

NEW MEXICO 
Commission of Public Records
at the State Records Center and Archives
Your Access to Public Information

New Mexico Register

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

Volume XXXIV - Issue 21 - November 7, 2023

COPYRIGHT © 2023
BY
THE STATE OF NEW MEXICO

ALL RIGHTS RESERVED

The New Mexico Register

Published by the Commission of Public Records,
Administrative Law Division

1205 Camino Carlos Rey, Santa Fe, NM 87507

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos

Rey, Santa Fe, NM 87507.

Telephone: (505) 476-7941; Fax: (505) 476-7910; E-mail: staterules@state.nm.us.

The *New Mexico Register* is available free at <http://www.srca.nm.gov/new-mexico-register/>

New Mexico Register

Volume XXXIV, Issue 21

November 7, 2023

Table of Contents

Notices of Rulemaking and Proposed Rules

GAMING CONTROL BOARD

Amended Notice of Proposed Rulemaking.....1095

HEALTH, DEPARTMENT OF

Notice of Public Hearing.....1096

INFORMATION TECHNOLOGY, DEPARTMENT OF CONNECT NEW MEXICO COUNCIL

Notice of Proposed Rulemaking.....1097

PUBLIC EDUCATION DEPARTMENT

Notice of Proposed Rulemaking.....1097

Amended Notice of Proposed Rulemaking.....1099

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

PUBLIC EDUCATION DEPARTMENT

6.10.8 NMAC R Compulsory School Attendance.....1099

6.12.4 NMAC R Tobacco, Alcohol and Drug Free Schools.....1099

6.12.4 NMAC N Tobacco, Alcohol and Drug Free Schools.....1099

PUBLIC REGULATION COMMISSION

17.11.28 NMAC R Institutional Operator Service Providers.....1101

17.11.28 NMAC N Inmate Calling Service Providers.....1101

This Page Intentionally Left Blank

Notices of Rulemaking and Proposed Rules

GAMING CONTROL BOARD

AMENDED NOTICE OF PROPOSED RULEMAKING

The Gaming Control Board hereby gives notice that the Board will conduct a public comment hearing on the described rules below.

The public comment hearing will be held on Friday, December 29, 2023 from 9:00 am to 12:00 pm at the Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113.

The public comment hearing allows members of the public an opportunity to submit data, testimony, and arguments in person on the proposed rule changes detailed below. All comments will be recorded by a court reporter and/or audio recording.

Subsection G of 15.1.10.7 NMAC Definitions:

Purpose: To help nonprofits better allocate money in light of recent stator changes to Section 60-2E-47 NMSA 1978 of the Gaming Control Act.

Summary of Full Text: The Definitions section provides definitions of commonly used terms in the Gaming Control Regulations. Specifically, this rule will only be revised as to Subsection G in that the definition of “allowable gaming expenses” by removing all of the sub-subsections and simply defining “allowable gaming expenses as “license fees, including renewals and gaming machine license fees”.

15.1.10.25 NMAC - Payment of Winnings:

Purpose: Revising the maximum jackpot amounts to conform to recently passed legislation. The revisions are also designed to protect

nonprofit clubs from having to produce payouts in excess of the jackpots that are supposed to be set on their machines by requiring that the intended maximum jackpots be posted on the machines and making distributors responsible for the difference should the machines produce a jackpot above that requested by the nonprofit organization.

Summary of Full Text: The maximum payout allowed for any gaming machine located within a nonprofit organization is raised from \$4,000 to \$10,000. A section is also added to require the posting of the intended jackpot amount on each machine and to make distributors liable for the excess amount should any machine display a jackpot above the intended amount.

15.1.10.45 NMAC - Nonprofit Contracts:

Purpose: To keep the Board informed of agreements concerning requested jackpot amounts on machines located in nonprofit organizations for purposes of ensuring that machines are being set at the jackpots requested by the nonprofits so they may avoid having to pay jackpots above what they had intended and above what they can afford.

Summary: Language will be added to the current Rule requiring lease agreements between distributors and nonprofits to state the machines and their max amounts set. Lease agreements between distributors and nonprofit organizations already require approval by the Board.

Subsection D of 15.1.10.32 NMAC - Use of Gaming Receipts by Nonprofit Operator Licensee:

Purpose: Revising the amount of net take nonprofits give to charitable organizations in Subsection D to conform with recently passed legislation modifying Section 60-

2E-47 NMSA 1978 of the Gaming Control Act.

Summary: The Rule will be revised to change sixty percent to twenty percent.

15.1.5.23 NMAC - Application Fees:

Purpose: The purpose is to update application fees as they have not changed since the inception of the agency.

Summary: The Rule will be revised to raise application fees as follows:

Manufacturer license application fees will be raised from \$10,000 to \$15,000

Associated Equipment Manufacturer license application fees will be raised from \$2,500 to \$5,000

Distributor license application fees will be raised from \$5,000 to \$7,500

Authority: Section 60-2E-7 NMSA 1978 and Section 60-2E-8 NMSA 1978.

Details for Obtaining a Copy of Rule and Submitting Oral or Written Comments:

Copies of the proposed rules are available on the Gaming Control Board’s website at <https://www.gcb.nm.gov/rulemaking/> or can be obtained by emailing GCB-PIO@gcb.nm.gov. The proposed rules are also available on the New Mexico Sunshine Portal. Interested individuals may provide comments at the public hearing. Before the public hearing, written comments may be sent to GCB-PIO@gcb.nm.gov, or by regular mail at Attn: Michelle Pato - proposed rule, The Gaming Control Board, 4900 Alameda Blvd. NE, Albuquerque, NM 87113. The deadline to receive written comment is Friday, December 29, 2023. All written public comments will be posted on the website throughout the written comment period at: <https://www.gcb.nm.gov/rulemaking/>.

Any person with a disability who needs a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 841-9700.

**HEALTH,
DEPARTMENT OF**

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed adoption of amendments to rule Part 7.30.13 NMAC Crisis Triage Centers (CTC), Sections 7 (“Definitions”), 9 (“ Scope of Services”), and 29 (“Staffing Requirements”). The public hearing will be held on December 14, 2023 at 9:00 a.m. MDT via web video conference and telephone. The hearing will be conducted to receive public comment regarding the adoption of amendments to 7.30.13 NMAC which will allow CTC facilities to accept involuntary admissions as set forth in recent statutory amendments to Section 43-1-1 et. al NMSA Mental Health and Disabilities Code which went into effect June 16, 2023, will set forth staffing and medical records requirements for CTC facilities accepting involuntary admissions, will change on-site RN requirements for CTCs offering 23 hours or less non-residential services, and will add a definition of CTCs to reflect the definition in Section 43-1-3 NMSA 1978.

The hearing will be conducted to receive public comments regarding proposed amendments of the rule, 7.30.13 NMAC, including the following rule parts:

- 7.30.13.7 NMAC - Definitions, Amend to include a definition for “crisis triage center” to reflect the definition in Section 43-1-3 NMSA 1978.
- Subsection C of 7.30.13.9 NMAC, - Amend to expand the scope of services to allow CTCs to

accept involuntary admissions as set forth in Section 43-1-15.1 NMSA Crisis Triage Centers; admission or treatment.

- Subsection C of 7.30.13.9 NMAC, - Amend to provide that if a CTC facility accepts involuntary admissions, the CTCs shall comply with all hearing and treatment provisions of Section 43-1-1 et. al NMSA 1978.
- Subsection A of 7.30.13.29 NMAC, - Amend to remove the requirement of a 24 hour a day RN presence requirement for CTC facilities offering 23 hours or less non-residential services, instead allowing such facilities to have onsite medical professionals who have access to immediate support and supervision by an RN or higher-level provider in according with 24-25-1 et. al NMSA 1978 New Mexico Telehealth Act.
- Subsection B of 7.30.13.29 NMAC, - Amend to require CTCs accepting involuntary admissions to have adequate staffing and to meet medical record requirements for licensure of psychiatric hospitals.

The purpose of the proposed rule amendments is to adopt the rule changes described, which are proposed in part in order to conform the Crisis Triage Centers rule to recent statutory amendments to Section 41-1-1 et.al NMSA Mental Health and Disabilities Code which went into effect June 16, 2023. The purpose of the proposed rule amendments is also to remove on-site RN presence requirements for CTC facilities offering 23 hours or less non-residential services, instead allowing such facilities to have onsite medical professionals who have access to immediate support and supervision by an RN or higher-level provider in according with 24-25-1 et. al NMSA 1978 New Mexico Telehealth Act. The purpose of the proposed amendments is also to require CTCs accepting involuntary admissions to have adequate staffing and to meet medical record requirements for licensure of psychiatric hospitals as set forth in 7.7.2.40 NMAC.

