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New Mexico Register

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

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The New Mexico Register

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New Mexico Register

Volume XXIX, Issue 9

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Table of Contents

Notices of Rulemaking and Proposed Rules

AGRICULTURE, DEPARTMENT OF

Notice of Rulemaking Hearings.....459

CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION

Notice of Public Hearing.....460

GAME AND FISH, DEPARTMENT OF

State Game Commission Meeting and Rulemaking Notice.....460

State Game Commission Meeting and Rulemaking Notice.....461

HUMAN SERVICES DEPARTMENT

INCOME SUPPORT DIVISION

Notice of Public Hearing.....461

Adopted Rules

A = Amended, E = Emergency, N = New, R = Repealed, Rn = Renumbered

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

STATE PARKS DIVISION

19.5.1 NMAC A General Provisions.....463

19.5.2 NMAC A Park Visitor Provisions.....465

19.5.6 NMAC A Park Fees.....468

HEALTH, DEPARTMENT OF

7.20.2 NMAC R Comprehensive Behavioral Health Standards.....472

PUBLIC EDUCATION DEPARTMENT

6.30.13 NMAC N Early College High School.....472

PUBLIC REGULATION COMMISSION

17.11.10 NMAC A State Rural Universal Service Fund.....474

REGULATION AND LICENSING DEPARTMENT

MANUFACTURED HOUSING DIVISION

14.12.3 NMAC R New Mexico Modular Building Structures.....474

Notices of Rulemaking and Proposed Rules

AGRICULTURE, DEPARTMENT OF

NOTICE OF RULEMAKING HEARINGS

The New Mexico Department of Agriculture (NMDA) has scheduled rule hearings for Monday, June 18, 2018, at 11:00 A.M. at the Artesia Public Schools Administrative Office, at 301 Bulldog Boulevard, Artesia, NM, and Tuesday, June 19, 2018, at 9:00 A.M. at the New Mexico Department of Agriculture, at 3190 S. Espina, Las Cruces, NM, on the corner of Espina and Gregg. The purpose of the proposed public hearings is to receive public input on the newly developed rule to accompany SB 217 Pecan Buyers Licensure Act.

New Rule

21.19.2 NMAC – Pecan Buyers Licensure

During the 2018 legislative session SB 217 the Pecan Buyers Licensure Act was passed and chaptered into law. SB 217 creates a pecan buyers licensure program, establishes licensing fees, licensing requirements, and a licensing period for persons buying in-shell pecans. The rule establishes licensing fees for permanent and mobile buying locations, sets a license period, and establishes record keeping requirements.

Statutory Authority: Chapter 47, SB 217 2018 Legislature.

The New Mexico Department of Agriculture (NMDA) has scheduled rule hearings for Tuesday, June 19, 2018, at 9:00 A.M. at the New Mexico Department of Agriculture, at 3190 S. Espina, Las Cruces, NM, on the corner of Espina and Gregg. NMDA will consider the following items of rulemaking at the hearing:

Repeals

19.15.110 NMAC - Biodiesel

fuel specification, dispensers, and dispenser labeling requirements
19.15.111 NMAC - E85 Fuel specification, dispensers, and dispenser labeling requirements
19.15.112 NMAC - Retail natural gas (CNG/LNG) regulations

The proposed repeal of 19.15.110 NMAC is to acknowledge that the rule was established prior to national standards. Since this time the Federal Trade Commission has established labeling requirements and American Society for Testing and Materials (ASTM) specifications are in place for this product. By law, NMDA adopts the latest ASTM standards.

Statutory Authority: This repeal is authorized by the Petroleum Products Standards Act, NMSA 1978, Chapter 57, Article 19, Sections 25 through 37, specifically 57-19-29A Quality standards which allows for adoption of the latest standards adopted and published by ASTM.

The proposed repeal of 19.15.111 NMAC is to acknowledge that the rule was established prior to national standards. Since this time the product name has changed from E85 to Ethanol Flex Fuel and the Federal Trade Commission has established labeling requirements and American Society for Testing and Materials (ASTM) specifications are in place for this product. By law, NMDA adopts the latest ASTM standards.

Statutory Authority: This repeal is authorized by the Petroleum Products Standards Act, NMSA 1978, Chapter 57, Article 19, Sections 25 through 37, specifically 57-19-29A Quality standards which allows for adoption of the latest standards adopted and published by ASTM.

The proposed repeal of 19.15.112 NMAC is to acknowledge that the rule was established prior to national standards or model laws. In 2016 these standards and model laws were adopted by the National Conference on Weights and Measures and added

to the National Institute of Standards and Technology (NIST) handbook 44. By law, NMDA adopts the latest NIST standards.

Statutory Authority: This amendment is authorized by the Weights and Measures Law, NMSA 1978, Chapter 57, Article 17, Sections 1 through 19, specifically 57-17-4 Enforcement and administration which allows for reasonable regulations to carry out the provisions of Articles 17 and 18 of this Chapter 57 NMSA 1978 including standards and label requirements.

Repeal and Replace

21.1.1 NMAC – NMDA Rule Making Procedures

During the 2017 legislative session HB 58 Rule Making Requirements was passed and chaptered into law. HB 58 amends sections of the State Rules Act placing into effect new agency requirements for rule makings. The statute allows agencies the opportunity to utilize a default procedural rule developed by the Attorney General's Office, or continue using their own procedural rule as long as it is consistent with the updates made to the State Rules Act (SRA). The proposed repeal and replace of 21.1.1 NMAC is to update the rule to meet SRA requirements.

Statutory Authority: These amendments are authorized by Section 76-1- 2 C NMSA 1978, which authorizes the board of regents of New Mexico state university, relative to the New Mexico department of agriculture to adopt, and file in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978], regulations as may be necessary to carry out its duties.

Amend

19.15.108 NMAC – Bonding and Registration of Service Technicians and Service Establishments for Commercial Weighing or Measuring Devices

The proposed amendment of 19.15.108 NMAC is to align it with 21.16.5 NMAC, which is the bonding and registration of service technicians and service establishments for commercial weighing and measuring devices associated to the Weights and Measures Law.

Statutory Authority: This amendment is authorized by the Weights and Measures Law, NMSA 1978, Chapter 57, Article 17, Sections 1 through 19, specifically 57-17-4 Enforcement and administration which allows for reasonable regulations to carry out the provisions of Articles 17 and 18 of this Chapter 57 NMSA 1978 including standards and label requirements.

No technical information served as a basis for the proposed rule change. Interested individuals may provide comments regarding the proposed rulemaking actions at the rule hearing and/or submit written comments via email at comments@nmda.nmsu.edu. Written comments must be received no later than 5:00 p.m. on June 19, 2018. The submission of written comments as soon as possible is encouraged. Persons offering written comments at the meeting must have 2 copies for the hearing officer.

