

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 24 RULES
PART 11 NEW MEXICO ADMINISTRATIVE CODE (NMAC) - REVISIONS

1.24.11.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives.
[1.24.11.1 NMAC - N, 2/29/2000]

1.24.11.2 SCOPE: All state agencies. General provisions, including applicable definitions, are found in 1.24.1 NMAC. There are additional standards and procedures for uniform rule filings (see 1.24.10 NMAC); submitting a rule filing for publication in the New Mexico register (see 1.24.15 NMAC) and requirements for emergency rule filings (see 1.24.20 NMAC).
[1.24.11.2 NMAC - N, 2/29/2000]

1.24.11.3 STATUTORY AUTHORITY: Section 14-4-7.2 NMSA 1978 directs the state records administrator to create and publish a New Mexico administrative code, and to adopt regulations setting forth procedures for compiling the code and prescribing the format and structure of the code. Section 14-4-3 NMSA 1978 directs that each agency of the executive branch of state government promulgating any rule shall place the rule in the format and style required by rule of the records center and shall deliver one original paper copy and one electronic copy to the records center.
[1.24.11.3 NMAC - N, 2/29/2000]
[The attorney general's advisory letter dated November 16, 1999 provides guidance on public notice and publication requirements used in the development of 1.24.11 NMAC.]

1.24.11.4 DURATION: Permanent.
[1.24.11.4 NMAC - N, 2/29/2000]

1.24.11.5 EFFECTIVE DATE: February 29, 2000 unless a later date is cited in the history note at the end of a section.
[1.24.11.5 NMAC - N, 2/29/2000]

1.24.11.6 OBJECTIVE: The objective of this rule is to establish standards and procedures for compiling rules due to reorganization of the NMAC in accordance with 1.24.10 NMAC.
[1.24.11.6 NMAC - N, 2/29/2000]

1.24.11.7 DEFINITIONS: [RESERVED]
[1.24.11.7 NMAC - N, 2/29/2000]
[See 1.24.1.7 NMAC for applicable definitions]

1.24.11.8 REVISIONS: The state records administrator, in administering the State Rules Act, may restructure rules in the NMAC as necessary to create a useful compilation of state rules. Restructuring shall be undertaken only to improve the usability of the NMAC. The impact to affected agencies shall be minimized to the extent possible.

- A.** The records center shall restructure, as necessary, all rules that result from modifications to the NMAC structure, including but not limited to:
 - (1)** changing title, chapter and part numbers; and
 - (2)** adding information such as new section names, numbers and history notes.
- B.** The records center shall renumber parts or sections, as necessary, as a result of inserted material.
- C.** The records center shall provide public notice of the restructuring.
 - (1)** The records center shall provide formal written notice to affected agencies of the restructuring at least thirty days in advance of publication of the restructuring.
 - (2)** The records center shall publish in the New Mexico register a notice of the restructuring at least two weeks prior to its effective date.

[1.24.11.8 NMAC - N, 2/29/2000; A, 7/15/2003]

1.24.11.9 REFORMATTING: After NMAC style and format requirements are modified, the records center shall cause affected rules to be reformatted into the current NMAC style and format.

A. The records center may format current rules not conforming to 1.24.10 NMAC and submit them to the issuing authority for review and approval. The agency shall have 30 days from this notice to submit written comments to the state records administrator. If the agency fails to submit written comments, the reformat shall be deemed approved 31 days after submission of the rules to the agency. The reformatted rule is only prima facie evidence of the originally filed rule.

(1) Current rules not in NMAC style and format shall be assigned NMAC title, chapter and part numbers.

(2) Where required Sections 1 through 7 are missing, they shall be added and information supplied from existing rule material. When information for the required sections is not available from existing rule material, text from reliable sources may be added so long as it is presented in brackets until such time as the issuing authority formally promulgates the rule. Bracketed information is added to facilitate understanding and shall not be considered official rule text.

(3) The records center shall provide the agency an electronic version of each reformatted part compiled into the NMAC under this section.

B. Reformatted rules shall be included in the NMAC.

C. When an agency amends a part that was not filed in the current style and format, it shall reformat the entire part (or use the reformatting done by the records center) and officially adopt the current style and formatting requirements in conjunction with the amendment.

D. Errors in the NMAC shall be corrected in accordance with 1.24.10 NMAC.
[1.24.11.9 NMAC - N, 2/29/2000; A, 7/15/2003]

1.24.11.10 NMAC RESTRUCTURING: If there is a compelling reason for restructuring any portion of the NMAC, the records center and the affected agency or agencies shall come to a consensus and make a written agreement detailing the changes; and

A. if the restructuring was requested by the affected agency or agencies, the affected agency or agencies shall publish a notice of the changes in the New Mexico register; or

B. if the restructuring was requested by the records center, the records center shall publish a notice of the changes in the New Mexico register.

[1.24.11.10 NMAC - N, 2/29/2000; A, 7/15/2003]

1.24.11.11 HISTORY NOTE AND HISTORY OF THE PART: The records center may update the history note and history of the part, as necessary.

[1.24.11.11 NMAC - N, 2/29/2000; A, 7/15/2003]

HISTORY of 1.24.11 NMAC: [RESERVED]