The legal authority authorizing the proposed amendments of the rule by the Department is at Subsection E of Section 9-7-6 NMSA 1978, Subsection D of 24-1-2 NMSA 1978 , Subsection J of Section 24-1-3 NMSA 1978, Section 24-1-5 NMSA 1978, and the Mental Health and Disabilities Code Section 43-1-1 et. al NMSA 1978.

A free copy of the full text of the proposed rule amendments can be obtained from the Department’s website at <https://nmhealth.org/publication/regulation/>.

Any interested member of the public may attend the hearing, and anyone may offer public comments on the proposed rule amendments orally at the hearing. To access the hearing by telephone: please call 1-505-312-4308, phone conference i.d. code 372 220 447#. To access the hearing via internet: please go to <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>, enter the following meeting i.d. code and passcode where indicated on screen—meeting i.d. code 244 302 554 623, Passcode: Yh2JgX, then click the “Join a meeting” button. All oral comments will be recorded.

Any person may submit written public comment concerning the rule amendments. Written comments may be submitted to the mailing address shown below. Please submit any written comments regarding the proposed rules to the attention of:

Via Postal Mail:

Christopher Burmeister
Division Director, Health Improvement
New Mexico Department of Health
2040 S. Pacheco,
Santa Fe, NM 87505
christopher.burmeis@doh.nm.gov
505-252-4492

Via E-mail: christopher.burmeis@doh.nm.gov

Mailed written comments must be

received no later than 5:00 p.m. MDT on December 12, 2023. Written comments may also be submitted to the email address shown above through 5:00 pm MDT on the date of the hearing. All written comments will be published on the agency website at <http://nmhealth.org/publication/regulation/> within 3 business days of receipt, and will be available at the Office of the New Mexico Department of Health, at the address above, for public inspection.

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

**INFORMATION
TECHNOLOGY,
DEPARTMENT OF
CONNECT NEW MEXICO
COUNCIL**

**NOTICE OF PROPOSED
RULEMAKING**

NOTICE IS HEREBY GIVEN that the Department of Information Technology ("DoIT") and the Connect New Mexico Council ("Council"), pursuant Subsections A and B of Section 9-27-6 NMSA 1978 and Subsection C of Section 63-9K-4 NMSA 1978, proposes to amend 1.12.21 NMAC, GRANT PROGRAM RULES

PURPOSE OF THE PROPOSED NEW RULE IS: The purpose of these amendments to the rules is to ensure that sponsoring bodies comply with the State Tribal Collaboration Act in the development or administration of programs subject to the rules that directly affect American Indians. To add electric cooperatives and telephone cooperatives to the definition of grantee or subrecipient for purposes of assistance grants.

STATUTORY AUTHORITY: Subsections A and B of Section 9-27-6 NMSA 1978; Subsection C of Section 63-9K-4 NMSA 1978.

Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the DoIT website <https://www.doit.nm.gov/category/latest-news/> or the New Mexico Sunshine Portal.

DoIT will hold a public in-person/virtual hearing on the proposed amendments on Thursday, December 14, 2023 at 11:00 a.m. at the New Mexico State Capitol, 490 Old Santa Fe Trail, Room #311, Santa Fe, NM 87501. Oral comments will be accepted at the in-person/virtual hearing from members of the public and any interested parties.

Interested Parties may submit written comments by mail or via the DoIT website at Written comments and proposals will be accepted through 4:00 pm on December 14, 2023. Comments may be submitted online at <https://www.doit.nm.gov/category/latest-news/> or by sending original copies to:

Renee Narvaiz, Department of Information Technology
715 Alta Vista St., Santa Fe, NM 87505

Written comments suggesting changes or alternatives to the proposed amendments should provide justification for each suggested change or alternative and include all suggested rule language necessary to effectuate the suggested change or alternative. Suggested changes should be provided in a redline format showing proposed deletions and additions.

Written comments must be received no later than 5 p.m. (MDT) on December 14, 2023. DoIT encourages the early submission of written comments.

SPECIAL NEEDS: Any person with a disability who is in need of a reader,

amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Renee Narvaiz at 505-827-2416 at least ten (10) business days prior to the hearing.

The Council and DoIT will consider all oral comments and will review all timely submitted written comments and responses.

**PUBLIC EDUCATION
DEPARTMENT**

**NOTICE OF PROPOSED
RULEMAKING**

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Thursday, October 26, 2023, that it will conduct a public hearing for the following proposed rulemaking on Monday, December 18, 2023, from 1:30 p.m. to 2:30 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501:

- Repeal and Replace of 6.10.5 NMAC, School Calendar Requirements**
- Repeal of 6.30.12 NMAC, K-5 Plus Schools**
- Repeal of 6.30.16 NMAC, Extended Learning Time Program**
- New Rule 6.19.4 NMAC, Accreditation Procedures**
- Repeal of 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation**

The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemaking. Attendees who wish to provide public comment on record will be given three minutes to make a statement concerning the proposed rulemaking. To submit written comment, please see the

Public Comment section of this notice.

Explanation of Purpose of Rulemaking, Summary of Text, and Statutory Authority, by Proposed Rule

6.10.5 NMAC, School Calendar Requirements

Explanation: The purpose of the proposed rulemaking is to incorporate changes enacted by House Bill 130 (HB130), K-12 Plus Program, from the 2023 Legislative session.

Summary: The proposed repeal and replace establishes requirements for the length of a school year and day, instructional hours for students, and professional work hours for teachers.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-2-8.1, 22-8-23.14, 22-13-1, 22-13-1.1, 22-13C-10, and 22-22-1 et seq. NMSA 1978.

6.30.12 NMAC, K-5 Plus Schools

Explanation: The proposed repeal of this rule is consistent with the repeal of the K-5 Plus program in statute (Chapter 22, Article 13D NMSA 1978) by HB130, enacted during the 2023 Legislative session.

Summary: This proposed rulemaking repeals 6.30.12 NMAC, K-5 Plus Schools.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978; Chapter 19 Section 5 Laws 2023.

6.30.16 NMAC, Extended Learning Time Program

Explanation: The proposed repeal of this rule is consistent with the repeal of the Extended Learning Time program in statute (Section 22-8-23.10 NMSA 1978) by HB130, enacted during the 2023 Legislative session.

Summary: This proposed rulemaking repeals 6.30.16 NMAC, Extended Learning Time Program.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978; Chapter 19 Section 5 Laws 2023.

6.19.4 NMAC, Accreditation Procedures

Explanation: The purpose of the

proposed new rule is to establish procedures for the PED accreditation of schools, including private schools and BIE schools seeking state accreditation, and to effect requirements for reporting to PED by private schools and BIE schools not seeking state accreditation.

Summary: For all schools within its scope, this rule outlines the annual accreditation review requirements, details of the annual accreditation cycle, procedures for administrative appeal, consequences of failure to submit required reports to PED, and consequences of receiving disapproval accreditation status. This rule includes procedures for PED approval of accrediting entities.

Statutory Authority: Sections 9-24-8, 12-6-1, et seq., 22-1-11, 22-2-1, 22-2-2.1, 22-2-2, 22-2-8.1, 22-2-14, 22-4-3, 22-5-4.13, 22-5-13, 22-8-6, 22-8-11, 22-8-13, 22-8-13.1, 22-8B-5, 22-8B-12.2, 22-8-19, 22-13-1, 22-13-14, 22-23A-7, and 24-5-4 NMSA 1978, and Section 1111(c)(4)(E) of the federal every student succeeds act.

6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation

Explanation: The purpose of the proposed repeal of the rule is to place the accreditation procedures and requirements for all types of schools in one new rule with significantly greater scope, 6.19.4 NMAC, Accreditation Procedures.

Summary: This proposed rulemaking repeals 6.81.2 NMAC, Requirements for Nonpublic Schools and for Public Education Department Accreditation.

Statutory Authority: Sections 9-24-8, 22-2-1, and 22-2-2 NMSA 1978.

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

Public Comment

Interested parties may provide comment at the public hearing or may submit written comments by mail or e-mail.

Mailing Address

Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address

Rule.Feedback@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Monday, December 18, 2023. The PED encourages the early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, November 7, 2023, to Monday, December 18, 2023, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Policy and Legislative Affairs webpage titled, "Proposed Rules," at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Terrazas at (505) 470-5303 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.

**PUBLIC EDUCATION
DEPARTMENT**

**AMENDED NOTICE OF
PROPOSED RULEMAKING**

Public Hearing

The hearing date and public comment period previously published in Issue 19 on Oct. 10, 2023, is being changed and this rule will now be heard on Monday, December 18, 2023, along with the proposed rules being heard at the same meeting listed in the previous Public Education Department Notice of Proposed Rulemaking, published in this Issue 21.

