, Carlsbad, Hobbs, and Lovington.

(v) within fourteen miles from the main post office for Espanola.

(b) Zone 2 shall extend up to 20 miles beyond zone 1. Work performed within zone 2 shall be compensated nine percent above the journeyman rate for zone 1.

(c) Zone 3 shall extend up to 30 miles from zone 1. Work performed within zone 3 shall be compensated fifteen percent above the journeyman rate for zone 1.

(d) Zone 4 shall extend beyond 30 miles from zone 1. Work performed within zone 4 shall be compensated twenty six percent above the journeyman rate for zone 1.

(4) When workers are ordered to report to the shop and then to the job and from job to job, and return to the shop, they shall be paid for the time spent traveling and shall be furnished transportation by the Employer. Under these conditions the Zone 1 rate and any applicable overtime will be paid.

G. Electricians (outside classification – Zone 2): \$50.00 per diem to be paid for work 30 miles outside of Santa Fe and 60 miles outside of Albuquerque. No per diem in Los Alamos county.

H. Glaziers

(1) When out-of-town travel is required, the employer shall pay the employee for suitable lodging with no more than two people per room and \$20.00 per night for food.

(2) Employees required to use a personal vehicle for travel to a jobsite beyond a 30 mile radius of the main post office in town where the employer's shop is located shall be compensated at the current Internal Revenue Service (IRS) rate for actual mileage incurred beyond the 30 mile radius, plus their regular rate of pay for travel time.

I. Ironworkers:
(1) Travel
 more than 50 miles from the interchange of Interstate 25 and Interstate 40 or from the employee's home should be paid at [~~\$8.00~~] \$9.00 per hour.
(2) If travel is within Santa Fe county, travel should be paid at \$3.00 per hour.

J. Laborers:
(1) Type A:
(a)
 Work travel between 50 and 85 miles from the employer's primary address should be compensated at \$3.50 per hour.
(b)
 Work travel 86 miles or greater from the employer's primary address should be compensated at \$5.00 per hour.
(2) Types B and C:
(a)
 Work travel under 50 miles is a "free zone";
(b)
 The municipal limit of the city of Santa Fe is \$30.00 per day;
(c)
 Work travel between 50 and 75 miles from the union hall to include the municipal limits of Estancia, Grants, and Socorro is \$40.00 per day;
(d)
 All work over 75 miles from the union hall is \$50.00 per day.
(3) Type H –
 no zone subsistence pay
(4) If an employer provides the employee transportation and mutually agreeable, suitable lodging in areas where overnight stays are necessary, subsistence rates do not apply.

K. Millwrights
(1) Work
 travel between 76 and 150 miles should be compensated at \$50.00 per day.
(2) Work
 travel greater than 150 miles should be compensated at \$75.00 per day.

L. Operating Engineers
(1) Type A
 operators should be compensated for

zone and subsistence as follows:
(a)
 Work travel between 50 and 85 miles from the interchange of Interstate 25 and Interstate 40 in Albuquerque, or from the Farmington City Hall in Farmington, should be compensated at \$2.50 per hour.
(b)
 Work travel 86 miles or more from the interchange of Interstate 25 and Interstate 40 in Albuquerque or from the Farmington City Hall in Farmington, should be compensated at \$4.00 per hour.
(2) Type B and C operators:
(a)
 Base points for operators are 30 miles and beyond:
(i)
 Bernalillo county courthouse in Albuquerque;
(ii)
 state capital building in Santa Fe;
(iii)
 city hall in Farmington.
(b)
 Zone and subsistence for Albuquerque and Santa Fe are as follows:
(i)
 work travel between 30 and 50 miles from the base point compensated at \$20.00 per day;
(ii)
 work travel between 51 and 100 miles from the base point compensated at \$45.00 per day;
(iii)
 work travel over 100 miles from the base point that involves an overnight stay compensated at \$75.00 per day.
(c)
 Zone and subsistence for Los Alamos county, \$50.00 per day.
(d)
Zone and subsistence for Farmington is as follows:
(i)
work travel between 35 and 75 miles from the base point compensated at \$45.00 per day;
(ii)
work travel over 100 miles from the base point compensated at \$75.00 per day.
(e)
 If an employer provides the employee

transportation and mutually agreeable, suitable lodging in areas where overnight stays are necessary, subsistence rates do not apply.
(3) Type H
 operators are not eligible for zone and subsistence pay.

M. Painters
(1) Zone 1:
 Base pay for an area within a 30 mile radius from the main post office in the city or town where the employee permanently resides. Albuquerque, Santa Fe, and Belen shall be considered Zone 1.
(2) Zone 2:
 Work travel between 30 and 75 miles from the main post office in the town where an employee permanently resides shall be compensated at \$1.00 per hour above base pay.
(3) Zone 3:
 Work travel 75 miles or more from the main post office in the town where an employee permanently resides shall be compensated at \$2.50 per hour above base pay.
(4) When
 the employee is required to stay overnight, the employer should provide and pay for suitable lodging.
(5) Employer
 will furnish transportation or gasoline for all work performed beyond the 30 mile radius that encompasses the free cities of Albuquerque, Santa Fe, or Belen.

