

at the State Records Center and Archives

Your Access to Public Information

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IN RE: THE MATTER CONCERNING A PUBLIC HEARING REGARDING PROPOSED CHANGES TO CERTAIN RULES BY THE STATE RECORDS ADMINISTRATOR AND THE

FEBRUARY 20, 2018 RULE HEARING EXHIBIT LIST

COMES NOW, the Rule Hearing Officer and hereby identifies the following exhibits to be introduced and considered.

Exhibit	Description	Accepted	Denied
A.	Notice of Hearing, published on December 26, 2017 in Volume XXVIII, Issue 24 of the NM REGISTER	/	
B.	Notice of Rule Hearing, as listed on http://www.nmcpr.state.nm.us/ website (screen shot paper copy)	V	
C.	Notice to Extend Public Comment Period, as listed on http://www.nmcpr.state.nm.us/website (screen shot paper copy)	~	
D.	Revised Agenda, as listed on http://www.nmcpr.state.nm.us/ website and as posted outside rule hearing room	~	
E.	Email to Legislative Council Services - Notice of Regular Meeting and Rulemaking	V	
F.	Email to DoIT for posting to Sunshine Portal - Notice of Regular Meeting and Rulemaking	V	
G.	Email to agency heads, CROs, RLOs - Notice of Regular Meeting and Rulemaking	V	
H.	Email to Legislative Council Services - Extended Comment Period		
I.	Email to DoIT for posting to Sunshine Portal - Extended Comment Period		
J.	Email to agency heads, CROs, RLOs - Extended Comment Period		
К.	1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)		
L.	1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule) - Comments		
М.	1.13.10 NMAC Records Storage and Access (SRA Only)		
N.	1.13.30 NMAC Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)	V	
Ø	Sign-In Sheet 1205 Camino Carlos Rey Santa Fe, NM 87507 nmcpr.state.nm.us	V	5 - Davier

Robert J. Tórrez Historian/Chair Hon: Hector Balderas Attorney General Hon. Tim Keller State Auditor Hon. Maggie Toulouse Oliver Secretary of State

Veronica Gonzales Department of Cultural Affair

Notices of Rulemaking and Proposed Rules

COMMISSION OF PUBLIC RECORDS

NOTICE OF REGULAR MEETING

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, February 20, 2018, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by February 6, 2018, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

NOTICE OF RULEMAKING

The Commission of Public Records and State Records Administrator may consider the following items of rulemaking at the meeting:

Amend:

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule) 1.13.10 NMAC Records Storage and

Access (SRA Only) 1.13.30 NMAC Disposition of Public

Records and Non-Records (Joint CPR & SRA Rule)

Synopsis:

The proposed amendment of 1.21.2 NMAC consists of the following modification: Section 644 is being added to allow for the classification of attorney legal case files for cases which have been dismissed in court. The proposed amendment of 1.13.10 NMAC consists of the following modification: Section 7 is being amended to reflect the correct reference citations. The proposed amendment of 1.13.30 NMAC consists of the following modification: Section 7 is being amended to reflect the correct reference citations.

At the hearing the CPR and Administrator will take oral and written comments related to the rulemaking actions listed below and during the meeting consider approving these rulemaking actions.

Interested persons may submit comments on the proposed rules at the rule hearing or may submit written comments via email at <u>rmd.</u> <u>cpr@state.nm.us</u>. Written comments must be received no later than 5 p.m. on February 2, 2018. If submitting written comments by email, please indicate in the subject line the number of each rule(s) for which you are providing comments.

Persons offering written comments at the hearing must have eight (8) copies for the Commission and Administrator to review. Oral comments will also be accepted at the rule hearing, subject to time limitations.

The Commission may vote on the proposed rules during the meeting on February 20, 2018. The State Records Administrator may take action on those rules at the close of the public rulemaking hearing. A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission's website (<u>www.nmcpr.state.nm.us</u>) or by contacting Melissa Salazar at <u>Melissa.Salazar@state.nm.us</u>, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7911.

A copy of the agenda for the combined meeting and rule hearing is also available on the Commission website and at the office of the State Records Administrator located at the State Records Center and Archives at 1209 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting. Legal authority for this rulemaking can be found in the Public Records Act, Section 14-3-1, et seq. and in the State Rules Act, Section 14-4-1, et seq. NMSA 1978.

DENTAL HEALTH CARE, BOARD OF

PUBLIC RULE HEARING AND REGULAR BOARD MEETING

LEGAL NOTICE

The New Mexico Board of Dental Health Care ("Board") will hold a rule hearing on Friday, February 9, 2018, at 8:30 A.M. Following the rule hearing, the Board will convene a board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, located at 2550 Cerrillos Road, 2nd Floor, Rio Grande Conference Room, in Santa Fe, NM 87504.

The purpose of the rule hearing is to consider proposed amendments to include: (1) revision of definitions for sedation, (2) updates to the rules in alignment with the revised definitions for sedation, (3) amendments and clarification of rules for the administration of anesthesia/sedation, including educational requirements for initial certification, (4) better descriptions of the application and licensing process and final certification, (5) revision of continuing education hours for anesthesia/sedation providers, (6) amendments to clarify CODA and EFDA educational requirements, and (7) correction of grammatical errors and reformatting to improve organization of the rule. The amendments are intended to update definitions, bring rules in alignment with the 2016 ADA guidelines, provide better patient care and safety procedures, improve education and training requirements and provide clarity and uniformity in the application, licensing and rule requirements to the following rules:

16.5.5 NMAC - Dentists, Fees;

Exhibit A

Hearing

NOTICE OF REGULAR MEETING

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, February 20, 2018, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by February 6, 2018, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

NOTICE OF RULEMAKING

The Commission of Public Records and State Records Administrator may consider the following items of rulemaking at the meeting:

Amend:

<u>1.21.2 NMAC</u> Retention and Disposition of Public Records (CPR Rule) <u>1.13.10 NMAC</u> Records Storage and Access (SRA Only) <u>1.13.30 NMAC</u> Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)

Synopsis:

The proposed amendment of 1.21.2 NMAC consists of the following modification: Section 644 is being added to allow for the classification of attorney legal case files for cases which have been dismissed in court.