The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing for the following proposed rulemaking on Monday, December 18, 2023, from 1:30 p.m. to 2:30 p.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501:

**Amendment of 6.41.4 NMAC,
Standard for Providing
Transportation for Eligible
Students**

The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemaking. Attendees who wish to provide public comment on record will be given three minutes to make a statement concerning the proposed rulemaking. To submit written comment, please see the Public Comment section of this notice.

**Explanation of Purpose of
Rulemaking, Summary of Text, and
Statutory Authority, by Proposed
Rule**

**6.41.4 NMAC, Standard for
Providing Transportation for
Eligible Students**

Explanation: The purpose of the

proposed rulemaking is to provide for the safety of students during extreme heat conditions and to modify the pre-trip inspection requirements to include electric buses.

Summary: The proposed amendment of the emergency rule places in permanent rule new requirements for loading and unloading school buses during heat advisories or excessive heat warnings. The rule also includes appropriate exceptions for electric buses in the pre-trip bus inspection checklist.

Statutory Authority: Sections 1111g(1)(E) and 1112c(5)(B) of ESEA, Sectio 722g(J)(iii) of the McKinney-Vento Act, and Sections 22-2-1, 22-2-2, 22-8-26, 22-10A-5, 22-16-2, 22-16-4, and Subsection D of Section 9-24-8 NMSA 1978.

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

Public Comment

Interested parties may provide comment at the public hearing or may submit written comments by mail or e-mail.

Mailing Address

Policy and Legislative Affairs
Division
New Mexico Public Education
Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address

Rule.Feedback@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Monday, December 18, 2023. The PED encourages the early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, November 7, 2023, to Monday, December 18, 2023, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking

at a later date.

Copies of the proposed rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Police and Legislative Affairs webpage titled, "Proposed Rules," at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Terrazas at (505) 470-5303 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.

**End of Notices of
Rulemaking and
Proposed Rules**

This Page Intentionally Left Blank

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.

PUBLIC EDUCATION DEPARTMENT

At its public hearing on 10/17/23, the Public Education Department agreed to repeal 6.10.8 NMAC, Compulsory School Attendance, filed 12/30/2004, effective 11/7/2023.

The New Mexico Public Education Department repealed its rule 6.12.4 NMAC Tobacco, Alcohol, & Drug Free Schools filed 12/15/2015, and replaced it with a new rule entitled Tobacco, Alcohol & Drug Free Schools, 6.12.4 NMAC, adopted 10/26/2023 and effective 11/7/2023.

PUBLIC EDUCATION DEPARTMENT

**TITLE 6 PRIMARY AND SECONDARY EDUCATION
CHAPTER 12 PUBLIC SCHOOL ADMINISTRATION - HEALTH AND SAFETY
PART 4 TOBACCO, ALCOHOL AND DRUG FREE SCHOOLS**

6.12.4.1 ISSUING AGENCY: Public Education Department, hereinafter the department.
[6.12.4.1 NMAC - Rp, 6.12.4.1 NMAC, 11/07/2023]

6.12.4.2 SCOPE: This rule applies to school districts, local school boards and to state-chartered charter schools and governing bodies.
[6.12.4.2 NMAC - Rp, 6.12.4.2 NMAC, 11/07/2023]

6.12.4.3 STATUTORY AUTHORITY: Sections 9-24-8, 22-2-1, 22-2-2 and 22-5-4.4 NMSA 1978.

[6.12.4.3 NMAC - Rp, 6.12.4.3 NMAC, 11/07/2023]

6.12.4.4 DURATION: Permanent.
[6.12.4.4 NMAC - Rp, 6.12.4.4 NMAC, 11/07/2023]

6.12.4.5 EFFECTIVE DATE: November 7, 2023, unless a later date is cited at the end of a section.
[6.12.4.5 NMAC - Rp, 6.12.4.5 NMAC, 11/07/2023]

6.12.4.6 OBJECTIVE: The objective of this rule is to prohibit the use, possession and distribution of commercial tobacco products, electronic tobacco delivery devices, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs on school property and at off-campus school-sponsored events by students, school personnel, and visitors.
[6.12.4.6 NMAC - Rp, 6.12.4.6 NMAC, 11/07/2023]

6.12.4.7 DEFINITIONS:
A. "Administration" means any person who has disciplinary and managerial authority to enforce school policies including but not limited to principals, vice-principals, and office personnel.

B. "Alcoholic beverage" means any beverage containing more than one-half percent alcohol by volume, and includes all distilled or rectified spirits, potable alcohol or any similar alcoholic beverages, including all fermented or blended beverages and dilutions or mixtures of one or more of these alcoholic beverages.

C. "Charter school" means a public school authorized by a chartering authority.

D. "Commercial tobacco product":

(1) means any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

(2) any electronic delivery device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or

(3) any component, part, or accessory of Paragraph (1) or Paragraph (2) of this subsection, whether or not any of these contain tobacco or nicotine, including but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, mouthpieces, and pipes; and

(4) does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

E. "E-cigarette" and "electronic nicotine delivery system":

(1) means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device;

(2) includes, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, e-hookahs, vape pens, mods tank systems, or under any other product name or descriptor;

(3) includes any component, part, or accessory of the device, whether marketed or sold separately, including e-liquids, e-juice, cartridges, or pods, and also includes any substance that may be

aerosolized or vaporized by such device, whether or not the substance contains nicotine; and

(4) does not include any product regulated as a drug or device by the United States food and drug administration under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 301 et seq.

F. “Illicit drugs” means prescription and over-the-counter medications used for non-medical purposes, or not used as medically prescribed by lawfully authorized practitioners or as directed by the manufacturer’s literature, and include all supplemental dietary or nutrition ergogenic aids, stimulants, nootropics, adaptogens, painkillers, sedatives and anxiolytics, blood boosters, and other performance-enhancing drugs.

G. “Lighter” means a mechanical or electrical device typically used for lighting tobacco products.

H. “Mood-altering substances” means substances that change, or are capable of changing, a person’s emotional state, and include all stimulants, opioids, intoxicative inhalants, and hallucinogens.

I. “Off-campus, school-sponsored event” means any event sponsored by the school or school district that is not on school property, including sporting events, day camps, field trips, dances, or theatrical productions.

J. “Parent” or **“Guardian”** means any person that has status as the legal guardian of a student.

K. “School district” means school districts or state-chartered charter schools.

L. “School personnel” means any person employed by a public school in New Mexico.

M. “School property” means all facilities and property, including land, whether owned, rented, or leased by a school district, and all vehicles owned, leased, rented, contracted for, or controlled by a school district used for transporting students, school personnel, or visitors.

N. “Signage” means signs declaring that all school property is commercial tobacco and nicotine product, electronic delivery device, alcoholic beverage, mood-altering substance, and illicit drug free.

O. “Student” means any person enrolled in the state of New Mexico’s public school educational system.

P. “Visitor” means any person subject to this policy that is not a student or school personnel as defined above and includes school volunteers.

[6.12.4.7 NMAC - Rp, 6.12.4.7 NMAC, 11/07/2023]

6.12.4.8 REQUIREMENTS: Each local school board or governing body shall establish a tobacco, alcohol and drug free school policy:

A. The policy shall provide specific rules of conduct prohibiting the use, possession, and distribution of commercial tobacco and nicotine products, electronic delivery devices, alcoholic beverages, mood-altering substances and illicit drugs on school property and at off-campus school-sponsored events by students, school personnel, and visitors. These activities are prohibited at all times.

B. Each school district shall detail the prohibited acts and activities under the policy, and shall establish adequate provisions for its enforcement, including the enumeration of possible sanctions or disciplinary action, consistent with applicable statutory and case law.

C. Each policy shall include progressive and supportive disciplinary action beginning with options to promote positive student outcomes such as tobacco education or referral to counseling, parent conferences, and school or community service. Referrals to resources to help students overcome nicotine addictions shall be provided when developmentally appropriate. Parents or guardians shall be notified of all violations and actions taken by each school district.

D. All school personnel shall abide by the policy and are responsible for enforcement of the policy. Each school district may establish procedures necessary to implement the policy among school personnel. Disciplinary penalties may be imposed in accord with policies of the district regarding conduct and disciplinary actions.

E. Referrals to resources to help school personnel overcome nicotine addictions shall be provided to school personnel who are found to be in violation of this policy. Each school district may establish procedures for school personnel to receive training in the provisions of this policy, existing and emerging commercial tobacco products, trends in youth commercial tobacco and nicotine use, prevention education, and cessation support on an annual basis.

F. Each school district shall prohibit the promotion of tobacco products, electronic delivery devices, alcoholic beverages, mood-altering substances or illicit drugs on the school property or at off-campus, school-sponsored events. This includes promotion of these products via gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other materials.