N. Paper hangers
(1) Zone 1:
 Base pay for an area within a 30 mile radius from the main post office in the city or town where the employee permanently resides. Albuquerque, Santa Fe, and Belen shall be considered Zone 1.
(2) Zone 2:
 Work travel between 30 and 75 miles from the main post office in the town where an employee permanently resides shall be compensated at \$1.00 per hour above base pay.
(3) Zone 3:
 Work travel 75 miles or more from the main post office in the town where an employee permanently resides shall be compensated at \$2.50 per hour above base pay.

(4) When the employee is required to stay overnight, the employer should provide and pay for suitable lodging.

(5) Employer will furnish transportation or gasoline for all work performed beyond the 30 mile radius that encompasses the free cities of Albuquerque, Santa Fe, or Belen.

O. Plasterers

(1) Employees who travel from Albuquerque to Santa Fe should be compensated at \$20.00 per day.

(2) Except for employees who travel from Santa Fe to Albuquerque, work travel 75 miles or more from the employer's office over the most typically traveled route should be compensated [~~at \$5.00 per hour and capped~~] at \$40.00 per day.

P. Plumbers and pipefitters

(1) Work travel for 90 or more miles from an employee's primary residence, and involving an overnight stay, should be compensated at \$80.00 per day.

(2) No zone or subsistence pay is required should the employer elect to cover the room cost.

(3) Los Alamos county workers receive \$0.80 per hour incentive pay plus base and fringe.

Q. Roofers - work travel requiring an overnight stay should be compensated at \$35.00 per day for food. Employer should provide and pay for a suitable hotel. When employees are assigned to jobs located 60 or more miles from the employer's place of business, transportation to and from the job site must be provided.

R. Sheet metal workers

(1) Work travel 90 miles or more from the contractor's home base and employee's home, should be paid at \$80.00 per day subsistence pay plus base and fringe, regardless of county.

(2) Los Alamos county: \$2.00 per hour incentive pay plus base and fringe.

(3) Workers living 60 or more miles from a San

Juan county job site shall receive \$3.00 per hour subsistence pay plus base and fringe.

S. Soft floor layer
(1) Zone 1:

Base pay for an area within a 30 mile radius from the main post office in the city or town where the employee permanently resides. Albuquerque, Santa Fe, and Belen shall be considered Zone 1.

(2) Zone 2:

Work travel between 30 and 75 miles from the main post office in the town where an employee permanently resides shall be compensated at \$1.00 per hour above base pay.

(3) Zone 3:

Work travel 75 miles or more from the main post office in the town where an employee permanently resides shall be compensated at \$3.13 per hour above base pay.

(4) Employer will furnish transportation or gasoline for all work performed beyond the 30 mile radius that encompasses the free cities of Albuquerque, Santa Fe, or Belen.

(5) When the employee is directed to report to a job site and the distance to the job site requires the employee to stay out of town overnight, the employer shall provide housing arrangements for the effected employees.

T. Sprinkler fitters

(1) Work travel between 60 and 80 miles from the employee's primary residence should be compensated at [~~\$21.00~~] (\$22.00) per day.

(2) Work travel between 81 and 100 miles from the employee's primary residence should be compensated at [~~\$31.00~~] (\$32.00) per day.

(3) Work travel of 101 miles or more from the employee's primary residence should be compensated at [~~\$115.00~~] (\$120.00) per day [~~, plus \$0.54 per mile when driving directly from home to the job site, and directly from job site to home or next job site, as assigned by the employer~~].

(4) No zone or subsistence pay shall be paid

when the employer provides daily transportation and the employee elects to travel back and forth from home. [11.1.2.21 NMAC - N, 1/1/2019; A, 1/1/2020; A, 1/1/2021; A, 1/1/2022; A, 1/1/2023]

End of Adopted Rules

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Other Material Related to Administrative Law

**GOVERNOR,
OFFICE OF THE
EXECUTIVE ORDER 2022-131**

**RENEWING THE STATE
OF PUBLIC HEALTH
EMERGENCY INITIALLY
DECLARED IN EXECUTIVE
ORDER 2020-004, OTHER
POWERS INVOKED IN
THAT ORDER, AND ALL
OTHER ORDERS AND
DIRECTIVES CONTAINED IN
EXECUTIVE ORDERS TIED
TO THE ONGOING PUBLIC
HEALTH EMERGENCY**

On December 31, 2019, several cases of pneumonia with an unknown cause were detected in Wuhan City, Hubei Province, China, and reported to the World Health Organization (“WHO”). The underlying virus giving rise to those reported instances of respiratory illness was later identified as a novel coronavirus disease which has been referred to as “COVID-19.”