The proposed amendment of 1.13.10 NMAC consists of the following modification: Section 7 is being amended to reflect the correct reference citations.

The proposed amendment of 1.13.30 NMAC consists of the following modification: Section 7 is being amended to reflect the correct reference citations.

At the hearing the CPR and Administrator will take oral and written comments related to the rulemaking actions listed below and during the meeting consider approving these rulemaking actions.

The New Mexico Commission of Public Records (CPR) is extending its comment period for a rule hearing scheduled for February 20, 2018, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM.

Interested persons may submit comments on the proposed rules at the rule hearing or may submit written comments via email at <u>rmd.cpr@state.nm.us</u>. Written comments must be received no later than 5 p.m. on Saturday, February 17, 2018. If submitting written comments by email, please indicate in the subject line the number of each rule(s) for which you are providing comments.

Exhibit B

Persons offering written comments at the hearing must have eight (8) copies for the Commission and Administrator to review. Oral comments will also be accepted at the rule hearing, subject to time limitations.

The Commission may vote on the proposed rules during the meeting on Februrary 20, 2018. The State Records Administrator may take action on those rules at the close of the public rulemaking hearing. A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission's website (<u>www.nmcpr.state.nm.us</u>) or by contacting Melissa Salazar at <u>Melissa.Salazar@state.nm.us</u>, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7911.

A PDF copy of the agenda for the combined meeting and rule hearing is available by <u>clicking here</u> and also at the office of the State Records Administrator located in the Santa Fe State Records Center and Archives at 1209 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting.

Legal authority for this rulemaking can be found in the Public Records Act, Section 14-3-1, et seq. and in the State Rules Act, Section 14-4-1, et seq. NMSA 1978.

Exhibit B

Notice to Extend Comment Period:

The New Mexico Commission of Public Records (CPR) is extending its comment period for a rule hearing scheduled for February 20, 2018, at 10 00 A M at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM

Interested persons may submit comments on the proposed rules at the rule hearing or may submit written comments via email at <u>mul cpr distate nm.us</u>. Written comments must be received no later than 5 p.m. on Saturday, February 17, 2018. If submitting written comments by email, please indicate in the subject line the number of each rule(s) for which you are providing comments.

Exhibit C



Commission of Public Records

at the State Records Center and Archives

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COMMISSION OF PUBLIC RECORDS REGULAR MEETING AND RULE HEARING REVISED AGENDA

1205 Camino Carlos Rey, Santa Fe, NM Tuesday, February 20, 2018 - 10:00 a.m.

I. OPENING ACTIVITIES

- A. Call to Order
- B. Approval of Revised Agenda
- C. Approval of Minutes of November 14, 2017, Regular Meeting and Rule Hearing

II. PRESENTATIONS

- A. FY17 Audit Report Andrew Quintana, Kubiak Melton & Associates, LLC
- B. FY17 Annual Report Presentation
- C. Bernalillo County Records Managers Introduction
- D. State Records Center and Archives Staff Recognition

III. RULE HEARING:

A. Amend

- 1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)
- 1.13.10 NMAC Records Storage and Access (SRA Only)
- 1.13.30 NMAC Disposition of Public Records and Non-Records (CPR & SRA Rule)
- B. Adjourn Rule Hearing

IV. ACTION ITEMS:

- A. Vote on Proposed Rules
- B. Acceptance of Deeds of Gift
 - 1. Jewish Federation of New Mexico Records
 - 2. John C. Scott Collection of Historical Publications
- C. New Mexico Historical Records Advisory Board Appointment
- D. Authorization to select historically significant records from destruction list

V. OLD BUSINESS

- A. FY19 Budget Appropriation Request Update
- B. State Personnel Tenancy and Southwest Room Move

VI. DIRECTOR'S REPORT

VII. SCHEDULING OF NEXT MEETING: May 22, 2018

VIII. ADJOURNMENT

1205 Camino Carlos Rey | Santa Fe, NM 87507 | nmcpr.state.nm.us

EXHIBIT D

Robert J. Tó Historian/Ch	Hon. Hector Balde Attorney General		Hon. Maggie Toulouse Oliver Secretary of State
	Gonzales Cultural Affairs	Edwynn Burckle General Services Department	Lynne S. Rhys State Law Librarian

Salazar, Melissa, SRCA

From:	Salazar, Melissa, SRCA
Sent:	Wednesday, December 27, 2017 9:19 AM
То:	lcs@nmlegis.gov
Cc:	Chavez, Georgette, SRCA
Subject:	CPR_Notice_of_Rulemaking
Attachments:	CPR_Notice_of_Rulemaking.pdf

Dear Legislative Council Service Representative:

The State Commission of Public Records and I have scheduled a rule hearing on Tuesday, February 20, 2018. Here is our rulemaking information as required under the State Rules Act under section 2.E.7.