G. Each school district policy shall require school administration to provide referrals to resources to help students and school personnel overcome nicotine addiction.

H. The policy shall provide that no school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce the policy.

I. Each school district shall develop and implement a procedure for effectively communicating the policy to students, their parents and families, school personnel, visitors on school property, and to local

residents, groups, businesses and organizations served by the school. Such communication may include publishing information in student and employee handbooks, school district websites, announcements at school-sponsored events, and posting conspicuous, appropriate signage in buildings and on school property, including at entrances to school buildings and athletic events, in a manner and location that adequately informs students, school personnel, and visitors of the policy.

J. Each school district shall post conspicuous notices on all school property prohibiting the use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, alcoholic beverages, mood-altering substances and illicit drugs, in school buildings, on school property, and by students at off-campus, school-sponsored events away from school grounds. Each school district shall post appropriate signage on school premises prohibiting the use, possession and distribution of commercial tobacco products, electronic delivery devices, on school property and by students at off-campus school-sponsored events in a manner and location that adequately notifies students, school personnel, and visitors, including at the entrance to school buildings and athletic events.

[6.12.4.8 NMAC - Rp, 6.12.4.8 NMAC, 11/07/2023]

6.12.4.9 EXCEPTIONS:

A. Section 8 of this rule shall not include the lawful possession or use of a tobacco-cessation product approved by the United States food and drug administration.

B. It shall not be a violation of this policy for a person to possess or provide tobacco or lighters to any other person as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. It shall not be a violation of this policy to use tobacco or a lighter as part of an educational experience related to indigenous tobacco practices that has been approved by administration.

[6.12.4.9 NMAC – Rp, 6.12.4.9 NMAC, 11/07/2023]

HISTORY OF 6.12.4 NMAC:
PRE-NMAC HISTORY: The material in this regulation is derived from that previously filed with the State Records Center and Archives under: State Board of Education Regulation No. 94-2, Regulation on Tobacco Free School Districts, filed July 19, 1994.

History of Repealed Material:
 6.12.4 NMAC, Tobacco, Alcohol and Drug Free School Districts, filed 5/16/2001 - Repealed effective 12/15/2015.
 6.12.4 NMAC Tobacco, Alcohol, & Drug Free Schools filed 12/15/2015 was repealed and replaced with 16.12.4 NMAC - Tobacco, Alcohol & Drug Free Schools, effective 11/7/2023.

PUBLIC REGULATION COMMISSION

The New Mexico Public Regulation Commission, approved on 10/24/2023, the repeal of its rule 17.11.28 NMAC - Institutional Operator Service Providers (filed 8/1/2013) and replace it with 17.11.28 NMAC - Inmate Calling Service Providers, effective 11/07/2023.

PUBLIC REGULATION COMMISSION

**TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
 CHAPTER 11 TELECOMMUNICATIONS
 PART 28 INMATE CALLING SERVICE PROVIDERS**

17.11.28.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
 [17.11.28.1 NMAC - Rp, 17.11.28.1 NMAC 11/7/2023]

17.11.28.2 SCOPE: This rule is applicable to all inmate calling service providers (“ICSPs”) certified to operate within the state of New Mexico and also to those ICSPs that apply to the commission to operate within the state of New Mexico.
 [17.11.28.2 NMAC - Rp, 17.11.28.2 NMAC 11/7/2023]

17.11.28.3 STATUTORY AUTHORITY: Paragraph (10) of Subsection B of Section 8-8-4 et seq., Sections 63-7-1.1 and 63-9A-5, NMSA 1978.
 [17.11.28.3 NMAC - Rp, 17.11.28.3 NMAC 11/7/2023]

17.11.28.4 DURATION: Permanent.
 [17.11.28.4 NMAC - Rp, 17.11.28.4 NMAC 11/7/2023]

17.11.28.5 EFFECTIVE DATE: November 7, 2023, unless a later date is cited at the end of a section.
 [17.11.28.5 NMAC - Rp, 17.11.28.5 NMAC 11/7/2023]

17.11.28.6 OBJECTIVE: The purpose of this rule is to establish statewide uniform regulations governing ICSPs so as to ensure reasonable rate regulation for ICSPs while protecting consumers against unreasonable rates and inadequate service.
 [17.11.28.6 NMAC - Rp, 17.11.28.6 NMAC 11/7/2023]

17.11.28.7 DEFINITIONS: As used in this rule, the following terms have the meanings provided, unless a different meaning is clearly expressed in the context in which the term is used. The commission will interpret the definitions broadly enough to ensure compliance with the purpose of this rule:

A. Terms starting with the letter “A” are defined as follows:
 (1) **“ancillary service charge”** means any charge that is assessed on the consumer for the use of additional features of inmate calling services that is not

included in the per-minute charges assessed for individual calls. The types of ancillary service charge are as follows: automated payment fees, fees for single-call and related services, live agent fees, paper bill fees, statement fees and third-party financial transaction fees.

(2)

“**authorized fee**” means a government-authorized, but discretionary, fee which a provider must remit to a federal, state, or local government, and which a provider is permitted, but not required, to pass through to consumers. An authorized fee may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.

(3)

“**automated payment fee**” means a credit card payment, debit card payment, or bill processing fee, including a fee for payments made by interactive voice response (IVR), web, or kiosk.

(4) “**average**

daily population (ADP)” means the sum of all incarcerated persons in a facility for each day of the preceding calendar year, divided by the number of days in the year.

B. Terms starting with the letter “B” [RESERVED]

C. Terms starting with the letter “C” are defined as follows:

(1) “**collect**

calling” means an arrangement whereby the called party takes affirmative action clearly indicating that it will pay the charges associated with a call originating from an institutional phone.

(2)

“**commission**” means the New Mexico public regulation commission.

(3)

“**complaint**” means an oral or written expression of dissatisfaction with an ICSP’s rates, fees, charges, or services, including a request for repair involving service outage, made to the ICSP, correctional institution, or to the commission by

or on behalf of a consumer or user of inmate calling services.

(4)

“**consumer**” means the person paying an ICSP for an inmate calling service.

(5)

“**correctional facility or correctional institution**” means a jail or a prison.

D. Term starting with the letter “D” is defined as follows: “**debit calling**” means a presubscription or comparable service which allows an incarcerated person, or someone acting on an incarcerated person’s behalf, to fund an account set up through a provider that can be used to pay for inmate calling service calls originated by the incarcerated person.

E. Terms starting with the letter “E” [RESERVED]

F. Terms starting with the letter “F” are defined as follows:

(1) “**fees for single-call and related services**”

means billing arrangements whereby and incarcerated person’s collect calls are billed through a third party on a per-call basis, where the called party does not have an account with the ICSP or does not want to establish an account.

(2) “**flat rate calling**” means a calling plan under which a provider charges a single fee for an inmate calling service call, regardless of the duration of the call.

G. Terms starting with the letter “G” [RESERVED]

H. Terms starting with the letter “H” [RESERVED]

I. Terms starting with the letter “I” are defined as follows:

(1) “**incarcerated person**” means a person detained at a jail or prison, regardless of the duration of the detention.

(2) “**inmate calling service**” means a service, regardless of the technology used to deliver the service, initiated by an incarcerated person to place intrastate calls to individuals outside the correctional facility where the incarcerated person is being held.

(3) “**inmate calling service provider, or provider (ICSP)**” means a provider of inmate calling service.

(4)

“**institutional phone**” means a telephone instrument, or other device capable of initiating calls, accessible only to incarcerated persons.

J. Terms starting with the letter “J” are defined as follows:

(1) “**jail**” means a facility of a local, state, or federal law enforcement, mental health, or other agency that is used primarily to hold individuals who are:

(a) awaiting adjudication of criminal charges;

(b) post-conviction or committed to confinement of one year or less; or

(c) post-conviction or awaiting transfer to another facility.

The term also includes city, county or regional facilities that have contracted with a private company to manage day-to-day operations; privately-owned and operated facilities primarily engaged in housing city, county or regional incarcerated persons; facilities operated by the Federal bureau of prisons and facilities used to detain individuals pursuant to a contract with U.S. immigration and customs enforcement; juvenile detention centers; and secure mental health facilities.

(2) “**jurisdictionally mixed charge**” means any charge consumers may be assessed for use of inmate calling services that are not included in the per-minute charges assessed for individual calls and that are assessed for, or in connection with, uses of inmate calling services to make such calls that have interstate or international components and intrastate components that are unable to be segregated at the time the charge is incurred.

K. Terms starting with the letter “K” [RESERVED]

L. Term starting with the letter “L” is defined as follows: “live agent fee” means a fee associated with the optional use of a live operator to complete inmate calling service transactions.

