

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 7 STATE PERSONNEL ADMINISTRATION
PART 13 RULE MAKING

1.7.13.1 ISSUING AGENCY: State Personnel Board.
[1.7.13.1 NMAC – Rp, 1 NMAC 7.13.1, 07/07/01]

1.7.13.2 SCOPE: All state agencies in the classified service.
[1.7.13.2 NMAC – Rp, 1 NMAC 7.13.2, 07/07/01]

1.7.13.3 STATUTORY AUTHORITY: NMSA 1978, Section 10-9-10(A) (Repl. Pamp. 1995), NMSA 1978, Section 10-9-13 (Repl. Pamp. 1995), NMSA 1978, Section 10-15-1 (Repl. Pamp. 1995) and NMSA 1978, Section 14-4-7.1 (Repl. Pamp. 1995).
[1.7.13.3 NMAC – Rp, 1 NMAC 7.13.3, 07/07/01]

1.7.13.4 DURATION: Permanent.
[1.7.13.4 NMAC – Rp, 1 NMAC 7.13.4, 07/07/01]

1.7.13.5 EFFECTIVE DATE: 07/07/01 unless a later date is cited at the end of a section.
[1.7.13.5 NMAC – Rp, 1 NMAC 7.13.5, 07/07/01]

1.7.13.6 OBJECTIVE: The objective of Part 13 of Chapter 7 is: to provide a process for adoption, amendment, or repeal of a State Personnel Board Rule.
[1.7.13.6 NMAC – Rp, 1 NMAC 7.13.6, 07/07/01]

1.7.13.7 DEFINITIONS: [RESERVED]
[1.7.13.7 NMAC – Rp, 1 NMAC 7.13.7, 07/07/01]

1.7.13.8 NOTICE AND COMMENT:

A. The Director shall provide an opportunity for agencies and interested parties to comment on proposed rule changes at least 30 calendar days prior to the adoption, amendment or repeal of any Rule.

B. At least 30 calendar days prior to the adoption, amendment, or repeal of any Rule, the Director shall publish notice of the proposed action.

(1) The notice shall be published in the *New Mexico Register*.

(2) The notice shall be mailed to broadcast stations licensed by the Federal Communications Commission and newspapers of general circulation that have provided a written request for such notice.

(3) The notice shall be mailed to the last known address of persons and organizations who have made a written and timely request to the Office.

(4) The notice shall state where a copy of the proposed Rule may be obtained.

C. The giving of the notice shall be considered complete upon mailing.

D. One copy of the full text of any proposed Rule shall be made available without cost to any person or organization who requests a copy.

[1.7.13.8 NMAC – Rp, 1 NMAC 7.13.8, 07/07/01]

1.7.13.9 HEARING: The Board shall hold a public hearing on the proposed action. Interested persons or duly authorized representatives shall have the opportunity to submit written statements or make oral presentations.
[1.7.13.9 NMAC – Rp, 1 NMAC 7.13.9, 07/07/01]

1.7.13.10 EFFECTIVE DATE: The Board shall determine the effective date of Rules, which shall be filed with the Records Center.
[1.7.13.10 NMAC – Rp, 1 NMAC 7.13.10, 07/07/01]

1.7.13.11 EMERGENCY RULES: The Board may adopt, amend, or suspend a Rule as an emergency, without compliance with *1.7.13.8 NMAC* and *1.7.13.9 NMAC*, if the Board determines that it is in the public interest. An action to adopt, amend, or suspend a Rule pursuant to this Rule shall not be effective for longer than 120 calendar days.

[1.7.13.11 NMAC – Rp, 1 NMAC 7.13.11, 07/07/01]

1.7.13.12 PUBLICATION OF RULES: Rules, including emergency Rules, adopted, amended, or repealed by the Board shall be published in the *New Mexico Register*.

[1.7.13.12 NMAC – Rp, 1 NMAC 7.13.12, 07/07/01]

1.7.13.13 DEMONSTRATION PROJECTS: The Board may authorize demonstration projects which may require the temporary suspension of the Rules when the Office and the agency(ies) agree to utilize such a project to improve operations.

[1.7.13.13 NMAC – Rp, 1 NMAC 7.13.13, 07/07/01]

HISTORY OF 1.7.13 NMAC:

Pre-NMAC History:

Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

SPB Rule 20, Modification and Revisions, filed 05-22-80;

SPB Rule 20, Modification and Revisions, filed 10-21-82;

SPB Rule 20, Modification and Revisions, filed 10-17-86;

SPB-22, Rule-making, filed 04-04-90;

SPB 19, Rule Making, filed 12-15-92.

History of Repealed Material:

1 NMAC 7.13, Rule Making, filed 06-13-97.

Other History:

1 NMAC 7.18, Rule Making, filed 01-12-96 replaced SPB 19, filed 12-15-92;

1 NMAC 7.18, Rule Making, filed 05-02-96;

1 NMAC 7.18, Rule Making, filed 05-02-96 replaced by 1 NMAC 7.13, Rule Making, filed 06-13-97;

1 NMAC 7.13, Rule Making, filed 06-13-97 replaced by 1.7.13 NMAC, Rule Making, effective 07/07/01.