

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Education Trust Board of New Mexico (ETB) will hold a public rulemaking hearing on September 27, 2017. The hearing will begin at 9:00 a.m. and will be held at the New Mexico Higher Education Department (NMHED) located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding the ETB proposed rulemaking actions.

ETB has initiated a proposed rulemaking repealing and replacing 5.7.30 NMAC.

Repeal: The sections that will be repealed are:

5.7.30.1 NMAC, ISSUING AGENCY; 5.7.30.2, NMAC SCOPE; 5.7.30.3, NMAC STATUTORY AUTHORITY; 5.7.30.4, NMAC DURATION; 5.7.30.5, NMAC EFFECTIVE DATE; 5.7.30.6, NMAC OBJECTIVE; 5.7.30.7, NMAC DEFINITIONS; 5.7.30.8, NMAC ACTION; 5.7.30.9, NMAC RECISIONS; 5.7.30.10, NMAC CONTACT ENTITY INQUIRIES REGARDING THIS ISSUANCE SHOULD BE ADDRESSED TO; 5.7.30.11, NMAC DISTRIBUTION; 5.7.30.12, NMAC EXHIBITS

Replace: The sections that will be replaced are:

5.7.30.1 NMAC, ISSUING AGENCY; 5.7.30.2, NMAC SCOPE; 5.7.30.3, NMAC STATUTORY AUTHORITY; 5.7.30.4, NMAC DURATION; 5.7.30.5, NMAC EFFECTIVE DATE; 5.7.30.6, NMAC OBJECTIVE; 5.7.30.7, NMAC DEFINITIONS; 5.7.30.8, NMAC EXECUTIVE DIRECTOR AND ADMINISTRATION; 5.7.30.9, NMAC COLLEGE SAVINGS PROGRAM; 5.7.30.10, NMAC CONTACT ENTITY INQUIRIES REGARDING THIS ISSUANCE SHOULD BE ADDRESSED TO; 5.7.30.11, NMAC EXHIBITS

Purpose: Since the adoption of the original rule several changes have taken place as a matter of fact and law. These include the termination of the prepaid tuition plan, the revision of the authorizing statute for the New Mexico Education Trust Board and changes to Section 529 of the Internal Revenue Code governing college savings plans.

Summary of the proposed changes: Sections 5.7.30.1 through 5.7.30.5 describe the issuing authority, the scope, the statutory authority, the duration and the effective date respectively of the rules.

Section 5.7.30.6 acknowledges that the board is responsible for developing and administering a college savings program and that the rules are intended to inform the public and to provide an orderly procedure to accomplish the board's responsibilities under the law.

Section 5.7.30.7 contains a simplified set of definitions that removes terms already defined under the Internal Revenue Code or the Act.

Section 5.7.30.8 provides for the selection of a suitably qualified executive director and outlines the authority and responsibility of the executive director.

Section 5.7.30.9 outlines procedures for establishing an account in the college savings program and defines who may participate in the program. It also establishes procedures related to the investment of account assets including fees, distributions from an account, and the establishment of account contribution limits by the board.

Section 5.7.30.10 provides a contact entity for any inquiries regarding the rules.

Section 5.7.30.11 is reserved.

Details for Obtaining a Copy, Public Hearing and Comments: The proposed rules are available at the Education Trust Board of New Mexico 1516 Paseo de Peralta, Santa Fe, NM 87501. The proposed rules are available at the office of the ETB and on the ETB website at <http://www.nmetb.org> under the "Meetings and Reports" section. To request that a copy of the proposed rules be sent to you by mail or e-mail, please contact us at (505) 982-4099, ext. 2.

A public hearing will be held at 9:00 a.m.-10:30 a.m. at NMHED on September 27, 2017. Any person who is or may be affected by these proposed rules may appear and testify. **Interested persons may submit written comments to the ETB at 1516 Paseo de Peralta, Santa Fe, NM 87501 or NM.ETB@state.nm.us. Written comments must be received no later than 5:00 p.m. on September 20, 2017.** If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found at Sections 21.21K.1 through 21.21K.7 NMSA 1978. The Education Trust Board voted to approve the proposed rule changes at its meeting of April 22, 2015.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact (505) 982-4099, ext. 2 ten (10) business days prior to the hearing.