M. Term starting with the letter “M” is defined as follows: “mandatory tax or mandatory fee” means a fee that a provider is required to collect directly from consumers, and remit to federal, state, or local governments. A mandatory tax or fee that is passed through to a consumer for, or in connection with ICSP services may not include a markup, unless the markup is specifically authorized by a federal, state, or local statute, rule, or regulation.

N. Terms starting with the letter “N” [RESERVED]

O. Terms starting with the letter “O” [RESERVED]

P. Terms starting with the letter “P” are defined as follows:

(1) **“paper bill fee”** means a fee associated with providing customers of ICSPs an optional paper billing statement. This fee is also referred to as a statement fee.

(2) **“per-call, or per-connection charge”** means a one-time fee charged to a consumer at call initiation.

(3) **“prepaid calling”** means a presubscription or comparable service in which a consumer, other than an incarcerated person, funds an account set up through an ICSP. Funds from the account can then be used to pay for inmate calling services, including calls that originate with an incarcerated person.

(4) **“prepaid collect calling”** means a calling arrangement that allows an incarcerated person to initiate an inmate calling services call without having a pre-established billing arrangement and also provides a means, within that call, for the called party to establish an arrangement to be billed directly by the ICSP for future calls from the same incarcerated person.

(5) **“prison”** means a facility operated by a territorial, state, or federal agency that is used primarily to confine individuals convicted of felonies or held for other reasons and sentenced or committed to terms in excess of one year. The term also includes public and private facilities that provide outsource housing to other agencies such as the department of correction and the federal bureau of prisons; and facilities that would otherwise fall under the definition of a jail but in which the majority of incarcerated persons are post-conviction or are committed to confinement for sentences of longer than one year.

Q. Terms starting with the letter “Q” [RESERVED]

R. Term starting with the letter “R” is defined as follows: “rate cap” means the maximum allowable rates, fees, and ancillary service charges for intrastate calls initiated from an institutional phone as approved by the commission.

S. Terms starting with the letter “S” [RESERVED]

T. Term starting with the letter “T” is defined as follows: “third-party financial transaction fee” means the exact fee, with no markup, that an ICSP is charged by a third party to transfer money or to process a financial transaction to facilitate a consumer’s ability to make an account payment via a third party.

U. Term starting with the letter “U” is defined as follows: “user” means a person who makes or receives a call through an inmate calling service.

V. Terms starting with the letter “V” [RESERVED]

W. Terms starting with the letter “W” [RESERVED]

X. Terms starting with the letter “X” [RESERVED]

Y. Terms starting with the letter “Y” [RESERVED]

Z. Terms starting with the letter “Z” [RESERVED] [17.11.28.7 NMAC - Rp, 17.11.28.7 NMAC 11/7/2023]

17.11.28.8 EXEMPTIONS: ICSPs are exempt from 17.11.15 NMAC, rule concerning payphone providers, 17.11.16.11 NMAC, consumer protection, access to service and rate information, and SCC 94-02-TC, rule concerning operator services providers. [17.11.28.8 NMAC - Rp, 17.11.28.8 NMAC 11/7/2023]

17.11.28.9 APPLICATION FOR CERTIFICATION OF REGISTRATION:

A. Providers seeking to offer or provide any telecommunications service through an institutional phone must register with the commission in the format provided by the commission. (1) To be included with the application for registration, the ICSP must file a copy of the information to be posted or supplied at every institutional phone or otherwise provided to the confined persons containing all the information as spelled out in this rule.

(2) Registration may be denied for failure to provide the required information or documents, or for failure to remit the required fees. Notice of denial will include a statement indicating the reason for rejection. Denial may be cured if the stated reasons for rejection are made within thirty (30) days of service of the notice.

B. Registration shall be renewed annually by filing an annual report on a form prescribed by the commission. The annual report shall be submitted by April 1st of each year and shall contain information regarding the prior year. At a minimum, the ICSP shall update any information contained in its original application for registration or last annual report, as appropriate. [17.11.28.9 NMAC - Rp, 17.11.28.9 NMAC 11/7/2023]

17.11.28.10 CONTENTS OF APPLICATION FOR REGISTRATION: An application for a certificate of registration to provide inmate calling services must contain:

A. the name, address, e-mail address and telephone number of the applicant;

B. the name, address, e-mail address, and telephone number of the person responsible for regulatory contacts and customer dispute resolution on behalf of the applicant;

C. a description of the applicant's business operations and general service offerings nationally, and in New Mexico, including operating areas in any other city, county, state or federal jurisdictions;

D. a statement that the applicant is aware of and will comply with the commission's rules;

E. disclosure of any formal actions against it by any court or city, county, state or federal regulatory agency that resulted in any type of penalty or sanctions within the five years prior to the date of filing the application; if such action has occurred, the applicant shall file a report regarding such action and any remedial actions taken;

F. disclosure of any settlement or stipulation with any city, county, state or federal regulatory agency or jurisdiction within the three years prior to the date of filing the application that resulted in a payment to the agency with or without any admission of wrongdoing;

G. if the applicant is a corporation, evidence that the applicant is authorized by the corporations bureau of the office of the New Mexico secretary of state to do business in New Mexico and that it is in good corporate standing in New Mexico;

H. if the applicant is other than a corporation, a description of the form of ownership, the names and addresses of all principal owners and managers, the applicant's agent for service of process in New Mexico, and the date the entity was created;

I. initial tariffs for regulated telecommunications services, including a narrative description of the services to be offered and the geographic area and markets to be served; initial tariffs shall not contain misleading,

potentially misleading, deceptive, or fraudulent names, rates, fees, charges, terms, or conditions;

J. if the applicant is a regulated carrier, any other information the commission may reasonably require to accomplish the purpose of this rule; and

K. a list of the applicant's parent, subsidiary, and affiliated companies are to be provided, including the principal address and telephone numbers of the applicant's parent, subsidiary, and affiliated companies that are carriers in New Mexico.

[17.11.28.10 NMAC - Rp, 17.11.28.10 NMAC 11/7/2023]

17.11.28.11 DISCLOSURE OF RATES, FEES AND CHARGES:

A. All ICSPs must disclose their rates, fees, and charges to consumers.:

(1) For all intrastate calls, the ICSP shall comply with all rate disclosure requirements adopted by the federal communications commission in Title 47 C.F.R. Section 64.710 (operator services for prison inmate phones) and 64.6110 (consumer disclosure of incarcerated person calling services rates), including any amendments thereto.

(2) Rates, fees and charges applied pursuant to this rule shall be made available to the consumer prior to the commencement of the transaction without the consumer having to dial a separate telephone number or access a separate website. Such information shall include an equally prominent disclosure of alternative funding or refunding mechanisms that are free of ancillary service charges.

B. The information required by this section must be delivered to the correctional institution by the ICSP for posting on or near the institutional phone, in plain view of confined persons, provided that such signage is allowed by the correctional institution. The posted signage must clearly and simply disclose all applicable rates, fees and charges for inmate calling

services set forth in this rule and provide the contact information for the ICSP for consumer and user complaints as well as the mailing address of the commission's consumer relations division for unresolved consumer or user complaints. The information required by this section, with the exception of the mailing address of the commission's consumer relations division, also must be made available via telephone free of charge to the user, including each time a funding transaction related to a prepaid account takes place.

C. An ICSP shall disclose all rate information, including all applicable per-call and per-minute rates, in simple and clear language.

D. All required information and instructions, if allowed by the correctional institution, must be provided in both English and Spanish, and an ICSP must supply each facility it serves with a display placard or other means of informing confined persons.

E. Consumers and incarcerated persons shall be advised of and have access to ICSP and commission contact information for consumer complaints. Consumers shall be provided with the contact information on their bills when their bills include charges for collect calling, or each time a funding transaction related to a prepaid calling account takes place. ICSPs shall also advise consumers and incarcerated persons of the mailing address of the commission's consumer relations division for consumer complaints. [17.11.28.11 NMAC - Rp, 17.11.28.11 NMAC 11/7/2023]

17.11.28.12 COMPLAINTS: Complaints regarding violations of this rule shall be governed by 1.2.2.13 NMAC through 1.2.2.20 NMAC and 17.11.16.22 NMAC with the exceptions stated below. All other procedural matters shall be handled in accordance with 1.2.2 NMAC and 1.2.3 NMAC. The requirements of the commission's rules governing complaints are modified by the following: filing fees for complaints

are hereby waived for complaints related to inmate calling services. A person making an informal or formal complaint against an ICSP shall not be required to pay for notice to be published of public hearing, and may participate in mediation, arbitration or hearing via telephone. The commission’s rules governing complaints shall be liberally construed to permit complaints against ICSPs to be filed, processed, and heard by the commission.