The full text of the proposed rules is available on the webpage at www.nmda.nmsu.edu and available at the New Mexico Department of Agriculture located at 3190 S. Espina, Las Cruces, NM 88003.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (575) 646-3702 at least one week prior to the meeting or as soon as possible.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT PROTECTIVE SERVICES DIVISION

NOTICE OF PUBLIC HEARING

Protective Services Division (PSD) of the Children, Youth and Families Department (CYFD) will hold a public hearing in Santa Fe on Thursday June 14, 2018, from 10:00 a.m. to 11:30 a.m. at the PERA Building, 1120 Paseo de Peralta, room, Santa Fe, NM Room #227, to take comments regarding the proposed changes to 8.26.6 NMAC, Placement Services.

Proposed changes are to establish standards for the provision of foster care adoption services for children in PSD custody and for families who are seeking to foster and adopt, or current foster parents who want to adopt those children, this includes adding language surrounding a grievance policy for children and youth in foster care.

A free electronic copy of the proposed changes can be found at <https://cyfd.org/for-providers/rfp>. A copy of the proposed changes also may be reviewed between 8:00 a.m.-5:00 p.m. at the PSD Director's office, Room 254, in the PERA building in Santa Fe. Copies of the proposed changes may be purchased (for the cost of copying).

Written comments can be provided in person at the public hearing or via e-mail to Maya McKnight at mcknight@state.nm.us or by mail to CYFD, Maya McKnight, Protective Services Division, PO Drawer 5160, Santa Fe, NM 87502. All written comments must be received no later than 5:00 pm on Tuesday, June 12, 2018. Written comments provided carry the same weight as comments received during the public hearings.

Subsection D of Section 9-2A-7 NMSA 1978 states "The secretary may make and adopt such reasonable and procedural rules and regulations

as may be necessary to carry out the duties of the department and its divisions" which provides the authority authorizing the proposed rule and the adoption of the proposed rule.

The PERA building is accessible to people with disabilities. Documents can be available in different formats to accommodate a particular disability upon request by calling 505-827-8400. If assistance is required to attend the hearing, please call 505-827-8400 to arrange accommodation.

GAME AND FISH, DEPARTMENT OF

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Thursday, June 21, 2018, beginning at 9:00 a.m., at the Raton Convention Center, 901 S 3rd St., Raton, NM 87740, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Turkey rule.

Synopsis:

The proposal is to adopt a new Turkey rule, 19.31.16 NMAC, which will become effective April 1, 2019. The current Turkey rule is set to expire on March 31, 2019.

The proposed new rule will include adjusting youth season dates so select hunts will coincide with weekends. Date changes will only be made to special seasons including the Youth-Only Over-the-Counter hunt, and the WS Huey WMA Youth-Only draw hunts. We propose opening additional units for fall hunting to include Game Management Units 2B (excluding Carson National Forest) 5A, 39, 51 and 52, and Bluebird Mesa Wildlife Management Area, and for spring hunting to include Game Management Unit 33 and Bluebird Mesa Wildlife Management Area.

Additionally, we propose adding an additional draw hunt for youth in GMU 30 on Washington Ranch. A full text of changes will be available on the Department's website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Turkey rule at DGF-Gamebird@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on June 20, 2018. The final proposed rule will be voted on by the Commission during a public meeting on June 21, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on June 21, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers

and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

GAME AND FISH, DEPARTMENT OF

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Thursday, June 21, 2018, beginning at 9:00 a.m., at the Raton Convention Center, 901 S 3rd St., Raton, NM 87740, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Migratory Game Bird rule.

Synopsis:

The proposal is to adopt a new Migratory Game Bird rule, 19.31.6 NMAC, which will become effective September 1, 2018. The current Migratory Game Bird rule expired on March 31, 2018.

The proposed new rule will include adjusting regular waterfowl season dates, slightly (~4%) decreasing the greater sandhill crane allocation, increasing the bag limit for northern pintail from 1 to 2, and moving the youth crane hunt later in the season. A full text of changes will be available on the Department's website at: www.wildlife.state.nm.us

Interested persons may submit comments on the proposed changes to the Migratory Game Bird rule at DGF-waterfowl@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on June 20, 2018. The final proposed rule will be voted on by the Commission during a public meeting on June 21, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the

public rule hearing to be held on June 21, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The Human Services Department (HSD) will hold a public hearing to allow public comment on the amendment of several rules. The hearing will be held on Monday, June 18, 2018, from 9:30 a.m. to 10:30

a.m., at the HSD Administrative Services Division (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505. The conference room is located at the ASD Rodeo Building.

The Human Services Department (Department) is proposing to update amounts in 8.139.610 NMAC to reflect the correct monthly minimum SNAP benefit amount. The Department is updating this section to reflect correct language and citations used in accordance with the Code of Federal Regulations (CFR). The Department is proposing to remove 8.139.610.9 NMAC, Identification Cards as the Department no longer utilizes these cards and is also proposing to clarify Paragraph (3) of Subsection D of 8.139.610.12 NMAC, to include that all eligible households with three or more members which are entitled to no benefits shall be denied on the grounds that its net income exceeds the level at which benefits are issued. The Department is also clarifying language in Paragraph (3) of Subsection A of 8.139.610.15 NMAC Reduction or Suspension of SNAP benefits if there is an order from the Food and Nutrition Service (FNS) for reduction or suspension of benefits. The Department is also updating language to align with CFR to clarify replacement of EBT cards and imposition of an EBT card replacement fee. The Department is holding a public hearing to adopt the proposed rules, pursuant to Section 14-4-5.2 NMSA.

The Department is proposing these rules pursuant to the statutory authority of the food stamp program as authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA 1978. Administration of the Human Services Department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8 NMSA 1978 (Repl. 1983).

The Human Services Register Vol. 41 No. 7 outlining the regulations is available on the HSD's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>.

Individuals wishing to testify or to request a copy of the final regulations should contact the Income Support Division, P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling 505-827-7254.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-6201 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written comments which must be received by 5:00 p.m. on the date of the hearing, Monday, June 18, 2018. Please send comments to:

Human Services Department
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

You may also send comments electronically to: HSD-isdrules@state.nm.us

End of Notices of Rulemaking and Proposed Rules

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.

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT STATE PARKS DIVISION

This is an amendment to 19.5.1 NMAC, Sections 3 and 7, effective 5/15/2018.

19.5.1.3 STATUTORY AUTHORITY: 19.5.1 NMAC is authorized pursuant to ~~[NMSA 1978, Section 9-1-5(E)]~~ Subsection E of 9-1-5 NMSA 1978 and Sections 16-2-2 *et seq.* NMSA 1978. [12-31-96; 19.5.1.3 NMAC - Rn, 19 NMAC 5.1.3, 12/31/2002; A, 1/1/2008; A, 5/15/2018]

19.5.1.7 DEFINITIONS:

A. "Authorized areas" means locations, places, sites, regions, zones or spaces identified by the director or, for purposes of hunting or fishing, the state game commission. These areas may be defined with signs or other appropriate proclamation or means. For purposes of bowfishing, authorized areas include all parks where fishing is allowed.

