

NMAC**Transmittal Form**NEW MEXICO
Commission of Public Records
at the State Records Center and Archives
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2020 APR 29 AM 11:15

Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use Only)

Most recent filing date:

New ☐ Amendment ☐ Repeal ☐ Emergency ☐ Renummer ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☐

If materials are attached, has copyright permission been received?

Yes ☐No ☐Public domain ☐**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

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**Concise Explanatory Statement For
Rulemaking Adoption:****Findings required for rulemaking adoption:****Findings MUST include:**

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

On March 11, 2020, Governor Michelle Lujan-Grisham issued Executive Order 2020-004 that declared a public health emergency in accordance with NMSA 1978, 12-10A-5 of the Public Health Emergency Response Act. This proclamation was necessary to minimize the spread and adverse impacts of the COVID-19 in our State. In Executive Order 2020-022 on April 6, 2020, the public health emergency was extended.

On March 23, 2020, the New Mexico Department of Health (NMDOH) issued an amended Public Health Order (PHO or Order) temporarily closing all non-essential businesses and limiting mass gatherings. The Order applies to all public and private employers and requires that social distancing be practiced. On April 6 and April 11, 2020, NMDOH issued subsequent PHOs that extended and provided further guidance on closure of buildings and physical distancing.

On March 24, 2020 in issue 6 of the New Mexico Register, my office published new rule filing protocols: "In light of the governor's executive order 2020-004 declaring a public health emergency and in the interest of the health and safety of our staff and rule filers, all rule filings will take place on submittal deadline dates only, until further notice. See, <http://www.srca.nm.gov/nmac/nmregister/pdf/2020-schedule.pdf>. If your agency needs to file on a different date, pursuant to Subsection D of Section 14-4-5 or Section 14-4-5.6 NMSA 1978, alternate arrangements can be made on a case by case basis. If you need to file anytime other than on a submittal deadline date, please send your request to Matthew Ortiz at 505-476-7941 (matt.ortiz@state.nm.us). To review any historic version of any administrative rule, please send all rule research requests to StateRecords@state.nm.us." Despite this notice and change in rule filing protocols, additional changes are needed to mitigate against the imminent threat to public health and safety during the public health emergency.

This emergency amendment is therefore necessary under Subsection A of Section 14-4-5.6 NMSA 1978. This emergency amendment further adheres to the governor's and NMDOH orders to maintain physical distancing, and hopes to prioritize the safety of SCRA and rule filing agencies staff as safe as possible.

Issuing authority (If delegated, authority letter must be on file with ALD):**Name:**

Dr. Rick Hendricks, Ph.D.

Check if authority has been delegated☐**Title:**

State Records Administrator

Signature: (BLACK ink only)**Date signed:**

4/29/2020

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This is an emergency amendment to 1.24.10 NMAC, Section 15, effective 4/29/2020.

1.24.10.15 NMAC TRANSMITTAL FORM:

- A.** Each rule filing delivered to the records center shall be accompanied by a completed NMAC transmittal form in hard copy with an original signature in black ink or with a valid digital signature.
- B.** The administrative law division shall provide agencies with blank NMAC transmittal forms in electronic format.
- C.** The filing agency shall complete the NMAC transmittal form and submit to the administrative law division for review and approval prior to adoption of any rulemaking.
- D.** The NMAC transmittal form shall not be handwritten and shall be suitable for reproduction.
- E.** The following shall appear on the NMAC transmittal form:
- (1) issuing agency name and address;
 - (2) three digit DFA account code for the agency (if applicable);
 - (3) volume, issue, publication date in register for rule filing;
 - (4) contact person's name, phone number, and e-mail address;
 - (5) type of filing - i.e., new, amendment, renumber, repeal, repeal/replace or emergency filing;
 - (6) total number of pages;
 - (7) date(s) of any public hearing(s) on the proposed rule or amendment;
 - (8) effective date of the rule filing;
 - (9) NMAC title, chapter and part name and number;
 - (10) description of amendment (for amendment filing only, i.e. "amending two sections");
 - (11) amendment's NMAC citation (i.e. 1.24.10.15 and 16 NMAC);
 - (12) sequence number and most recent filing date of the part (if applicable and designated for administrative law division use only);
 - (13) declaration of incorporated material;
 - (14) if reference materials are attached and are protected by copyright:
 - (a) indication if copyright permission was obtained;
 - (b) the proof of permission; or
 - (c) material is within the definition of public domain;
 - (15) specific statutory or other authority authorizing the rulemaking by the issuing agency to promulgate rules;
 - (16) any findings required by a provision of law for adoption of the rule;
 - (17) rule adoption date; and
 - (18) rule effective date.
- F.** Each rule filing shall bear the original signature of the issuing authority or authorized designee in black ink on the paper copy of the NMAC transmittal form. If authority is delegated, the box shall be checked. For the duration of state of public health emergency declared by governor under the Public Health Emergency Response Act, any rule filing may be accepted, with a valid digital signature, and will be filed by administrative law division on appropriate New Mexico register submittal deadline; unless agency needs rule to be filed on a different date, pursuant to Subsection D of Section 14-4-5 or Section 14-4-5.6 NMSA 1978, then alternate arrangements will be made on a case by case basis.
- G.** Those portions of the transmittal form that are completed by the issuing agency under the concise explanatory statement heading shall be considered sufficient compliance with State Rules Act and shall be provided to the public at the time the issuing agency adopts any rule making.
- [1.24.10.15 NMAC - Rp, 1 NMAC 3.3.10.11, 2/29/2000; A, 6/30/2004; A, 9/15/2014; A, 11/30/2015; A, 7/1/2017; A/E, 4/29/2020]