By the time the first COVID-19 cases had been confirmed in New Mexico, on March 11, 2020, COVID-19 had already spread globally and throughout the United States. At that time, more than 100,000 people had been infected globally and there were more than 1,000 cases in the United States, spread out over 39 states. The President of the United States declared a national state of emergency for COVID-19 on March 13, 2020. As of September 14, 2022 the Centers for Disease Control and Prevention (“CDC”) reported over 95 million people have been infected in the United States, with over 1,046,000 related deaths, and the New Mexico Department of Health has reported 615,162 positive COVID-19 cases and 8,497 related deaths in New Mexico.

Public health organizations have implemented emergency measures intended to slow the

spread of COVID-19. For example, on January 20, 2020, the CDC activated its Emergency Operations Center in response to the COVID-19 outbreak. The WHO declared a Public Health Emergency of International Concern shortly thereafter. All of our sister states subsequently declared a state of emergency and implemented significant measures and deployed substantial resources to fight the spread of COVID-19; many, if not most, have kept such states of emergency in place.

New Mexico has taken aggressive measures to reduce the spread of COVID-19 and to mitigate its impacts. I have been in frequent contact with federal and state agencies and officials who are coordinating their efforts and resources to fight COVID-19. Various state agencies have been at the forefront of our State’s response to COVID-19, particularly the New Mexico Department of Health. The hard work of a variety of state employees has made a difference in our fight against COVID-19. Due to the continued spread of COVID-19, it is necessary for all branches of State government to continue taking actions to minimize transmission of COVID-19 and to reduce its attendant physical and economic harms.

Therefore, for the reasons above, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and laws of the State of New Mexico, hereby **ORDER** and **DIRECT**:

1. In consultation with the New Mexico Department of Health, I have determined that the statewide public health emergency proclaimed in Executive Order 2020-004, and renewed in Executive Orders 2020-022, 2020-026, 2020-030, 2020-036, 2020-053, 2020-55, 2020-059, 2020-064, 2020-073, 2020-080, 2020-085, 2021-001, 2021-004, 2021-010, 2021-011, 2021-012, 2021-023, 2021-030,

2021-044, 2021-049, 2021-054, 2021-058, 2021-061, 2021-067, 2022-004, 2022-007, 2022-012, 2022-016, 2022-024, 2022-067, 2022-109, 2022-115 and 2022-120 shall be renewed and extended through October 14, 2022.

2. All other powers, directives, and orders invoked in Executive Order 2020-004 remain in effect.

3. All other Executive Orders with a duration that was tied to the COVID-19 public health emergency or that was not explicitly stated shall continue with the same effect, including any orders appropriating emergency funding as well as Executive Orders 2020-016, 2020-020, 2020-021, 2020-025, and 2020-039.

4. This Order supersedes any previous orders, proclamations, or directives in conflict. This Order shall take effect on September 15, 2022 and shall remain in effect until October 14, 2022 unless renewed, modified, or rescinded.

**ATTEST:
DONE AT THE EXECUTIVE
OFFICE**

**THIS 15TH DAY OF
SEPTEMBER 2022
WITNESS MY HAND AND THE
GREAT SEAL OF THE STATE
OF NEW MEXICO**

/ S /
**MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE**

/ S /
**MICHELLE LUJAN
GRISHAM
GOVERNOR**

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

2022 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXIII, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 11
Issue 2	January 13	January 25
Issue 3	January 27	February 8
Issue 4	February 10	February 22
Issue 5	February 24	March 8
Issue 6	March 10	March 22
Issue 7	March 24	April 5
Issue 8	April 7	April 19
Issue 9	April 21	May 3
Issue 10	May 5	May 24
Issue 11	May 26	June 7
Issue 12	June 9	June 21
Issue 13	July 1	July 12
Issue 14	July 14	July 26
Issue 15	July 28	August 9
Issue 16	August 11	August 23
Issue 17	August 25	September 13
Issue 18	September 15	September 27
Issue 19	September 29	October 11
Issue 20	October 13	October 25
Issue 21	October 27	November 8
Issue 22	November 17	November 29
Issue 23	December 1	December 13
Issue 24	December 15	December 27

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2023 New Mexico Register

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Volume XXXIV, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 5	January 18
Issue 2	January 19	January 31
Issue 3	February 2	February 14
Issue 4	February 16	February 28
Issue 5	March 2	March 14
Issue 6	March 16	March 28
Issue 7	March 30	April 11
Issue 8	April 13	April 25
Issue 9	May 4	May 16
Issue 10	May 18	May 31
Issue 11	June 1	June 13
Issue 12	June 15	June 27
Issue 13	July 7	July 18
Issue 14	July 20	July 31
Issue 15	August 3	August 15
Issue 16	August 17	August 29
Issue 17	August 31	September 12
Issue 18	September 14	September 26
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Issue 20	October 12	October 24
Issue 21	October 26	November 7
Issue 22	November 9	November 21
Issue 23	November 22	December 5
Issue 24	December 7	December 19

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