E. "provide to the public" means for an agency to distribute rulemaking information by:

(7) providing it to the New Mexico legislative council for distribution to appropriate interim and standing legislative committees;

Here is a link to our notice of rulemaking and the proposed amendments on our website: <u>http://www.nmcpr.state.nm.us/notice-of-regular-meeting-and-rule-hearing</u>

Here is a link to our notice of rulemaking which appears in the *New Mexico Register*: http://164.64.110.239/nmregister/xxviii/xxviii24/CPR%20notice.htm.

Also attached is a PDF of the notice, agenda, and proposed amendments.

Please let me know if there is anything else that you require to fulfill this requirement.

Thank you, Melissa T. Salazar, CA State Records Administrator 505-476-7926

NEW MEXICO



Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

1205 Camino Carlos Rey, Santa Fe, New Mexico 87507

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Salazar, Melissa, SRCA

From:Salazar, Melissa, SRCASent:Wednesday, December 27, 2017 9:32 AMTo:DoIT-Enterprise Support Desk, DoITCc:Chavez, Georgette, SRCASubject:CPR_Notice_of_Rulemaking_2018_Feb_20Attachments:CPR_Notice_of_Rulemaking.pdf

Dear Help Desk:

In compliance with the newly amended State Rules Act under section 14-4-5.4, here is our notice of rulemaking, agenda, and proposed amendments for posting on the Sunshine Portal. It is comprised in one PDF.

Please let me know if you require further information.

Thank you, Melissa T. Salazar, CA State Records Administrator 505-476-7926

NEW MEXICO



Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

1205 Camino Carlos Rey, Santa Fe, New Mexico 87507

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From:Montoya, Susan, SRCASent:Tuesday, December 26, 2017 11:39 AMTo:CPR.Notifications@state.nm.usSubject:Notice of Regular Meeting and RulemakingAttachments:Agenda_Feb_20_2018.pdf; Notice_Feb_20_2018.pdf

NOTICE OF REGULAR MEETING

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, February 20, 2018, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by February 6, 2018, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

NOTICE OF RULEMAKING

The Commission of Public Records and State Records Administrator may consider the following items of rulemaking at the meeting:

Amend:

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)
1.13.10 NMAC Records Storage and Access (SRA Only)
1.13.30 NMAC Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)

Synopsis:

The proposed amendment of 1.21.2 NMAC consists of the following modification: Section 644 is being added to allow for the classification of attorney legal case files for cases which have been dismissed in court.

The proposed amendment of 1.13.10 NMAC consists of the following modification: Section 7 is being amended to reflect the correct reference citations.

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The Commission may vote on the proposed rules during the meeting on February 20, 2018. The State Records Administrator may take action on those rules at the close of the public rulemaking hearing. A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission's website

(<u>www.nmcpr.state.nm.us</u>) or by contacting Melissa Salazar at <u>Melissa.Salazar@state.nm.us</u>, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7911.

A copy of the agenda for the combined meeting and rule hearing is also available on the Commission website and at the office of the State Records Administrator located at the State Records Center and Archives at 1209 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting. Legal authority for this rulemaking can be found in the Public Records Act, Section 14-3-1, et seq. and in the State Rules Act, Section 14-4-1, et seq. NMSA 1978.

Susan Montoya Agency Analysis Bureau Chief Records Management Division (505) 476-7921







From:	Chavez, Georgette, SRCA
Sent:	Wednesday, January 24, 2018 8:28 AM
То:	NM Legislative Counsel Services (lcs@nmlegis.gov.)
Cc:	Salazar, Melissa, SRCA
Subject:	CPR Notice to Extend Comment Period
Attachments:	CPR_Notice_to_Extend_Comment_Period.pdf

Sincerely,

Georgette L. Chávez Deputy State Records Administrator 505-476-7926



Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

1205 Camino Carlos Rey, Santa Fe, New Mexico 87507

Exhibit H

From:	Salazar, Melissa, SRCA
Sent:	Tuesday, January 23, 2018 2:39 PM
То:	Lujan, Estevan, DoIT; DoIT-Enterprise Support Desk, DoIT
Cc:	Chavez, Georgette, SRCA
Subject:	CPR_NOTICE TO EXTEND COMMENT PERIOD
Attachments:	CPR_Notice_to_Extend_Comment_Period.pdf

Importance:

High

Dear Deputy Lujan:

Can DolT please post the attached Notice to Extend Comment Period to the Sunshine Portal as soon as possible. Because of the delay in posting our Notice of Rulemaking, we are not in compliance with the newly amended State Rules Act, which requires that the public have a 30-day comment period. Our Notice of Rulemaking was posted on January 18th.

Thank you in advance for your assistance in resolving this matter.

Best wishes, Melissa T. Salazar, CA State Records Administrator 505-476-7911



Commission of Public Records at the State Records Center and Archives

Your Access to Public Information

1205 Camino Carlos Rey, Santa Fe, New Mexico 87507

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Exhibit I

From:Montoya, Susan, SRCASent:Wednesday, January 24, 2018 4:37 PMTo:CPR.notifications@state.nm.usSubject:RE: Notice of Regular Meeting and RulemakingAttachments:CPR_Notice_to_Extend_Comment_Period.pdf

Good afternoon,

Please see the attached notice of extension of the comment period for the rule hearing being held on February 20, 2018.

From: Montoya, Susan, SRCA Sent: Tuesday, December 26, 2017 11:39 AM To: 'CPR.Notifications@state.nm.us' Subject: Notice of Regular Meeting and Rulemaking

NOTICE OF REGULAR MEETING

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, February 20, 2018, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by February 6, 2018, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

NOTICE OF RULEMAKING

The Commission of Public Records and State Records Administrator may consider the following items of rulemaking at the meeting:

Amend:

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)
1.13.10 NMAC Records Storage and Access (SRA Only)
1.13.30 NMAC Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)

Synopsis:

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Persons offering written comments at the hearing must have eight (8) copies for the Commission and Administrator to review. Oral comments will also be accepted at the rule hearing, subject to time limitations.