[17.11.28.12 NMAC - Rp,
17.11.28.12 NMAC 11/7/2023]

17.11.28.13 ENFORCEMENT:

A. Initiation of proceedings: Upon receipt of a complaint alleging a violation of this rule, or on its own motion, the commission may initiate proceedings in accordance with its rules of procedure 1.2.2.13 NMAC through 1.2.2.15 NMAC.

B. Penalties: Following notice and hearing and upon a proper finding that a violation of this rule has occurred, the commission may, consistent with its statutory authority, assess fines or penalties or other such remedies as may be provided for by law, including revocation of authority to provide inmate calling service. The remedy imposed by the commission may be reduced or rescinded if violations or findings of non-compliance are corrected within 30 days from the date of the commission’s final order.

C. Other penalties: The assessment of any penalty by the commission for a violation of this rule shall not preclude the assessment of a penalty by any other New Mexico agency for violation of its rules arising from the same cause.

[17.11.28.13 NMAC - Rp,
17.11.28.13 NMAC 11/7/2023]

17.11.28.14 INMATE CALLING SERVICE RATES, FEES AND CHARGES:

A. All ICSPs must file tariffs with the commission which set forth the services provided along with any rates, fees, or charges for those services and list each correctional

institution to which those rates, fees, or charges apply. Tariffs shall also identify the billing and collection methods utilized by the ICSP such as collect calling, debit calling, prepaid calling or prepaid collect calling. No tariff or proposed tariff shall contain misleading, potentially misleading, deceptive, or fraudulent names, rates, fees, charges, terms or conditions.

B. Rate caps shall be determined periodically by the commission on its own motion following notice and a public hearing, but no more frequently than once every three years, with one exception: if the federal communications commission issues an order revising any of its rate caps applying to interstate inmate calling services, the commission may conduct a review of the rate caps adopted in this rule, following notice and a public hearing, within less than three years of its last rate caps review. In the absence of a hearing by the commission, the rate caps previously established will remain in effect.

C. Any changes in ICSP rates, fees or charges and any cessation or commencement of an inmate calling service at a particular correctional institution resulting from a new, renewed, or amended contract between an ICSP and the correctional institution must be reflected in a proposed tariff amendment filed no later than 90 days after the final award of the contract to the ICSP or after any agreement to change the rates, fees or charges is reflected in a renewed or amended contract.

(1) The ICSP shall file with the commission an original and five copies of the proposed tariff changes within the time frame provided for in this rule, or in the alternative, file the proposed tariff in accordance with any electronic filing policy adopted by the commission modifying that requirement. The ICSP shall include in its filing a sequentially numbered transmittal letter, (e.g., 2010-1, 2010-2, etc.) containing a description of the proposed tariff changes. The proposed tariff shall be served on the attorney general and all interested

persons requesting service of such changes in a docket established by the commission for such filings. The proposed tariff change shall comply with all applicable commission rules. The proposed tariff changes may go into effect 15 business days after the tariff filing unless staff, attorney general or an interested person, notifies the ICSP within said 15 business days of its concerns regarding the proposed tariff changes. If staff and the ICSP are able to resolve the stated concerns within 15 business days after the tariff filing, the proposed tariff changes may go into effect and no public hearing shall be required.

(2) If the interested person, attorney general, staff, and the ICSP are unable to resolve the concerns, staff shall file a protest with the records management bureau of the administrative services division, and promptly send a copy to the ICSP and the proposed tariff change shall not go into effect. The records management bureau shall assign a docket number to the protest. The protest shall include a case caption and a heading that states “protest”. The protest shall include as an attachment the proposed tariff changes filed by the ICSP and any additional information furnished to the interested person, attorney general, and staff by the ICSP. The applicant shall have the burden of showing, after notice and hearing, why the proposed new service, promotion, or tariff change is in the public interest.

(3) On the same day it files the proposed tariff changes with the commission, the ICSP shall also submit an electronic copy of the transmittal letter containing the identity of the telecommunications company, a summary of the proposed new service, promotion or tariff change, and its effective date. The commission may prescribe additional form, content, manner of filing, or other requirements. The foregoing shall be served on the staff, attorney general, and all interested persons requesting service of such filings.

(4) The ICSP shall provide notice of a rate change to incarcerated persons and consumers by promptly providing signage with the new rates for the correctional institution in the manner described in Subsection B of 17.11.28.11 NMAC, and via telephone free of charge each time a funding transaction related to a prepaid account takes place.

D. Any other changes in ICSP rates, fees, charges, or type of service, and any addition of a new service must be reflected in a proposed tariff amendment. No such change may be effectuated by the ICSP prior to commission approval of the tariff amendment.

(1) The ICSP shall file with the commission an original and five copies of the proposed tariff changes within the time frame provided for in this rule, or in the alternative file the proposed tariff in accordance with any electronic filing policy adopted by the commission modifying that requirement. The ICSP shall include in its filing a sequentially numbered transmittal letter, (e.g., 2010-1, 2010-2, etc.) containing a description of the proposed tariff changes. The proposed tariff shall be served on the attorney general and all interested persons requesting service of such changes in a docket established by the commission for such filings. The proposed tariff change shall comply with all applicable commission rules. The proposed tariff changes may go into effect 15 business days after the tariff filing unless staff, the attorney general, or an interested person notifies the ICSP within said 15 business days of its concerns regarding the proposed tariff changes. If the interested persons, the attorney general, staff, and the ICSP are able to resolve the concerns within 15 business days after the tariff filing, the proposed tariff changes may go into effect and no public hearing shall be required.

(2) If staff, the attorney general, the interested person, and the ICSP are unable to resolve the concerns, staff, the attorney general, or any interested

person may file a protest with the records management bureau of the administrative services division, and promptly send a copy to the ICSP and the proposed tariff change shall not go into effect. The records management bureau shall assign a docket number to protest. The protest shall include a case caption and a heading that states "protest". The protest shall include as an attachment the proposed tariff changes filed by the ICSP and any additional information furnished to staff, the attorney general and all interested persons, by the ICSP. The applicant shall have the burden of showing, after notice and hearing, why the proposed new service, promotion, or tariff change is in the public interest.

(3) On the same day it files the proposed tariff changes with the commission, the ICSP shall also submit an electronic copy of the transmittal letter containing the identity of the telecommunications company, a summary of the proposed new service, promotion or tariff change, and its effective date. The commission may prescribe additional form, content, manner of filing, or other requirements. The foregoing shall be served on staff, attorney general, and all interested persons requesting service of such filings.

(4) The ICSP shall provide notice of a rate change to incarcerated persons and consumers by promptly providing signage with the new rates for the correctional institution in the manner described in Subsection B of 17.11.28.11 NMAC, and via telephone free of charge each time a funding transaction related to a prepaid account takes place.

E. Every institutional phone in New Mexico shall provide access to the services listed below without the use of coins or cards of any type, and without any charge to the consumer:

- (1) any call to obtain a refund;
- (2) access to automated operator services necessary to establish a call.

F. An ICSP may not bill any rate, fee, or ancillary service charge that is not part of its tariff.

G. An ICSP may not bill or charge any ancillary service charge in connection with the establishment of, funding to, or refunding from an account in the consumer's name used for the prepayment of inmate calling service that has not been previously approved for that purpose by the commission.

H. An ICSP may assess ancillary service charges that are included in the ICSP's filed tariffs subject to rate caps and prohibitions stated herein.

I. Effective dates: The rate caps and prohibitions established pursuant to this rule:

(1) apply to prisons 30 days from the effective date of this rule;

(2) apply to jails with a ADP of 150 or greater 60 days from the effective date of this rule;

(3) apply to and jails with an ADP of 25 to 149 90 days from the effective date of this rule; and

(4) apply to jails with an ADP of 0 to 25 150 days from the effective date of this rule.

[17.11.28.14 NMAC - Rp, 17.11.28.14 NMAC 11/7/2023]

17.11.28.15 RESPONSIBILITIES OF THE INMATE CALLING SERVICE PROVIDER:

A. An ICSP shall not contract for any intrastate operator services or interexchange services with any entity that is out of compliance with the applicable certification requirements of the commission.

B. The ICSP shall be responsible for all public access line charges associated with the provision of inmate calling service.

C. The ICSP shall be responsible for paying all required regulatory fees to the commission.

D. Subject to compliance with any access requirements of the correctional

institution, ICSPs will make available to the commission, subject to notice and coordination, any institutional phone for purposes of making test calls, free of charge, to telephone numbers of the commission’s choosing.

E. All institutional phones and the telecommunications facilities used for the transmission of service are subject to periodic inspections to ensure compliance with commission requirements. Findings of non-compliance will be brought to the attention of the ICSP and the correctional institution by letter and the ICSP will have 30 days to restore compliance with commission requirements.