B. "Boating and rafting excursions" means a guiding service for boating or rafting trips offered to the general public.

C. "Capital improvement" means a construction project by a concessionaire to the concession premises that is not maintenance or repair and that costs at least \$1,000.

D. "Commercial activity" means for-profit sales or services but does not include the operation of vending machines unless the vending machine is operated as part of a larger concession operation.

E. "Commercial charter bus" means a bus transporting a group of persons who

pursuant to a common purpose, and under a single contract at a fixed price, have acquired the exclusive use of a bus to travel together under an itinerary.

[E:] E. "Commercial filming" means the use of motion picture, videotaping, sound recording or other moving image or audio recording equipment that involves the advertisement of an event, product or service; or the creation of a product for sale including film, videotape, television broadcast or documentary of participants in commercial sporting or recreation events for the purpose of generating income.

[F:] G. "Commercial photography" means still images taken with a camera that the photographer intends to sell.

[G:] H. "Concession" means commercial activity conducted within a park the department has authorized in writing.

[H:] I. "Concessionaire" means the owner or operator of a concession who operates pursuant to a department-issued concession contract.

[I:] J. "Concessions administrator" means a division employee who maintains records and documentation concerning concession contracts and concession permits.

[J:] K. "Concession contract" means an agreement between the department and a person, or business entity, which allows the concessionaire to provide services, merchandise, accommodations or facilities within a park. The concessionaire may or may not occupy a permanent structure or location within the park. The concession contract's term shall not exceed 30 years pursuant to ~~[NMSA-1978,]~~ Section 16-2-9 NMSA 1978.

[K:] L. "Concession permit" means a permit the

department issues to a person or business entity to provide commercial activities, including services or goods, in a park for a [time] period of up to one year. The fee for a concession permit is established in 19.5.6 NMAC. Services the division may authorize under a concession permit include guiding and outfitting services for fishing, boating and rafting excursions; educational and park resource protection services; and other services or goods, including commercial services, that enhance visitors' experience and enjoyment, such as sales of firewood, propane, ice, food or refreshments.

[L:] M. "Concession permittee" means the holder of a department-issued concession permit.

[M:] N. "Cultural property" means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.

[N:] O. "Department" means the energy, minerals and natural resources department.

[O:] P. "Developed site" means a park camping site with at least one shelter, table or grill or a combination of two or more such facilities at the site. Sites with recreational vehicle utility hookups are considered developed regardless of the presence of shelters, tables or grills.

[P:] Q. "Director" means the director of the energy, minerals and natural resources department, state parks division.

[Q:] R. "Director designee" means persons the director appoints including deputy directors, bureau chiefs, regional managers and park superintendents.

[R:] S. "Division" means the energy, minerals and natural resources department, state parks division.

[S:] T. “Flotation assist device” means a wet suit or wearable flotation device in good condition capable of providing flotation to the wearer on the water’s surface.

[F:] U. “Geocaching” means an outdoor treasure-hunting activity in which the participants use a global positioning system receiver or other navigational means to hide or find containers called “geocaches” or “caches”.

[E:] V. “Gross receipts from sales and services” means the total amount of receipts from sales and services.

[V:] W. “Guide” means an individual or an employee of an outfitter who is hired to escort or accompany clients in fishing, rafting or boating.

[W:] X. “Letter boxing” means an outdoor hobby that combines elements of orienteering, art and puzzle solving. Letter boxers hide small, weatherproof boxes in publicly-accessible places and distribute clues to finding the boxes in printed catalogs, on websites or by word of mouth. The activity is characterized by the boxes containing a logbook and a rubber stamp. Letter boxers stamp the box’s logbook with personal rubber stamps and use the box’s stamp to imprint their personal logbooks as proof they found the box.

[X:] Y. “Net receipts from sales and services” means the total amount of receipts from sales and services, less the amount of gross receipts taxes.

[Y:] Z. “Off highway motor vehicle” means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(1) **“all-terrain vehicle,”** which means a motor vehicle 50 inches or less in width, having an unladen dry weight of 1,000 pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

(2) **“off-highway [motorcycle] motorcycle,”** which means a motor vehicle

traveling on not more than two tires and having a seat designed to be straddled by the operator and has handlebar-type steering control;

(3) **“snowmobile,”** which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or part by skis, belts, cleats, runners or low-pressure tires;

(4) **“recreational off-highway vehicle,”** which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:

(a) a steering wheel for steering control;

(b) non-straddle seating;

(c) maximum speed capability greater than 35 miles per hour;

(d) gross vehicle weight rating no greater than 1,750 pounds;

(e) less than 80 inches in overall width, exclusive of accessories;

(f) engine displacement of less than 1,000 cubic centimeters; and

(g) identification by means of a [17-character] 17-character vehicle identification number; or

(5) by rule of the department of game and fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

[Z:] AA. “Other [power-driven] power-driven mobility device” means any mobility device powered by batteries, fuel or other engines, whether or not designed primarily for use by individuals with mobility disabilities - that is used by individuals with mobility disabilities for the purpose of locomotion including golf cars, electronic personal assistance mobility devices, such as the Segway® PT, or any mobility device designed to operate in areas without defined pedestrian routes, but that is

not a wheelchair.

[AA:] BB. “Outfitter” means a person or company who employs guides.

[BB:] CC. “Park” means an area designated as a state park within the state parks system and that the division manages or owns.

[CC:] DD. “Park” or “parking” means the leaving of a vehicle, camping unit or trailer, whether occupied or not, in a location, other than when engaged in loading or unloading.

[DD:] EE. “Park management and development plan” means a plan used as a guide for expansion, services, programs and development for the park.

[EE:] FF. “Park support group” means an organization as defined in [NMSA-1978,] Section 6-5A-1 NMSA 1978 or an organized group of individuals that volunteers time, services or funds to promote and support the division or an individual park and whose principal purpose as authorized by the division is to complement, contribute to and support, aid the function of or forward the division’s or park’s purposes.

[FF:] GG. “Person” means an individual, partnership, firm, corporation, association, joint venture or other entity.

[GG:] HH. “Personal flotation device” means a United States coast guard approved life preserver, buoyant vest, hybrid device, ring buoy or buoyant cushion.

[HH:] II. “Primitive site” means a camping site that offers no facilities except a cleared area for camping. Primitive sites may have trash receptacles, chemical toilets or parking.

[II:] JJ. “Rally” means a parking area or facility designated for group functions.

[JJ:] KK. “Receipts” means consideration in money and in trade received from sales and charges for services.