The Commission may vote on the proposed rules during the meeting on February 20, 2018. The State Records Administrator may take action on those rules at the close of the public rulemaking hearing. A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission's website (<u>www.nmcpr.state.nm.us</u>) or by contacting Melissa Salazar at <u>Melissa.Salazar@state.nm.us</u>, 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7911.

A copy of the agenda for the combined meeting and rule hearing is also available on the Commission website and at the office of the State Records Administrator located at the State Records Center and Archives at 1209 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting. Legal authority for this rulemaking can be found in the Public Records Act, Section 14-3-1, et seq. and in the State Rules Act, Section 14-4-1, et seq. NMSA 1978.

Susan Montoya

Agency Analysis Bureau Chief Records Management Division (505) 476-7921



Your Access to Public Information



Exhibit J

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)

Proposed Rule

This is an amendment to 1.21.2 NMAC, adding Section 644 effective 03/13/2018.

1.21.2.644	LEGAL CASE FILES - DISMISSED:
A.	Category: Legal and judiciary - legal matter management
В.	Description: Dismissed case files.

C. Retention: destroy one year from date file closed [1.21.2.644 NMAC - N, 03/13/2018]

Exhibit K

1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)

Comments Received

	From: Sent:	Lucero, Leo, SRCA Monday, February 05, 2018 11:07 AM			
	То:	Chavez, Georgette, SRCA			
	Subject:	FW: Comments Rulemaking 1.21.2 NMAC			
	From: Travis, Elizabeth, Sent: Monday, January 2 To: CPR, RMD, SRCA				
	Subject: Comments Rule	emaking 1.21.2 NMAC			
	Questions concerning	1.21.2 NMAC Proposed Amendments:			
	As posted on the NMC effective 3/13/2018.	PR web site, 1.21.2 NMAC is to be changed by adding the following new section,			
		L CASE FILES - DISMISSED:			
		al and judiciary - legal matter management			
		vismissed case files. troy one year from date file closed			
	[1.21.2.644 NMAC				
		o the two existing provisions concerning "legal case files."			
		LEGAL CASE FILES:			
		Category: Legal and judiciary - legal matter management. Description: Legal case files other than historical case files.			
		Retention: destroy 10 years from date file closed.			
	[1.21.2.636 NMAC				
		LEGAL CASE FILES - HISTORICAL:			
		Category: Legal and judiciary - legal matter management.			
	remediation.	Description: Legal case files pertaining to the office of the governor, attorney general and regulation and			
		Retention: permanent, transfer to archives 10 years from date file closed.			
	[1.21.2.637 NMAC	C - N, 10/01/2015]			
	And similarly there is no	reference to the following existing provision governing legal matter records management:			
	1.21.2.632	HEARINGS AND APPEALS:			
	A.	Category: Legal and judiciary - legal matter management.			
	В. С.	Description: Records related to hearings and appeals. Retention: destroy 10 years from date file closed.			
	[1.21.2.632 NMAC				
		oosed amendment offers no change or reference to the existing sections, 1.21.2.632 and			
1.21.2.636 NMAC, indicating the 10 year retention period for case files may be shortened by the proposed new section					
	when the matter is "dism	iissed."			
	My questions concern ho	ow to apply the proposed new one-year retention period and the existing 10-year retention			
	period.				
	1. As a result of adding 1.	21.2.644 NMAC, do 1.21.2.632 and 1.21.2.636 NMAC only apply to cases that are conducted			

1. As a result of adding 1.21.2.644 NMAC, do 1.21.2.632 and 1.21.2.636 NMAC only apply to cases that are conducted and result in an administrative or judicial determination?

2. Does 1.21.2.644 NMAC apply to legal case files even if the dismissal occurs during an administrative hearing or a trial or at any time prior to the final order being issued?

3. If a matter is dismissed but was subject to hearings or appeals prior to the dismissal, would the hearing transcripts need to be maintained for 10 years, as required by 1.21.2.632 NMAC, despite the destruction of all other related case files allowed under the proposed 1-year retention provision?

4. In the context of an administrative hearing, in which final administrative orders often "dismiss" the protest or action while upholding the agency action, does "dismissed" as used in the proposed, new section include administrative hearing case files where the final determination is to "dismiss" the protest and uphold the agency action? Or would those remain subject to the existing provision and the 10 year retention period?

Thank you for considering my questions during the comment period on the above noted rulemaking.

Elizabeth J. Travis, Deputy General Counsel NMDOT – Office of General Counsel POB 1149 - 1120 Cerrillos Road, Rm 123 Santa Fe, NM 87504-1149 (o) 505.827.5431 -- (c) 505.231.7659 -- (f) 505.827.0709

This e-mail communication may contain confidential information which also may be legally privileged and is intended only for the use of the recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please notify the sender immediately, delete the communication and destroy all copies.

Exhibit L

1.13.10 NMAC Records Storage and Access (SRA Only)

Proposed Rule

This is an amendment to 1.13.10 NMAC, amending Section 7 effective 03/13/2018.

1.13.10.7 DEFINITIONS:

A. "Chief records officer" means a person designated by an agency's records custodian to administrate the agency's records management program, refer to [1.13.12.9 NMAC] 1.13.12.10 NMAC.

B. "Custodial agency" means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.

C. "Custody" means the guardianship of records, archives and manuscripts, which may include both physical possession (protective responsibility) and legal title (legal responsibility).