F. The ICSP shall be responsible for repairing, servicing and maintaining in good repair the institutional phones through which it provides service.

G. All institutional phones installed in New Mexico shall comply with state and local laws, commission rules, current national electrical code and national electrical safety code requirements, and the generally accepted telecommunications industry technical standards.

H. All calls initiated from an institutional phone will be outbound calls that are either collect calling, debit calling, prepaid calling or prepaid collect calling.

I. An ICSP shall provide a means for an incarcerated person who has not had an opportunity to arrange for prepaid calling services to make an outgoing collect call.

J. The minimum allowance for the duration of a call initiated from an institutional phone shall be determined by the correctional institution.

K. No more than three institutional phones will share a common voice-grade (non-broadband) access line or channel, unless otherwise specifically authorized by the commission.

L. Institutional phones operating in New Mexico must comply with all applicable federal, state and local laws regarding accessibility by hearing impaired or physically disabled persons.

M. All ICSPs must provide intrastate service at each correctional institution they serve.

N. Inmate calling service transmission quality shall be at least equivalent to generally accepted industry standards for wireline, voice-grade circuits, except that ICSPs will not be held responsible for calls terminating to cordless landlines, cell phones, or other non-traditional landline devices. There will be no transmission delay, feedback, excessive noise, or echo perceptible to either the incarcerated person or the called party. The commission will make the final determination as to the acceptable level of transmission service quality.

[17.11.28.15 NMAC - Rp, 17.11.28.15 NMAC 11/7/2023]

17.11.28.16 RESTRICTIONS ON INMATE CALLING SERVICE: Operators of correctional institutions have the authority to limit or deny access to institutional phones at times and in circumstances deemed proper by the correctional institution. However, no ICSP may take any action to discriminate among incarcerated persons in providing access to its tariffed telecommunications services at the correctional institutions. If telephone conversations carried on ICSP facilities are recorded, the ICSP shall provide a notice, via a recorded message, disclosing that fact to persons using the facilities. Pursuant to the correctional institution’s procedures, the ICSP shall provide the means by which communications between incarcerated persons and their legal counsel, or counsel’s staff, may be exempted from any requirement of the correctional institution that telephone conversations be recorded if permission is provided by the correctional institution. The incarcerated person, their counsel, or counsel’s staff may request from the correctional institution that such calls be exempted from recording, and, if the correctional institution grants the request, the ICSP shall accommodate the request and provide verification of the exemption from recording.

[17.11.28.16 NMAC - Rp, 17.11.28.16 NMAC 11/7/2023]

17.11.28.17 CALL RATE CAPS:

A. No ICSP may charge, in the jails it serves with ADP per month of less than 1,000 per month, a per-minute rate for intrastate debit calling, prepaid calling, collect calling, or prepaid collect calling in excess of:

RATE CAPS CHART

Prepaid

Intrastate	Incarcerated Person	Prepaid Collect	Collect
Local per call	\$0.00	\$0.00	\$0.00
Per minute	\$0.15	\$0.15	\$0.15
15-min call	\$2.25	\$2.25	\$3.25

IntraLATA

Local per call	\$0.00	\$0.00	\$0.00
----------------	--------	--------	--------

1110 New Mexico Register / Volume XXXIV, Issue 21/ November 7, 2023

Per minute	\$0.15	\$0.15	\$0.15
15-min call	\$2.25	\$2.25	\$3.25

InterLATA

Local per call	\$0.00	\$0.00	\$0.00
Per min	\$0.15	\$0.15	\$0.15
15-min call	\$2.25	\$2.25	\$3.25

B. No ICSP may charge, in jails it serves with ADP per month of 1,000 or more, a per-minute rate for intrastate debit calling, prepaid calling, or prepaid collect calling in excess of:

RATE CAPS CHART

Prepaid

Intrastate	Incarcerated Person	Prepaid Collect	Collect
Local per call	\$0.00	\$0.00	\$0.00
Per minute	\$0.14	\$0.14	\$0.14
15-min call	\$2.10	\$2.10	\$3.10

IntraLATA

Local per call	\$0.00	\$0.00	\$0.00
Per minute	\$0.14	\$0.14	\$0.14
15-min call	\$2.10	\$2.10	\$3.10

InterLATA

Local per call	\$0.00	\$0.00	\$0.00
Per min	\$0.14	\$0.14	\$0.14
15-min call	\$2.10	\$2.10	\$3.10

C. No ICSP may charge, in prisons it serves, a per-minute rate for intrastate debit calling, prepaid calling, collect calling, or prepaid collect calling in excess of:

RATE CAPS CHART

Prepaid

Intrastate	Incarcerated Person	Prepaid Collect	Collect
Local per call	\$0.00	\$0.00	\$0.00
Per minute	\$0.12	\$0.12	\$0.12
15-min call	\$1.80	\$1.80	\$2.80

IntraLATA

Local per call	\$0.00	\$0.00	\$0.00
Per minute	\$0.12	\$0.12	\$0.12
15-min call	\$1.80	\$1.80	\$2.80

InterLATA

Local per call	\$0.00	\$0.00	\$0.00
Per minute	\$0.12	\$0.12	\$0.12
15-min call	\$1.80	\$1.80	\$2.80

D. For purposes of this section, the initial ADP shall be calculated, for all of the correctional facilities covered by an inmate calling service contract, by summing the total number of incarcerated persons from January 1, 2015, through January 19, 2016, divided by the number of days in that time period.

E. In subsequent years, for all of the correctional facilities covered by an inmate calling service contract, the ADP will be the sum of the total number of incarcerated persons from January 1st through December 31st divided by the number of days in the year and will become effective on January 31st of the following year.

[17.11.28.17 NMAC - Rp, 17.11.28.17 NMAC 11/7/2023]

17.11.28.18 ANCILLARY SERVICE CHARGES

A. An ICSP shall not charge an ancillary service charge that is not among the types of ancillary service charge listed in the definition of ancillary service charge at Paragraph (1) of Subsection A of 17.11.28.7 NMAC.

B. No ICSP may charge a rate for a permitted ancillary service charge in excess of:

- (1) for automated payment fees -- \$3.00 per use;
- (2) for single-call and related services – the exact transaction fee charged by the third-party provider, with no markup, plus the adopted, per-minute rate - \$3.00;
- (3) for live-agent fees -- \$5.95 per use;
- (4) for paper bill/statement fees -- \$2.00 per use; and
- (5) for third-party financial transaction fees – the exact fees, with no markup, that result from the transaction. - \$3.00 per transaction.

C. No ICSP may charge more than one type of ancillary service charge for any single payment transaction.

[17.11.28.18 NMAC - N, 11/7/2023]

17.11.28.19 RATE CAP VARIANCES: The commission may permit an ICSP to impose rates higher than the rate caps as provided for in the rate caps chart in 17.11.28.17 NMAC as may be amended from time to time or as stated in a separate commission order for good cause shown.

A. An ICSP seeking a variance under this rule must file a petition for variance with the commission providing the following information:

- (1) the correctional institution at which the rate that exceeds the rate cap would be applied;
- (2) the rate to be applied and the respective existing rate cap; and
- (3) the reason for which a higher rate will be applied shall include the following information about the proposed service for the call type for which the variance is sought:

(a) projected monthly and yearly call volume by call type, for the next three calendar years;

(b) projected monthly and yearly expense and revenue by call type, for the next three calendar years;

(c) projected monthly and yearly average call duration by call type, for the next three calendar years;

(d) actual monthly and yearly call volume by call type, for the previous two calendar years;

(e) actual monthly and yearly expense and revenue by call type, for the previous two calendar years; and

(f) actual monthly and yearly average call duration by call type, for the previous two calendar years.

B. The petition must include a sworn statement by a knowledgeable representative of the petitioner attesting to the truth and accuracy of its contents. The petition shall be served on staff, the attorney general, and any other interested party

requesting service of such filings, in a docket established by the commission for such filings.

C. The petition shall be accompanied by a proposed tariff change that incorporates the higher rate that the petitioner seeks to impose. All ICSP tariffs shall include a section for rate variances in which all such higher rates are to be listed.

D. At the request of the petitioner, the information provided pursuant to Paragraphs (1) and (3) of Subsection A herein will be treated as confidential and subject to a protective order of the commission. Confidential information shall be handled under the terms of the protective order and will not be disclosed to any person who has not executed a nondisclosure agreement under the protective order.

E. Staff, the attorney general and interested parties shall review the petition for variance within 45 days to determine whether it is supported by the information provided. Any interested party may file a written statement with the commission in support of or opposition to the petition within the same 45-day period. The ICSP shall have 15 days to respond to any filed statement of position.