[KK:] LL. “Regional manager” means a division employee responsible for several parks within a region.

~~[H:]~~ **MM.** “**Resource program**” means a division employee or employees responsible for the natural and cultural resource protection program.

~~[MM:]~~ **NN.** “**Sales and services**” means transactions by a concessionaire, or a concessionaire’s agents or employees, for which the concessionaire receives consideration in money or money’s worth in connection with the concession business operated pursuant to the concession contract.

~~[NN:]~~ **OO.** “**Secretary**” means the secretary of the department.

PP. “**Special event facility**” means an entire building or structure such as a visitor center, lodge, pavilion or group shelter, or an area designated by the superintendent.

~~[OO:]~~ **QQ.** “**Special use permit**” means a permit the division has issued to ~~[a person, business entity, park support group or organized group to provide an event or activity within a park. Examples of special use events and activities include regattas, boat races, parades, races, fishing tournaments, exhibitions and educational activities]~~ a person for a non-commercial activity or event within a park.

~~[PP:]~~ **RR.** “**State park official**” means a division employee.

~~[QQ:]~~ **SS.** “**State parks system**” means land and water in a park.

~~[RR:]~~ **TT.** “**Superintendent**” means a division employee who is in charge of a specific park; which includes a park superintendent or park manager.

~~[SS:]~~ **UU.** “**Vehicle**” means an automobile, car, van, sport-utility truck, pickup truck, motorcycle, wagon, buggy or similar device that is used or may be used to transport persons or property on a highway, except devices moved exclusively by human power.

~~[TT:]~~ **VV.** “**Vending machine**” means a coin-operated beverage, snack or service machine subject to division approval.

WW. “**Visitor**” means a

person who reserves park facilities or enters a park. This definition does not include department employees who are on duty, concessionaires or their employees operating their concession or on duty employees of an entity that owns the property where the park is located.

~~[UU:]~~ **XX.** “**Wheelchair**” means a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor or both indoor and outdoor locomotion.

~~[VV:]~~ **YY.** “**Working days**” means Monday through Friday, excluding state holidays.

[7/17/1967, 7/25/1972, 7/31/1979, 12/21/1989, 12/31/1989, 5/20/1992, 12/31/1996, 12/31/1998, 7/1/1999; 19.5.1.7 NMAC - Rn & A, 19 NMAC 5.1.7, 12/31/2002; A, 5/1/2004; A, 1/1/2008; A, 12/30/2010; A, 1/1/2013; A, 5/15/2018]

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT STATE PARKS DIVISION

This is an amendment to 19.5.2 NMAC, Sections 3, 12, 13, 16, 28, 29, and 32, effective 5/15/2018.

19.5.2.3 STATUTORY AUTHORITY: 19.5.2 NMAC is authorized pursuant to ~~[NMSA 1978, Sections 9-1-5(E)]~~ Subsection E of 9-1-5 NMSA 1978 and Sections 16-2-2 et seq. NMSA 1978.
[19.5.2.3 NMAC - Rp, 19.5.2.3 NMAC, 1/1/2008; A, 5/15/2018]

19.5.2.12 CAMPING:
A. Visitors may camp in parks in designated areas, provided that they obtain a valid camping permit. Visitors shall obtain permits upon entry by paying appropriate fees. See 19.5.6 NMAC. Use of park properties and facilities between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, is camping. Check out time, the time the campsite is to be vacated, is 2:00 p.m.; however, the camping

permit allows day use of the park until 9:00 p.m., or as posted by the superintendent, on the day the camping permit expires. Camping is not available at Living Desert Zoo and Gardens state park, ~~[Vietnam-Veterans Memorial state park,]~~ Rio Grande Nature Center state park, Mesilla Valley state park or Smokey Bear historical park.

B. Campers shall not leave unoccupied any type of vehicle, motorized camper, trailer, tent or other sleeping unit or facility or otherwise leave a campsite unoccupied for more than 24 hours without the superintendent’s prior approval. Unoccupied means the camper is not present at the campsite for more than 24 hours.

C. Campers shall maintain campsites in a clean and sanitary condition at all times. Campers shall clean campsites and place litter only in appropriate disposal containers.

D. Campers in areas or parks designated and posted by the superintendent as pack-in, pack-out, shall carry out supplies and solid waste or other refuse, including human bioproducts, and properly dispose of these items in appropriate waste receptacles outside of the designated area or park.

E. Campers may reside in a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Campers shall completely remove camping equipment and gear from the park for six calendar days during the 20-calendar day period.

F. The division shall charge fees according to the facilities provided at each campsite, as provided in 19.5.6 NMAC, regardless of whether the camper uses the facilities at the campsite. For example, camping at a site with electricity requires payment of the fee for a developed site with electrical hookup even if the camper uses no electricity.

G. Vehicles in a park between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the

superintendent, are individually subject to the appropriate camping fees. The division considers motor homes towing a vehicle or vehicles towing a camper a single vehicle for 19.5.2.12 NMAC's purposes.

H. The division may require visitors to pay fees for their entire stay in advance (rather than ~~on a daily basis~~ daily) for weekends, holidays or special events.

I. Anchoring a boat or vessel overnight within a park constitutes camping and requires a valid camping permit for the anchored boat or vessel unless the visitor has paid camping fees for the towing vehicle.

(1) Visitors may not leave anchored boats or vessels vacant for more than 24 hours without the superintendent's permission. Anchored boats or vessels may remain within a park for a maximum of 14 calendar days during any 20-calendar day period unless the director extends, decreases or waives this limit. Visitors shall completely remove boats or vessels from the park for six calendar days during the 20 calendar-day period.

(2) Subsection I of 19.5.2.12 NMAC does not apply to boats or vessels only while they are moored overnight at concession operated facilities such as marinas or buoy lines. Boats or vessels are subject to division camping permits and camping fees when moored overnight at any other location in the park. Time limits do not apply while boats or vessels are moored at the concession facilities.

J. Reserved campsites shall become available to other visitors if the visitor holding the reservation does not occupy the reserved site or contact the reservations contractor or the park by 4 p.m. the day after the scheduled arrival date. At that time the site will be available to other visitors and reservations. The visitor holding the reservation who failed to file a cancellation is not eligible for a refund.

[19.5.2.12 NMAC - Rp, 19.5.2.12 NMAC, 1/1/2008; A, 1/1/2013; A,

5/15/2018]

19.5.2.13 USE OF FACILITIES:

A. Facilities are available on a first come, first served basis ~~[with the exception of]~~ except at parks where the division has established a reservation program and a visitor has reserved the facility. Campers shall not save or reserve camping spaces for other individuals even by purchasing additional permits.

B. Visitors using a park facility shall keep it in a clean and sanitary manner and shall leave it in a clean and sanitary condition.