D. "Destruction" means the disposal of records of no further operational, legal, fiscal, or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

E. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

F. "Functional records retention and disposition schedule" means a rule adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing the function of records, establishing a timetable for their life cycle and providing authorization for their disposition.

G. "Inactive record" means a record no longer needed to conduct current business but required to be maintained for operational, legal, fiscal or historical purposes until it meets its retention.

H. "Master microfilm" means the original microform produced from which duplicates or intermediates can be obtained.

I. "Microphotography" means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records provided by information system technology pursuant to rules adopted by the commission.

J. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

K. "Pending litigation" means threatened, pending or active proceedings in a court of law whose activity is in progress but not yet completed.

L. "Pick-up only personnel" means personnel authorized by a records custodian, chief records officer or record liaison officer to only pick-up records from the records center.

M. "Records liaison officer" means a person designated by the records custodian to interact with the state commission of public records, refer to [1.13.12.10 NMAC] 1.13.12.11.NMAC.

N. "Retention" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

O. "Trigger event" means the closing event of a record which begins the retention period. [1.13.10.7 NMAC - Rp, 1.13.10.7 NMAC, 11/30/2015; A, 07/11/2017; A, 03/13/2018]

Exhibit M

1.13.10 NMAC Records Storage and Access (SRA Only)

No Comments Received

1.13.30 NMAC Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)

Proposed Rule

This is an amendment to 1.13.30 NMAC, amending Section 7 effective 03/13/2018.

1.13.30.7 DEFINITIONS:

A. "Chief records officer" means a person designated by an agency's records custodian to administrate the agency's records management program, refer to [1.13.12.9 NMAC] 1.13.12.10 NMAC.

B. "Confidential" means information provided to, created by or maintained by a government agency and that is exempt from release under state or federal laws.

C. "Custodial agency" means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.

D. "Degaussing" means the process of removing magnetism from magnetically recorded tape thereby rendering the information unreadable.

E. "Destruction" means the disposal of records of no further operational, legal, fiscal or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

F. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

G. "Functional records retention and disposition schedule" means a rule adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing the function of records, establishing a timetable for their life cycle and providing authorization for their disposition.

H. "Inactive record" means a record no longer needed to conduct current business but required to be maintained for operational, legal, fiscal or historical purposes until it meets its retention.

I. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, transitory records, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

J. "On-site destruction" means destruction of records approved by the state records administrator to be destroyed at a location other than the records center.

K. "Permanent records" means records considered unique or so valuable in documenting the history or business of an organization that they are preserved in an archives.

L. "Records" means information preserved by any technique in any medium now known or later developed, that can be recognized by ordinary human sensory capabilities either directly or with the aid of technology [(1.13.70-NMAC)].

M. "Records liaison officer" means a person designated by the records custodian to interact with the state commission of public records, refer to [1-13.12.10 NMAC] 1.13.12.11.NMAC.

N. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

O. "**Recycling**" means the process that recovers the raw materials of a medium allowing for the reuse of various media. Overwriting on magnetic media is a means of recycling.

P. "Retention" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

Q. "State archives" means the principle location within the state records center and archives that maintains, preserves and makes available to the public the permanent and historical records of the state of New Mexico.

R. "Transitory" means messages which serve to convey information of temporary importance in lieu of oral communication. Transitory messages are only required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory messages are not required to control, support or to document the operations of government.

S. "Trigger event" means the closing event of a record which begins the retention period. [1.13.30.7 NMAC - Rp, 1.13.30.7 NMAC, 11/28/2017; A, 03/13/2018]

Exhibit N

1.13.30 NMAC Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)

No Comments Received



Commission of Public Records

at the State Records Center and Archives

Your Access to Public Information

State Commission of Public Records Regular Meeting & Rule Hearing Sign-In February 20, 2018

Statutory Member or Designee	Signature
Robert J. Tórrez, Historian	Relations
State Auditor	Beha
Attorney General	7A/2
General Services Department, Secretary	obecco a. alto
Secretary of State	Cho Ami
State Law Librarian	haliz
Department of Cultural Affairs, Secretary	R
Attorney General Counsel	

Exhibit D



Your Access to Public Information

State Commission of Public Records Regular Meeting & Rule Hearing Sign-In February 20, 2018

Name/Print	Signature	Representing
nowas Shumaker	Thomas Spumaler	OSH
ROB MANTINEZ	G. Attats	ESH
JAMES KIRBI	how they	ITM
Susan Montoya	Sur my	RMD
LEO R-LUCED	Los Millo	RMD
POBBI SHEARER2	Jaco-	DSA
Tanya Vigil	Inga logit	MICPR
CAMEREN O'LTAR		RMD
Andrew I. Quet	for a particular	Kubenk Melton + Associates
Ruben Rivera	2 La	SRCA
Robert Whe		SICH
Peter Chacon	Velectace	SRCA
Andy MACKOWStei	ling Markark	SRCA
Paulette L. Romero	Tauletto & Romero	DUR
Catalina Chairez	Catmina Charts	Revn Co
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Andros santiag) <	Sal	Bernco
Crystollooddidr		RM
June Rent	alt	Rnd
Jonathan Raybal	ACO	RMD
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	Ex	hibit O



at the State Records Center and Archives

Your Access to Public Information

State Commission of Public Records Regular Meeting & Rule Hearing Sign-In February 20, 2018

