

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Museum of New Mexico Board of Regents (BOR) and the Department of Cultural Affairs (DCA) are proposing to repeal 4.51.57 NMAC, which governs the portal artisans program of the New Mexico Palace of the Governors State History Museum (POG/NMHM), and replace it with a new 4.51.57 NMAC. In summary, 4.51.57 NMAC contains provisions on the location of the portal program; participant qualifications and program operations; vending rules; annual meeting requirements; responsibilities of portal committee; POG/NMHM's administration of the program; and the authenticity and quality of products offered for sale in the program. The BOR/DCA propose to repeal 4.51.57 NMAC because the current rule is disorganized; needs clarification; contains redundant, outdated, and unnecessary provisions; and lacks definitions and detail on the application process, committee structure, committee meetings, committee member elections, duty officer responsibilities, and rule enforcement.

The purpose of the proposed new rule is to clarify, supplement, and update 4.51.57 NMAC in order to enhance the program and the NMHM/POG's ability to effectively, fairly and lawfully administer the program. In summary, the proposed replacement rule 4.51.57 NMAC defines key terms; sets forth the portal coordinator's administrative responsibilities; establishes requirements for the application and demonstration process and participant qualifications consistent with law; establishes rules on the selection, structure, and responsibilities of the portal committee and removal of its members; establishes procedures for conducting annual, committee and special meetings; governs daily operations of the program, including establishing duty officer responsibilities, rules for the drawing for spaces, and participant vending rules; sets forth disciplinary procedures for rule violations, including penalty guidelines and appeals process; establishes product authenticity and quality standards; and codifies the portal committee code of conduct for all participants.

The BOR and DCA are proposing these rule changes pursuant to Subsection E of Section 9-4A-6 NMSA 1978 and Subsection G of Section 18-3-3 NMSA 1978.

The BOR and the DCA will hold a public hearing on Tuesday, April 3, 2018, at 10:00 A.M. in Room 238 of the Bataan Memorial Building (Old Senate Chambers), 407 Galisteo Street, Santa Fe, New Mexico 87501. The purpose of the hearing is to receive oral and written comments on the proposed rule repeals and on the proposed new rule.

The proposed rule is available at the DCA website: <http://www.newmexicoculture.org>. To request that a copy of the proposed rule be mailed to you, submit your request in writing to Shirley Lujan, Museum Resources Center, Dept. of Cultural Affairs, 725 Camino Lejo, Santa Fe, New Mexico 87504, or by email to Shirley.Lujan@state.nm.us.

Any person may appear at the hearing and make oral comments, or submit written comments, or both. Written comments may be submitted by mail or email to Shirley Lujan at the addresses noted above. The BOR and DCA will accept written comments for consideration no later than 10:00 A.M. on the hearing date. Written comments received at least one day prior to the public hearing will be posted on the DCA's website.

Individuals in need of a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to attend or participate in the hearing should contact Shirley Lujan at 505-476-1126 at least five business days prior to the hearing.