C. Glass containers are prohibited outside vehicles, motor homes, campers, trailers and tents within the state parks system except on established commercial premises.

D. The division has developed and designated special accessible facilities for the use of individuals with disabilities. Individuals with disabilities shall have preferential use of these facilities over other persons.

E. Visitors shall not remove water from the park for use outside the park or deposit trash generated outside the park within a park.

F. Advance reservations are required for the use of meeting rooms. Meeting rooms are not available at all parks. A person who reserves a meeting room is responsible for setting up the room, cleaning the room after use and leaving the room in the same condition it was in before use. See 19.5.6 NMAC for meeting room fees.

G. The director may designate areas within the state parks system including campsites, group shelters, group areas, cabins, yurts and lodges for use by reservation.

H. Advance reservations are required for the use of group shelters, group areas or reservation campsites. ~~[Users]~~ Visitors shall pay the appropriate day use or camping fees in addition to the ~~[reservation fee]~~ fees for use of the facility or area. If visitors make

reservations through the division's reservation system contractor, visitors shall pay the reservation processing and cancellation fees the contractor charges. The division may accept annual permits at reservation campsites if posted. See 19.5.6 NMAC for group shelter fees.

I. The superintendent may restrict the number or size of tents, shade or screen shelters occupying a campsite or day use site by posting the restriction or restrictions in the affected area or areas.

[19.5.2.13 NMAC - Rp, 19.5.2.13 NMAC, 1/1/2008; A, 12/30/2010; A, 1/1/2013; A, 5/15/2018]

19.5.2.16 OFF-HIGHWAY MOTOR VEHICLES AND GOLF CARS:

A. Visitors shall not operate off-highway motor vehicles or golf cars in the state parks system, with the exception of persons with mobility disabilities as provided in Subsection D of 19.5.2.16 NMAC or as provided in Subsection F of 19.5.2.16 NMAC for ice fishing.

B. State park officials may use off-highway motor vehicles or golf cars for park operations and maintenance.

C. The park superintendent may approve the use of golf cars by concessionaires within certain areas of a park for concession operations and maintenance.

D. Other ~~[power-driven]~~ power-driven mobility devices may only be used by visitors with mobility disabilities on established roads, pathways, trails and other areas open to pedestrian use. The use of other ~~[power-driven]~~ power-driven mobility devices is subject to more stringent laws or rules or regulations of a landowner (e.g. United States department of the interior, bureau of reclamation; New Mexico department of game and fish; United States army corps of engineers, New Mexico state land office, etc.) from which the division leases the land or reservoir. Visitors and state park officials shall comply with laws or regulations or rules of the landowner

(e.g. United States department of the interior, bureau of reclamation) where applicable. Visitors shall consult park information provided at the park office and on the division’s official website to determine limitations on park pathways, trails and other areas open to pedestrian use. To ensure protection of park resources, visitor safety and enjoyment:

(1) only other ~~[power driven]~~ power-driven mobility devices not exceeding 36 inches in width and 62 inches in length are permitted on park pathways, trails and other areas open to pedestrian use;

(2) certain park pathways, trails and other areas open to pedestrian use may have other size limitations, or use of other ~~[power driven]~~ power-driven mobility devices on certain park pathways, trails and other areas open to pedestrian use may be prohibited, as designated at the park office and on the division’s official website;

(3) internal combustion engine devices are prohibited on park pathways, trails and other areas open to pedestrian use;

(4) maximum speed on park pathways, trails and other areas open to pedestrian use shall not exceed 10 miles per hour;

(5) the use of other ~~[power driven]~~ power-driven mobility devices on park pathways, trails and other areas open to pedestrian use that produces noise that exceeds 96 decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J1287 is prohibited.

E. Persons using an other power-driven mobility device may be required to provide verification that the mobility device is required because of the person’s disability. Acceptable forms of verification are:

(1) a valid, state-issued, disability parking placard or card;

(2) other state-issued proof of disability; or

(3) in lieu of

Paragraphs (1) and (2) of Subsection E of 19.5.2.16 NMAC, a person may provide a verbal representation, not contradicted by observable fact, that the other power-driven mobility device is being used for a mobility disability.

F. Persons may use off-highway motor vehicles for ice fishing on the surface of the ice and in designated boat launch areas when the lake is open to ice fishing and designated for off-highway motor vehicle use.

[19.5.2.16 NMAC - Rp, 19.5.2.16 NMAC, 1/1/2008; A, 1/1/2013; A, 5/15/2018]

19.5.2.28 ANIMALS:

A. Visitors with dogs, cats or other domestic animals in areas of the state parks system shall control their animals, so as not to cause a nuisance to others. Visitors shall ensure their animals are vaccinated in accordance with applicable municipal or county ordinances and state laws.

B. Visitors shall pick up after their animals and shall maintain the area in a clean and sanitary condition.

C. Visitors shall restrain dogs on leashes that are not more than 10 feet in length, except in areas the superintendent designates. Subsection C of 19.5.2.28 NMAC does not apply to dogs being used in authorized activities such as field trials, retriever training or hunting. Visitors shall otherwise restrain their animals other than dogs to keep them from roaming freely within the parks.

D. Visitors shall prevent their animals from excessive barking, howling and making loud noises. Visitors shall prevent their animals from biting or attacking any person or destroying property. Visitors shall not leave their animals unattended in vehicles or campsites.

E. Animals are prohibited, except service animals, within visitor centers and at the following parks:

(1) Rio Grande Nature Center state park;

(2) Living

Desert Zoo and Gardens state park; and

(3) Smokey

Bear historical park.

F. The director may designate and post areas within a park where visitors’ animals do not have to be restrained.

[19.5.2.28 NMAC - Rp, 19.5.2.26 NMAC, 1/1/2008; 19.5.2.28 NMAC - Rn & A, 19.5.2.26 NMAC, 1/1/2013; A, 5/15/2018]

19.5.2.29 LITTERING:

A. Visitors shall not dispose of commercial or construction waste, appliances or furnishings within a park.

~~[A.]~~ B. Visitors shall not dispose of solid or liquid waste in the state parks system, except in receptacles provided for that purpose.