Name/Print	Signature	Representing
Amy L. Urias	Am & Urias	non sinke Chief Cluk's office
Melissa Salazar	to plymings	SRCA
R. M. HENDRICKS	Kulo Danilos	STICA
as QA	Felocu	SRED
Jour a Pak	Gail Pecteral	SPCA
Justin Harren	Jato Man	SREA
COMMIE MARGEZ	1 marguez	NIMFA
Savora Romero	I charguez Lalia Romero	SFPS
Georgette L. Muvez	Dengette R. C-	SRCA
U	0 0	

Exhibit O

NMAC		NEW MEXICO	Records		LED WITH ECORDS CENTER
<u> Transmitta</u>	I Form	ut the State Record Contenant Your Access to Public Info	ad Archives	2018 FE	323 Ph 3: 30
olume: XXIX Issue: 5	Publication Date:	03/13/2018 Nu	nber of page	s: 1 (ALD U Seque	se Only) 305.6 nce No.
ssuing agency name and addre	55:				Agency DFA cod
State Commission of Public Re	cords, 1205 Camino (Carlos Rey, Santa Fe, N	lew Mexico l	37507	36900
Contact person's name:		Phone number:	E-m	ail address:	
Leo Lucero		505-476-7920	Le	o.Lucero@state.ni	m.us
ype of rule action:					(ALD Use Only)
lew Amendment 🖌 R	epeal Repeal/R	Replace Renumber	er 📄 Eme		Most Recent Filing Date: 1/15/2017
Title number: Title name:					
I General Go	vernment Administra	tion	_		
Chapter number: Chapter nam					and the second second
21 Functional	Records Retention and	d Disposition Schedule	S		
Part number: Part name:					
2 Retention a	nd Disposition of Pub	lic Records	_		
			admanble bibl	AC Chables (16 Gli	
mendment Description (If filin	g an Amendment):				ng an Amendment):
Adding (1) section		1.2	T.Z NIVIAC,	adding Section 64	4.
f materials are attached, has o Concise Explanatory					ublic domain
lotice date(s):	Hearing da			Rule Adoption da	
12/26/2017	02/20/201	18		02/20/2018	03/13/2018
Specific statutory or other auth	ority authorizing ruler	making:			
Public Records Act, Section 14	-3-1 et seq. NMSA 1	978			
indings required for rulemakin	g adoption. Please at	tach and sign addition	al page(s) if I	ecessary.	
See page 2 for findings.					
l Issuing authority (If delegated,	authority letter must	be on file with ALD):	************		
Name:				Check if a	uthority has been delegat
Robert J. Tórrez					
Fitte:				<u> </u>	
Chair, State Commission of Pu	iblic Records				
Signature: (BLACK ink only)					Date signed:
Kabert A	1-m	2			2/20/18
/13/2017					
13/2017					

Concise Explanatory Statement for rulemaking adoption:

Page number 2 of 2 for Findings required for rulemaking adoption.

Section 14-3-4(F) NMSA 1978 authorizes the commission to adopt regulations to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978 authorizes the state records administrator to establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records.

FILED WITH STATE RECORDS DEMTER

2018 FEB 23 Provide and Archives

Commission of Public Records

1. Section 644 is being added to allow for the classification of attorney legal case files for cases which have been dismissed in court,

These rule amendments were made to include public comments received at the public hearing held on Tuesday, February 20, 2018.

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

Robert J. Tórrez

Check if authority has been delegated

Title:

Chair, State Commission of Public Records

Signature: (BLACK ink only)

Date signed:

7/13/2017

FILED WITH STATE RECORDS CENTER

1

This is an amendment to 1.21.2 NMAC, adding Section 644 effective 03/13/2678.23 PH 3: 30

1.21.2.644

LEGAL CASE FILES - DISMISSED: Category: Legal and judiciary - legal matter management Description: Dismissed case files. Α.

B.

Retention: destroy one year from date file closed С.

[1.21.2.644 NMAC - N, 03/13/2018]

C

<u>NMAC</u> Transmi	ttal Fo	NEW MEXICO Commission of at the Satu Record	of Public Records	5		ED WITH CORDS CENTER 23 PH 3: 25
		Your Access to tion Date: 03/13/2018	Number of p			nly) 252.15
		03/13/2018			Sequence	No. 202.10
Issuing agency name an					_	Agency DFA code
State Records Administ	trator, 1205 Camino	Carlos Rey, Santa Fe, N	ew Mexico 8750)7	_	36900
Contact person's name:	a land and	Phone number		E-mail addres		
Leo Lucero		505-476-7920		Leo.Lucero(@state.nm.us	
Type of rule action:						ALD Use Only) t Recent Filing Date:
New Amendment	Repeal	Repeal/Replace	lenumber	Emergency		7/2015
Title number: Title	name:			L		
1 Ger	neral Government A	dministration				
Chapter number: Chap	eter name:					
	lic Records					
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	cords Storage and Ac	ccess			1	
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Amendment Description	(If filing an Ameno	ment):				n Amendment):
Amending (1) section				IAC, Section 7		
Are there any materials Yes No 🗸 If materials are attached			Yes	No	7	domain
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FILED WITH STATE RECORDS CENTER Concise Explanatory Statement for rulemaking adoption:



at the State Periods Center and Antheway Your Access to Public Information

Check if authority has been delegated

Date signed:

Page number 2 of 2 for Findings required for rulemaking adoption. FEB 23 PH 3: SL

Section 14-3-6 NMSA 1978 authorizes the state records administrator to establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records.

1. Section 7 is being amended to reflect the correct reference citations.

These rule amendments were made to include public comments received at the public hearing held on Tuesday, February 20, 2018.

