

NOTICE OF PUBLIC HEARING AND RULEMAKING

The New Mexico Energy, Minerals and Natural Resources Department (EMNRD), Energy Conservation and Management Division is extending the public comment period and moving the date of a public hearing on proposed amendments to rules, 3.3.33 NMAC, "Agricultural Biomass Personal Income Tax Credit" and 3.4.20 NMAC, "Agricultural Biomass Corporate Income Tax Credit". The public hearing, previously scheduled for June 16, 2020, will now be held on August 19, 2020 at 9:00 am via Webex online and via telephone. Oral comments may be made either on-line or by phone as explained below. Written comments will be accepted via email or mail until 5:00 p.m. August 31, 2020, or in person on the day of the hearing.

Purpose of Amendments. In 2020, the Legislature passed a 10-year extension to the Agricultural Biomass Personal Income Tax Credit and the Agricultural Biomass Corporate Income Tax Credit. The Energy Conservation and Management Division (ECMD) of EMNRD currently implements the original Agricultural Biomass Personal Income Tax Credit and the original Agricultural Biomass Corporate Income Tax Credit, through rules 3.3.33 NMAC and 3.4.20 NMAC, respectively. The rules currently have a sunset date of January 1, 2020. The proposed amendments extend the sunset date 10-years to January 1, 2030, as authorized by Subsection F of Section 7-2-18.26 NMSA 1978 and Subsection D of Section 7-2A-26 NMSA 1978.

Legal Authority. EMNRD proposes these rule amendments under the authority of Subsection F of Section 7-2-18.26 NMSA 1978, Subsection D of Section 7-2A-26 NMSA 1978, and Section 9-1-5(E) NMSA 1978.

The full text of the proposed rule amendments are available from EMNRD, Energy Conservation and Management Division; at <http://www.emnrd.state.nm.us/ECMD/LawsRegulationsExecutiveOrders/ECMD%20Hearings/Hearings.html>; or by contacting Daren Zigich at darenk.zigich@state.nm.us; telephone (505) 476-3323.

Public Hearing and Comment. The public hearing will be held on August 19, 2020 at 9:00 am via Webex online, via telephone, and written comments will be accepted via email or mail until 5:00 p.m. August 31, 2020. Written comments may also be dropped off at the EMNRD main office at, 1220 South Saint Francis Drive, Santa Fe, NM 87505, between 8 am and 10 am on the hearing date.

The hearing is being held via internet, email, and telephonic means due to the concerns surrounding COVID-19 and in accord with Governor Michelle Lujan Grisham's Executive Order 2020-004, Declaration of a Public Health Emergency, and the March 12, 2020 Public Health Emergency Order to Limit Mass Gatherings Due to COVID-19.

Any interested member of the public may attend the Public Hearing and offer public comments on the proposed rule amendments during the hearing. To access the hearing by telephone: please call:

408-418-9388, When prompted, enter
Meeting Number (access code): 146 127 2345
Meeting password: DKsRtPmq728

To access the Public Hearing via internet, please go to
<https://nmemnrd.webex.com/nmemnrd/j.php?MTID=mef89936e8a186557c93c8964ed22710c>

A Public Hearing Agenda and Participant Information Guide will be posted to the ECMD website contemporaneously with this Notice. If you wish to provide oral comments at the Public Hearing you will be required to provide your name during the comment portion of the Public Hearing.

You may request to speak via Chat during the Public Hearing. Your oral comments will be recorded.

All interested persons may participate in the hearing and will be given an opportunity to submit relevant evidence, data, views, and arguments, orally or in writing as explained in the following paragraph.

Those wishing to comment on the proposed rule amendments may make oral comments or submit written comments at the hearing or may submit written comments by August 31, 2020 by 5:00 p.m. by mail or e-mail.

Please mail written comments before, during or after the Public Hearing to:

Daren Zigich, EMNRD
Energy Conservation and Management Division
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Or you may submit them by e-mail to:

darenk.zigich@state.nm.us

Written comments will also be accepted at the address provided below on August 19, 2020, the date of the public hearing for the proposed rulemaking. Those wishing to deliver written comment to EMNRD shall, upon arrival at the building, call (505) 476-3200, ext. 1, to request that an agency representative meet you at the front door to receive the written comment. The phone number will also be posted on the front door along with a copy of this notice.

EMNRD
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Technical Information. There is no technical information that served as the basis of the proposed rule amendments.

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact Daren Zigich at (505) 476-3323 or the New Mexico Relay Network at 1-800-659-1779 one week prior to the hearing. Public documents can be provided in various accessible formats. Please contact Daren Zigich at (505) 476-3323, if a summary or other type of accessible format is needed.