~~[B.]~~ C. The superintendent may designate and post an area or an entire park as pack-in, pack-out, where visitors are responsible for properly disposing their solid waste outside of the designated area or park. [19.5.2.29 NMAC - Rp, 19.5.2.29 NMAC, 1/1/2008; 19.5.2.29 NMAC - Rn & A, 19.5.2.27 NMAC, 1/1/2013; A, 5/15/2018]

19.5.2.32 FEES AND CHARGES:

A. Upon entering a park, visitors shall pay fees and charges in accordance with 19.5.6 NMAC. The visitor shall display applicable permits in accordance with instructions provided with the permit. If a visitor fails to obtain a permit, state park officials may field collect fees ~~[and may include an administrative fee in addition to the required fee. See 19.5.6 NMAC. The visitor’s failure to pay the administrative fee may result in civil damages, criminal action or eviction from the park].~~

B. Fees, charges and permit display requirements do not apply to:

(1) government agencies or government officials or employees, including law enforcement and emergency service personnel, who are performing official

duties (official duties do not include activities that do not have to occur in a park such as conferences, retreats or training);

(2) non-governmental emergency service personnel, such as private ambulance companies, who are performing their official duties;

(3) persons traveling nonstop through a park on a state or federal highway, county road, federal road or municipal road or street;

(4) on duty news media personnel who are reporting on events or activities within a park and are only in the park to report on those events or activities; or

(5) individuals or groups who are entering the park to provide volunteer services and have signed a volunteer agreement with the division or have made arrangements with the division to provide volunteer services.

C. Fees and charges do not apply to:

(1) division contractors, suppliers or agents or other persons providing services to a park who are not using the park or its facilities for purposes other than providing services to the park;

(2) concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents who are only traveling to and from the concession and are not using the park or its facilities for personal use;

(3) persons needing to pass through a park to access private property who are only passing through the park and are not using the park or its facilities;

(4) park support group members or volunteers who have a park pass issued pursuant to Subsection D of 19.5.2.36 NMAC; or

(5) persons who are only entering the Conchas Lake state park to access the concessionaire store, restaurant or bar at the north area of Conchas Lake

state park and are not using the park or its facilities, provided they park in the designated concessionaire parking area at the north area.

D. Visitors not subject to Subsection B of 19.5.2.32 NMAC shall display permits at all times inside a park.

E. The superintendent or director may waive or reduce park fees for primary or secondary school groups or college or university groups that are involved with a division educational program or have made arrangements with the division to conduct research within a park or for governmental entities holding such activities as trainings or other educational activities or projects, retreats or conferences at a park.

F. State park officials may issue rain checks for unused, prepaid daily camping activities or the cancellation of a group shelter reservation.

G. The division or its contractors may charge fees in addition to the appropriate use fee for reservation processing and cancellation. The contractor or state park officials shall collect the reservation fee for those park sites where the division has established a reservation program. See 19.5.6 NMAC. Visitors shall pay the reservation fee in advance with applicable fees for facilities, sites, day use, camping, electricity or other service for the total reservation period.

H. In addition to the appropriate use fees, the division may charge additional fees for special events such as concerts, festivals, etc. The additional fees shall not exceed the value of admission to the special events.

[19.5.2.32 NMAC - N, 1/1/2008; 19.5.2.32 NMAC - Rn & A, 19.5.2.30 NMAC, 1/1/2013; A, 5/15/2018]

**ENERGY, MINERALS AND
NATURAL RESOURCES
DEPARTMENT
STATE PARKS DIVISION**

This is an amendment to 19.5.6 NMAC, Sections 3, 8, 13, 14, 18, and 19, effective 5/15/2018.

19.5.6.3 STATUTORY AUTHORITY: 19.5.6 NMAC is authorized pursuant to [~~NMSA 1978, Section 9-1-5(E)~~] Subsection E of 9-1-5 NMSA 1978 and Sections 16-2-2 *et seq.* NMSA 1978.
[19.5.6.3 NMAC - Rp 19 NMAC 5.6.3, 5/1/2004; A, 1/1/2008; A, 5/15/2018]

**Continued on the following
page**

19.5.6.8 DAY USE PERMIT (use fees):
A. All parks (except as noted in Subsection B of 19.5.6.8 NMAC).

Per motor vehicle	\$5.00
Walk in/bicycle	No Charge
[Buses] School bus	\$15.00
Commercial charter bus	\$50.00

B. Parks with exceptions.

Rio Grande Nature Center state park	
Per motor vehicle	\$3.00
Walk in/bicycle	No Charge
[Buses	\$15.00]
Living Desert Zoo and Gardens state park	
Adult	\$5.00
Child (seven to 12 years old)	\$3.00
Child (six years and under)	No Charge
Group rate adults (20 or more) per person	\$3.00
Youth school groups (per person)	\$.50
American zoological association reciprocal fees	
Adult	\$2.50
Child	\$1.50
Smokey Bear historical park	
Adult	\$2.00
Child (seven to 12 years old)	\$1.00
Child (six years and under)	No Charge
Youth/school groups (per person)	No Charge
Bus	\$15.00
[Vietnam Veterans Memorial state park	No Charge]

[19.5.6.8 NMAC - Rp, 19 NMAC 5.6.8, 5/1/2004; A, 1/1/2008; A, 5/15/2018]

19.5.6.13 [DIVISION-OPERATED PUMPOUT FACILITY:] [RESERVED]

[Minimum charge per pump out	\$20.00
Dry dock (per month)	\$40.00]

[19.5.6.13 NMAC - Rp, 19 NMAC 5.6.13, 5/1/2004; A, 1/1/2008; Repealed, 5/15/2018]

19.5.6.14 GROUP SHELTER: The following fees are for use of the facility or area only and do not include day use fees.

750 square feet or less	Current: \$30.00 Beginning December 1, 2018: - \$45.00
More than 750 square feet	Current: \$60.00 Beginning December 1, 2018: \$90.00

Rally (as designated)	
Groups less than 30 persons	Current: \$60.00 Beginning December 1, 2018: \$135.00
Groups 30 or more persons	Current: \$90.00 Beginning December 1, 2018: \$180.00

[19.5.6.14 NMAC - Rp, 19 NMAC 5.6.14, 5/1/2004; A, 1/1/2008; A, 5/15/2018]

19.5.6.18 ~~[MEETING ROOM]~~ **MEETING, EVENT AND LODGING FACILITIES (per day):** The following fees are for use of the facility or area only and do not include applicable day use or camping fees.

A. ~~[Conference room:]~~ **Meeting room, conference room, classroom.**

Park open hours	Current: \$30.00 Beginning December 1, 2018: Large for entire day \$200.00 Small for entire day \$100.00 Large for partial day (four hours) \$50.00 Small for partial day (four hours) \$25.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$50.00
Park after hours	Current: \$60.00 Beginning December 1, 2018: Large \$300.00 Small \$200.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$75.00

B. [Entire entrance building:] Special event facility.

Park open hours Per day cost will vary according to certain seasons. Please refer to the <u>division website.</u>	Current: \$125.00 Beginning December 1, 2018: Season \$1,000.00 Off-season \$500.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$250.00
Park after hours Per day cost will vary according to certain seasons. Please refer to the <u>division website.</u>	Current: \$275.00 Beginning December 1, 2018: Season \$1,500.00 Off-season \$700.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$350.00

C. Hyde Memorial state park lodge, Mesilla Valley state park visitor center, Eagle Nest Lake state park visitor center and Bottomless Lakes state park pavilion:

Rental inclusive of day use fees	\$500.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$200.00]

C. Yurts (per night).

Rental inclusive of camping fee for two vehicles. Additional vehicles will be subject to day use or camping fees as applicable. Per night fee may be less on certain days or in certain seasons. Please refer to the <u>division website.</u>	Beginning July 1, 2018: Season \$150.00 Off-season \$80.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$100.00

D. Cabins (per night).

Rental inclusive of camping fees for two vehicles. Additional vehicles will be subject to day use or camping fees as applicable. Per night fee may be less on certain days or in certain seasons. Please refer to the <u>division website.</u>	Season \$150.00 Off-season \$80.00
Damage and cleaning deposit (reimbursed upon satisfactory inspection)	\$100.00

E. Corrals (per night).

Small	\$30.00
Large	\$50.00

F. Wildlife blinds (per night).

Season	\$75.00
Off-season	\$25.00

~~B.~~ **G.** Persons using the facilities listed in 19.5.6.18 NMAC may be required to enter into an agreement with the division that contains conditions of use.

[19.5.6.18 NMAC - Rp, 19 NMAC 5.6.18, 5/1/2004; A, 1/1/2008; A, 1/1/2013; A, 5/15/2018]

19.5.6.19 [ADMINISTRATIVE FEE: \$25.00] [RESERVED]

[19.5.6.19 NMAC - Rp, 19 NMAC 5.6.19, 5/1/2004; Repealed, 5/15/2018]

HEALTH, DEPARTMENT OF

The Department of Health approved, at its 03/29/2018 hearing, the repeal of its rule 7 NMAC 20.2 - entitled Comprehensive Behavioral Health Standards (filed 12/16/1999), effective 5/15/2018.

PUBLIC EDUCATION DEPARTMENT

TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 30 EDUCATIONAL STANDARDS - GENERAL REQUIREMENTS PART 13 EARLY COLLEGE HIGH SCHOOL

6.30.13.1 ISSUING

AGENCY: Public Education Department, herein after referred to as the “department”.

[6.30.13.1 NMAC - N, 5/15/2018]

6.30.13.2 SCOPE: This rule applies to all school districts and public schools.

[6.30.13.2 NMAC - N, 5/15/2018]

6.30.13.3 STATUTORY

AUTHORITY: This rule is promulgated pursuant to Sections 9-24-8 and 22-2-1 NMSA 1978.

[6.30.13.3 NMAC - N, 5/15/2018]

6.30.13.4 DURATION:

Permanent.

[6.30.13.4 NMAC - N, 5/15/2018]

6.30.13.5 EFFECTIVE

DATE: May 15, 2018, unless a later date is cited at the end of a section.

[6.30.13.5 NMAC - N, 5/15/2018]

6.30.13.6 OBJECTIVE:

This rule outlines the necessary qualifications to receive designation as a department-approved early college high school in New Mexico.

[6.30.13.6 NMAC - N, 5/15/2018]

6.30.13.7 DEFINITIONS:

A. “Career and

technical education standards” means the content standards with benchmarks and performance standards defined in 6.29.3 NMAC for students in grades seven through twelve enrolled in career and technical education coursework.

B. “Career technical education” or “CTE” means a sequence of courses directly related to the preparation of individuals for employment in current or emerging occupations requiring an industry-recognized credential, certificate or degree. This phrase is also referred to as “vocational education” in 22-14-1 NMSA 1978.

C. “Dual credit” means high school student enrollment in college-level courses offered by a postsecondary institution that allows students to earn credit toward high school graduation and a postsecondary degree or certificate simultaneously.

D. “Early college high school” or “ECHS” means a four-year high school that meets the qualifications outlined in 6.30.13.9 NMAC.

E. “Meta major” means a collection of majors with shared or similar coursework in alignment with a career field.

F. “Postsecondary partner” means a postsecondary educational institution that has an agreement or memorandum of understanding with an ECHS.

G. “Pathway” means a sequence of classes at the ECHS in partnership with the postsecondary partner that leads to a certification, associate’s degree, or bachelor’s degree.

H. “Work-based learning” means activities that develop work place skills such as tours, job shadowing, work experience rotations, mentoring, entrepreneurship, service learning, internships, co-ops, or youth pre-apprenticeships aligned with a registered apprenticeship program under the New Mexico department of workforce solutions.

I. “Workforce recognized credential” means

industry-recognized workforce credentials, certificates, associate’s degrees, or bachelor’s degrees from a postsecondary partner.

J. “Workforce partner” means a local business, regional workforce investment board, workforce connection, one stop shop, chamber of commerce, economic development corporation, council of government, tribal council, or other industry representative that provides ongoing mentoring and on-the-job experience that connects ECHS students to employment settings and helps them to develop employability skills.

[6.30.13.7 NMAC - N, 5/15/2018]

6.30.13.8 GOALS: The goals for a department-approved ECHS are for all enrolled students to simultaneously earn a New Mexico high school diploma and earn a workforce recognized credential through the postsecondary partner.

[6.30.13.8 NMAC - N, 5/15/2018]

6.30.13.9

QUALIFICATIONS: To be designated a department-approved ECHS, a school shall meet the following qualifications:

A. Integrates state standards into courses within a structured pathway that meets local and state graduation requirements.

B. Follows a pathway that results in a workforce recognized credential without tuition cost to the student or the student’s family.

C. Focuses on efforts to reach youth underrepresented in higher education by establishing outreach and recruiting processes striving for equitable access. Focused recruiting efforts shall encourage applicants from underrepresented populations to enroll in an ECHS.

D. Accelerates student learning through the use of dual credit courses beginning no later than grade ten. Dual credit courses shall:

(1) accelerate the timeline for high school students to complete college;

(2) be delivered through one or more

postsecondary partners;
 (3) be tuition free;
 (4) be taught by instructors who meet the higher learning commission qualifications for college instructors;
 (5) use innovative, interactive, research-based support structures; and
 (6) align with:
 (a) the pathway indicated on the student's next step plan;
 (b) the established New Mexico higher education general education curriculum; and
 (c) either the student's declared CTE pathway or declared major or meta major.

E. Operates in partnership with one or more workforce partners. Partnerships shall include:

- (1) meaningful work-based learning experiences in alignment with student pathways; and
 - (2) CTE courses that use career and technical education standards to support core academic growth.
- [6.30.13.9 NMAC - N, 5/15/2018]

6.30.13.10 APPLICATION:

A. ECHS applicants shall meet all of the qualifications listed in 6.30.13.9 NMAC. Schools seeking initial designation as a department-approved ECHS shall submit an application on the department-designated form by July 1 of the year in which they seek to begin operating as an ECHS.