Issuing authority (If delegated,	authority letter	must be on file with

ALD): Name: Melissa T. Salazar

Title:

State Records Administrator

Signature: (BLACK ink only)

7/13/2017

FILED WITH STATE RECORDS CENTER

This is an amendment to 1.13.10 NMAC, amending Section 7 effective 03/13/2018. 23 P/i 3: 30

1.13.10.7 DEFINITIONS:

A. "Chief records officer" means a person designated by an agency's records custodian to administrate the agency's records management program, refer to [1-13-12.9-NMAC] 1.13.12.10 NMAC.

B. "Custodial agency" means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.

C. "Custody" means the guardianship of records, archives and manuscripts, which may include both physical possession (protective responsibility) and legal title (legal responsibility).

D. "Destruction" means the disposal of records of no further operational, legal, fiscal, or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

E. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

F. "Functional records retention and disposition schedule" means a rule adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing the function of records, establishing a timetable for their life cycle and providing authorization for their disposition.

G. "Inactive record" means a record no longer needed to conduct current business but required to be maintained for operational, legal, fiscal or historical purposes until it meets its retention.

H. "Master microfilm" means the original microform produced from which duplicates or intermediates can be obtained.

I. "Microphotography" means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records provided by information system technology pursuant to rules adopted by the commission.

J. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

K. "Pending litigation" means threatened, pending or active proceedings in a court of law whose activity is in progress but not yet completed.

L. "Pick-up only personnel" means personnel authorized by a records custodian, chief records officer or record liaison officer to only pick-up records from the records center.

M. "Records liaison officer" means a person designated by the records custodian to interact with the state commission of public records, refer to [1.13.12.10 NMAC] 1.13.12.11.NMAC.

N. "Retention" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

O. "Trigger event" means the closing event of a record which begins the retention period. [1.13.10.7 NMAC - Rp, 1.13.10.7 NMAC, 11/30/2015; A, 07/11/2017; A, 03/13/2018]

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Volume: XXIX	Issue: 5 Publicatio			nly) 49.12
Issuing agency n	ame and address:			Agency DFA cod
	and the second	mino Carlos Rey, Santa Fe, New M	lexico 87507	36900
Contact person's		Phone number:	E-mail address:	
Leo Lucero	name:	505-476-7920	Leo.Lucero@state.nm.us	
Type of rule actio				ALD Use Only)
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13	Public Records			
Part number:	Part name:			
30	Disposition of Public Rec	ords and Non-Records		
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Amending (1) se			NMAC, Section 7.	
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				ween weight
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Name:	and Melissa T. Salazar			
Name: Robert J. Tórre: Title:		nd State Records Administrator		· · · · ·
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Name: Robert J. Tórre: Title: Chair, State Cor	nmission of Public Records a	nd State Records Administrator		Date signed:

Concise Explanatory Statement for rulemaking adoption:



Sommission of Public Records It the State Herords Center and Arctaves Your Access to Public Information

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STATE RECORDS

Page number 2 of 2 for Findings required for rulemaking adoption.

Section 14-3-4(F) NMSA 1978 authorizes the commission to adopt regulations to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978 authorizes the state records administrator to establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records.

1. Section 7 is being amended to reflect the correct reference citations.

These rule amendments were made to include public comments received at the public hearing held on Tuesday, February 20, 2018.

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

Check if authority has been delegated

Robert J. Tórrez and Melissa T. Salazar

(BLACK ink only)

Chair, State Commission of Public Records and State Records Administrator

Date signed:

7/13/2017

Title:

Signature:

FILED WITH STATE RECORDS CENTER

This is an amendment to 1.13.30 NMAC, amending Section 7 effective 03/13/2018.

1.13.30.7 DEFINITIONS:

A. "Chief records officer" means a person designated by an agency's records custodian to administrate the agency's records management program, refer to [1.13.12.9-NMAC] 1.13.12.10 NMAC.

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D. "Degaussing" means the process of removing magnetism from magnetically recorded tape thereby rendering the information unreadable.

E. "Destruction" means the disposal of records of no further operational, legal, fiscal or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

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I. "Non-record" means extra copies of documents kept solely for convenience of reference, stocks of publications, transitory records, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

J. "On-site destruction" means destruction of records approved by the state records administrator to be destroyed at a location other than the records center.

K. "Permanent records" means records considered unique or so valuable in documenting the history or business of an organization that they are preserved in an archives.

L. "Records" means information preserved by any technique in any medium now known or later developed, that can be recognized by ordinary human sensory capabilities either directly or with the aid of technology [(1.13.70-NMAC)].

M. "Records liaison officer" means a person designated by the records custodian to interact with the state commission of public records, refer to [1.13.12.10 NMAC] 1.13.12.11.NMAC.

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O. "Recycling" means the process that recovers the raw materials of a medium allowing for the reuse of various media. Overwriting on magnetic media is a means of recycling.

P. "Retention" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

Q. "State archives" means the principle location within the state records center and archives that maintains, preserves and makes available to the public the permanent and historical records of the state of New Mexico.

R. "Transitory" means messages which serve to convey information of temporary importance in lieu of oral communication. Transitory messages are only required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory messages are not required to control, support or to document the operations of government.

S. "Trigger event" means the closing event of a record which begins the retention period. [1.13.30.7 NMAC - Rp, 1.13.30.7 NMAC, 11/28/2017; A, 03/13/2018]

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.

COMMISSION OF PUBLIC RECORDS

This is an amendment to 1.13.10 NMAC, amending Section 7 effective 03/13/2018.