F. In the absence of any commission action on the petition, the petition will be deemed granted and the proposed tariff change will be deemed approved 60 calendar days from the filing of the petition.

G. ICSPs are not subject to 1.2.2.40 NMAC for matters related to rate variances pursuant to this rule.

[17.11.28.19 NMAC - N, 11/7/2023]

17.11.28.20 BILLING-RELATED CALL BLOCKING:

No ICSP may prohibit or prevent completion of a collect calling call or decline to establish or otherwise degrade collect calling solely for the reason that it lacks a billing relationship with the called party’s communications service provider unless the ICSP offers debit calling, prepaid calling, or prepaid collect calling.

[17.11.28.20 NMAC - N, 11/7/2023]

17.11.28.21 CONSUMER PROTECTION:

A. The ICSP shall complete a call only upon a positive response from the consumer that the consumer accepts all previously disclosed charges for the call. The provider shall allow consumers the opportunity to decline and thus terminate the call at no charge to the consumer. If the ICSP does not receive a positive response within a period not exceeding 20 seconds from the last prompt, the call shall be terminated without charge. ICSPs shall not charge for any calls that are not accepted by the called party.

B. Where not superseded by the express language of this rule, the commission's consumer protection rule, 17.11.16 NMAC, applies, except for those provisions that by their language apply only to non-ICSPs.

[17.11.28.21 NMAC - Rp, 17.11.28.18 NMAC 11/7/2023]

17.11.28.22 REPORTING REQUIREMENTS:

A. Each ICSP shall file with the commission copies of all reports submitted to the federal communications commission (FCC), pursuant to 47 CFR § 64.6060, including confidential data bearing on the ICSP's operations and services in New Mexico. For those copies filed with the commission, an ICSP may redact or exclude data pertaining to the ICSP's operations in states other than New Mexico, whether that data is public or confidential. The reports shall be filed with the commission within five business days of their filing with the FCC.

B. Each ICSP shall comply with the reporting requirements of an intrastate long distance provider, pursuant to 17.11.21.13 NMAC.

C. Upon request from the commission, ICSPs must, in a timely manner, and in accordance with confidentiality agreements between the ICSP and commission staff as necessary, submit data requested by the commission relating to its New Mexico operations,

including but not limited to, revenue, expenses and facilities/usage data by an institutional facility.

D. ICSPs shall report to the commission not later than April 1 the complaints it received about the service provided in New Mexico during the preceding calendar year. Complaints shall be categorized by type of complaint with a description of how each complaint was handled. The categories of complaints shall include at least the following: service, billing, rates, and other.

E. The New Mexico attorney general's office shall also be served the information from ICSPs detailed in Subsections A, C, and D above. Other interested parties may petition the commission for access to that information subject to the commission's rules regarding the treatment of confidential information.

F. Not later than March 15 of each year, commission staff will provide a letter to each correctional institution in New Mexico and to the respective ICSPs with information about the commission's jurisdiction over ICSPs. [17.11.28.22 NMAC - Rp, 17.11.28.19 NMAC 11/7/2023]

17.11.28.23 TAXES AND FEES: No ICSP may charge any taxes or fees to users of inmate calling services, other than those permitted under the definition in Paragraph (A) (2) of 17.11.28.7 NMAC and Section 17.11.28.18. [17.11.28.23 NMAC - N, 11/7/2023]

17.11.28.24 PER-CALL, OR PER-CONNECTION CHARGES: No ICSP may impose a per-call or per-connection charge on a consumer. [17.11.28.24 NMAC - N, 11/7/2023]

17.11.28.25 MINIMUM AND MAXIMUM PREPAID CALLING ACCOUNT BALANCES:

A. No ICSP may institute a minimum balance requirement for a consumer to use debit or prepaid calling.

B. No ICSP may prohibit a consumer from depositing at least \$50 per transaction to fund a

debit or prepaid calling account. [17.11.28.25 NMAC - N, 11/7/2023]

17.11.28.26 CONSUMER PREPAID ACCOUNT BALANCES:

A. No ICSP may charge any rates or fees to a prepaid account unless such rate or fee is contained in a current tariff that has been approved by the commission.

B. Prepaid accounts are deemed to be "utility deposits" for purposes of Section 2 of the Uniform Unclaimed Property Act, Section 7-8A-1 NMSA 1978

C. If a prepaid account has not been subject to any activity for six months, the ICSP shall refund the balance of the prepaid account to the account holder. If an ICSP is unable to locate the account holder or otherwise effectuate a refund within eighteen months of the most recent date of activity, the ICSP shall deliver the balance of the prepaid account to the taxation and revenue department or its agent for administration under the terms of the Uniform Unclaimed Property Act, Section 7-8A-1 NMSA 1978.

[17.11.28.26 NMAC - N, 11/7/2023]

17.11.28.27 TRANSFER OF CERTIFICATE: Any holder of a certificate of registration to provide inmate calling services in New Mexico seeking to transfer the certificate to another person shall first apply to the commission for approval of the transfer. The commission shall approve an application for transfer of a certificate of registration upon receipt of a completed application and a copy of the tariff proposed to take effect upon approval of the transfer. The application shall meet the requirements of 17.11.12.10 NMAC. [17.11.28.27 NMAC - Rp, 17.11.28.20 NMAC 11/7/2023]

17.11.28.28 NOTICE OF CHANGE IN CIRCUMSTANCE: An ICSP shall notify the commission in writing of the following change in circumstances:

A. a change in the ICSP's name, address, or phone number;

B. a change in the name, address, or phone number of the person responsible for regulatory contacts and consumer dispute resolution;

C. merger of the ICSP with another provider;

D. acquisition of the ICSP by another provider;

E. acquisition by the ICSP of another provider;

F. transfer of the ICSP certificate;

G. transfer of a significant portion of the ICSP’s assets to another provider; and

H. any other change in control of the ICSP.
[17.11.28.28 NMAC - Rp, 17.11.28.21 NMAC 11/7/2023]

17.11.28.29 DISCONTINUANCE OF SERVICE:

A. Prior to discontinuing service, an ICSP shall, no later than 30 days prior to discontinuing service, file with the commission a notice of discontinuance of service showing the number of correctional institutions affected.

B. This section does not apply to individual service withdrawals of an ICSP.
[17.11.28.29 NMAC - Rp, 17.11.28.22 NMAC 11/7/2023]

17.11.28.30 SEVERABILITY:
If any part of this rule is held invalid, the remainder, or its application to other situations or persons, shall not be affected.
[17.11.28.30 NMAC - Rp, 17.11.28.24 NMAC 11/7/2023]

17.11.28.31 VARIANCES:

A. Any IOSP may petition the commission for a variance from any requirement of this rule.

B. A petition for a variance shall be supported by an affidavit signed by an officer of the petitioner or a person with authority to sign for the petitioner.

C. Any petition for a variance must contain the information required by the commission’s

procedural rules under 1.2.2.40 NMAC.

D. The petitioning ICSP must serve a copy of the petition for a variance upon staff, the attorney general, and any interested person that has made a written request to the commission to be notified of such petitions.
[17.11.28.31 NMAC - Rp, 17.11.28.25 NMAC 11/7/2023]

HISTORY OF 17.11.28 NMAC: [RESERVED]

History of Repealed Material:
17.11.28 NMAC, Inmate calling Service Providers filed 8/1/2013 - Repealed effective 11/7/2023.

Other: 17.11.28 NMAC, Inmate calling Service Providers filed 8/1/2023 - Replaced 17.11.28 NMAC, Inmate Calling Service Providers, effective 11/7/2023.

End of Adopted Rules

2023 New Mexico Register

Submittal Deadlines and Publication Dates

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
Issue 19	September 28	October 10
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

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. The *New Mexico Register* is available free online at: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941

2024 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXV, Issues 1-24

Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 16
Issue 2	January 18	January 30
Issue 3	February 1	February 13
Issue 4	February 15	February 27
Issue 5	February 29	March 12
Issue 6	March 14	March 26
Issue 7	March 28	April 9
Issue 8	April 11	April 23
Issue 9	April 25	May 7
Issue 10	May 9	May 21
Issue 11	May 23	June 11
Issue 12	June 13	June 25
Issue 13	July 8	July 16
Issue 14	July 18	July 30
Issue 15	August 1	August 13
Issue 16	August 15	August 27
Issue 17	August 29	September 10
Issue 18	September 12	September 24
Issue 19	September 26	October 8
Issue 20	October 10	October 22
Issue 21	October 24	November 5
Issue 22	November 7	November 19
Issue 23	November 26	December 10
Issue 24	December 12	December 23

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. The New Mexico Register is available free online at: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941