B. The initial application shall include:

- (1) a description of the proposed pathways;
- (2) a description of the proposed workforce-recognized credential for each pathway;
- (3) the projected number of students to be served;
- (4) a description of outreach and recruiting

processes that incorporate targeted efforts to reach underrepresented populations;

(5) a memorandum of understanding with at least one postsecondary partner that includes evidence of dual credit course offerings and support structures;

(6) documentation of a partnership with at least one workforce partner that includes evidence of meaningful work-based learning experiences;

(7) a sustainability plan that addresses continuing financial support and the support of the school board or governing body;

(8) assurances that all district and school personnel are knowledgeable of the requirements to comply with 6.30.13 NMAC; and

(9) evidence of tribal consultation to satisfy the goals of Article 23A NMSA 1978 including documentation of tribal consultation submitted annually to the department.

C. The department shall review initial applications for approval and confirm application acceptance or rejection by no later than August 1. Schools not receiving initial approval may request reconsideration which may be granted at the discretion of the department.
 [6.30.13.10 NMAC - N, 5/15/2018]

6.30.13.11 ANNUAL DATA REVIEW:

A. Data reviewed for compliance. In order to evaluate program compliance with the qualifications outlined in 6.30.13.9 NMAC, the department shall annually review data collected through the department data reporting system. Data evaluated to determine compliance shall include:

- (1) student attainment of work-force recognized credentials;
- (2) student participation in work-based learning experiences; and
- (3) students

earning college credit, to be evaluated for the following minimum expectations:

(a) all students completing grade 11 have attempted a minimum of three postsecondary credit hours toward a workforce recognized credential; and

(b) at least eighty percent of students completing grade 12 have successfully completed a minimum of 12 postsecondary credit hours toward a workforce recognized credential.

B. Additional data reviewed. The department shall review additional data including:

- (1) number of students enrolled;
 - (2) student participation in each pathway; and
 - (3) the percentage of low-income students enrolled in the ECHS compared to the percentage of low-income high school students enrolled in the district in which the ECHS is located.
- [6.30.13.11 NMAC - N, 5/15/2018]

6.30.13.12 RENEWAL PROCESS:

A. Once an ECHS has received initial approval from the department, the ECHS will not be required to submit a new application for the following year.

B. The department shall review the data listed in Subsection A of 6.30.13.11 NMAC to determine continued compliance of the ECHS. Based on this review, the department will determine whether the ECHS will be renewed without further conditions for the following year, or if the ECHS will be designated as on probation for non-compliance.

C. If an ECHS is determined by the department to be unable to demonstrate full compliance, the department shall issue a notice of non-compliance.

D. The department shall notify the ECHS of their status, whether renewed or non-compliant, no later than August 1.

E. Schools receiving a notice of non-compliance shall

maintain their status as a department-approved ECHS and be placed on a one-year probation. Schools shall use the probation year to make any changes required to be in full compliance.

(1) Upon receipt of a notice of non-compliance from the department, schools shall submit an improvement plan addressing non-compliance issues to the department within 30 business days.

(2) The department shall offer technical assistance to schools during the implementation of the improvement plan.

(3) Schools may apply for an extension of their probationary period. The decision to grant or deny such extension shall be at the discretion of the department secretary or his or her designated authority.

(4) Schools granted an extended probation may be re-granted designation upon demonstrating compliance.

F. Schools not demonstrating compliance with 6.30.13 NMAC at the end of the probation year shall lose their designation as a department-approved ECHS. Any school that has lost designation shall wait no less than one school year before re-applying for designation as a department-approved ECHS.

[6.30.13.12 NMAC - N, 5/15/2018]

6.30.13.13 WAIVERS: A qualifying ECHS shall submit any waiver requests with their initial application in the format requested by the department. Any waiver granted shall remain in effect for the duration of the school’s approval as a department-approved ECHS. Schools that are non-renewed and not in their probationary year shall have all active waivers terminated. Schools may request waivers of, but not limited to, the following:

- A. individual class load and teaching load;
- B. length of school day in compliance with Section 22-2-8-1

NMSA 1978;

- C. staffing patterns;
- D. subject areas;
- E. purchase of instructional materials; and
- F. course work requirements.

[6.30.13.13 NMAC - N, 5/15/2018]

HISTORY OF 6.30.13 NMAC:
[RESERVED]

PUBLIC REGULATION COMMISSION

Explanatory Paragraph: This is a short form amendment to 17.11.10 NMAC, Section 7, effective 5/15/2018. In 17.11.10.7 NMAC, Subsections E through Z were not published as there were no changes.

17.11.10.7 DEFINITIONS: In addition to the definitions contained in Section 63-9H-3, NMSA 1978, as used in this rule:

A. “Access line” means a dial tone line, or its functional equivalent, that provides local exchange service from a carrier’s switching equipment to a point of termination at the customer’s network interface and is not limited to wireline or any other technology; for the purposes of this rule, an access line does not include official lines, unbundled network elements/platforms, retail resale, wholesale resale, special access lines and private lines.

B. “Administrator” means the person designated by the commission to administer the fund.

C. “Area underserved by broadband” means a broadband program proposed project area where at least fifty percent of households lack access to fixed and mobile facilities-based broadband service, at the minimum broadband transmission speeds of 10.0 mbps download/1.0 mbps upload. A household has access to broadband service if the household can readily subscribe to that service upon request.

D. “Area unserved by broadband” means a broadband program proposed project area where at least [ninety] fifty percent of the households lack access to fixed and mobile facilities-based broadband service, at the minimum broadband transmission speeds of 4.0 mbps download/1.0 mbps upload. A household has access to broadband service if the household can readily subscribe to that service upon request.

[17.11.10.7 NMAC - Rp, 17.11.10.7 NMAC, 1/1/2018; A, 05/15/2018]

**REGULATION AND LICENSING DEPARTMENT
MANUFACTURED HOUSING
DIVISION**

After published notice with the State Register on February 13, 2018, and public hearing on March 16, 2018, the Manufactured Housing Committee of the Manufactured Housing Division of Regulation & Licensing Department at its regularly scheduled meeting on April 13, 2018, voted unanimously to repeal 14.12.3 NMAC, the New Mexico Modular Building Structures, effective July 1, 2018.

End of Adopted Rules

2018 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXIV, 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	March 1	March 13
Issue 6	March 15	March 27
Issue 7	March 29	April 10
Issue 8	April 12	April 24
Issue 9	April 26	May 15
Issue 10	May 17	May 29
Issue 11	May 31	June 12
Issue 12	June 14	June 26
Issue 13	June 28	July 10
Issue 14	July 12	July 24
Issue 15	July 26	August 14
Issue 16	August 16	August 28
Issue 17	August 30	September 11
Issue 18	September 13	September 25
Issue 19	September 27	October 16
Issue 20	October 18	October 30
Issue 21	November 1	November 13
Issue 22	November 15	November 27
Issue 23	November 29	December 11
Issue 24	December 13	December 27

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