 1.13.10.7
 DEFINITIONS:

 A.
 "Chief records

 officer" means a person designated
 by an agency's records custodian to administrate the agency's records management program, refer to

 [1.13.12.9 NMAC]
 1.13.12.10

 NMAC.
 "MAC"

B. "Custodial agency" means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.

C. "Custody" means the guardianship of records, archives and manuscripts, which may include both physical possession (protective responsibility) and legal title (legal responsibility).

D. "Destruction" means the disposal of records of no further operational, legal, fiscal, or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

E. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

F. "Functional records retention and disposition schedule" means a rule adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing the function of records, establishing a timetable for their life cycle and providing authorization for their disposition.

G.

"Inactive record"

means a record no longer needed to conduct current business but required to be maintained for operational, legal, fiscal or historical purposes until it meets its retention.

H. "Master microfilm" means the original microform produced from which duplicates or intermediates can be obtained.

I.

"Microphotography" means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records provided by information system technology pursuant to rules adopted by the commission.

J. "Non-record" means extra copies of documents kept solely for convenience of reference. stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

K. "Pending litigation" means threatened, pending or active proceedings in a court of law whose activity is in progress but not yet completed.

L. "Pick-up only personnel" means personnel authorized by a records custodian, chief records officer or record liaison officer to only pick-up records from the records center. M. "Records liaison officer" means a person designated by the records custodian to interact with the state commission of public records, refer to [1:13:12:10 NMAC] 1.13.12.11.NMAC.

N. "Retention" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

O. "Trigger event" means the closing event of a record which begins the retention period. [1.13.10.7 NMAC - Rp, 1.13.10.7 NMAC, 11/30/2015; A, 07/11/2017; A, 03/13/2018]

COMMISSION OF PUBLIC RECORDS

This is an amendment to 1.13.30 NMAC, amending Section 7 effective 03/13/2018.

 1.13.30.7
 DEFINITIONS:

 A.
 "Chief records

 officer" means a person designated

 by an agency's records custodian to

 administrate the agency's records

 management program, refer to

 [1.13.12.9 NMAC]

 NMAC.

B. "Confidential" means information provided to, created by or maintained by a government agency and that is exempt from release under state or federal laws.

C. "Custodial agency" means the agency responsible for the creation, maintenance, safekeeping and preservation of public records, regardless of physical location.

D. "Degaussing" means the process of removing magnetism from magnetically recorded tape thereby rendering the information unreadable.

E. "Destruction" means the disposal of records of no further operational, legal, fiscal or historical value by shredding, burial, pulping, electronic overwrite or some other process, resulting in the obliteration of information contained on the record.

F. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

G. "Functional records retention and disposition schedule" means a rule adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing the function of records, establishing a timetable for their life cycle and providing authorization for their disposition.

H. "Inactive record" means a record no longer needed to conduct current business but required to be maintained for operational, legal, fiscal or historical purposes until it meets its retention.

"Non-record" Ι. means extra copies of documents kept solely for convenience of reference, stocks of publications, transitory records, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency, extra copies of correspondence, preliminary drafts, blank forms, transmittal letters or forms that do not add information, sample letters and informational files.

J. "On-site destruction" means destruction of records approved by the state records administrator to be destroyed at a location other than the records center.

K. "Permanent records" means records considered unique or so valuable in documenting the history or business of an organization that they are preserved in an archives.

L. "Records" means information preserved by any technique in any medium now known or later developed, that can be recognized by ordinary human sensory capabilities either directly or with the aid of technology [(1.13.70-NMAC)].

M. "Records liaison officer" means a person designated by the records custodian to interact with the state commission of public records, refer to [1.13.12.10·NMAC] <u>1.13.12.11.NMAC</u>.

N. "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

O. "Recycling" means the process that recovers the raw materials of a medium allowing for the reuse of various media. Overwriting on magnetic media is a means of recycling.

P. "Retention" means the period of time during which records shall be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

Q. "State archives" means the principle location within the state records center and archives that maintains, preserves and makes available to the public the permanent and historical records of the state of New Mexico.

R. "Transitory" means messages which serve to convey information of temporary importance in lieu of oral communication. Transitory messages are only required for a limited time to ensure the completion of a routine action or the preparation of a subsequent record. Transitory messages are not required to control, support or to document the operations of government.

S. "Trigger event" means the closing event of a record which begins the retention period. [1.13.30.7 NMAC - Rp, 1.13.30.7 NMAC, 11/28/2017; A, 03/13/2018]

COMMISSION OF PUBLIC RECORDS

This is an amendment to 1.21.2 NMAC, adding Section 644 effective 03/13/2018.

 1.21.2.644
 LEGAL CASE

 FILES - DISMISSED:
 A. Category:

 Legal and judiciary - legal matter
 management

 B.
 Description:

 Dismissed case files
 C. Retention: destroy

 one year from date file closed
 [1.21.2.644 NMAC - N, 03/13/2018]

DENTAL HEALTH CARE, BOARD OF

The New Mexico Board of Dental Health Care reviewed at its 2/9/2018 hearing, to repeal its rule 16.5.15 NMAC, Dentistry (Dentists, Dental Hygienists. Etc., - Dentists, Anesthesia Administration (filed 2/15/2005) and replace it with 16.5.15 NMAC, Dentistry (Dentists, Dental Hygienists. Etc., - Dentists, Anesthesia/Sedation Administration, adopted 2/9/2018 and effective 3/18/2018.

DENTAL HEALTH CARE, BOARD OF

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.) PART 15 DENTISTS, ANESTHESIA/SEDATION ADMINISTRATION

16.5.15.1ISSUINGAGENCY:New Mexico Board ofDental Health Care.[16.5.15.1 NMAC - Rp, 16.5.15.1NMAC, 3/18/2018]