

Notices of Rulemaking and Proposed Rules

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

NOTICE OF RULEMAKING HEARING TO CONSIDER REPEALING AND REPLACING EXISTING RULE 20.11.42 NMAC, OPERATING PERMITS

The Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) will hold a public hearing beginning on August 14, 2024 at 5:30 p.m. to consider AQCB Petition No. 2024-2, filed by the City of Albuquerque Environmental Health Department (“EHD”). The hearing will last as long as required to hear all testimony, evidence and public comment but is expected to last approximately one hour, with deliberation to take place immediately after. The in-person hearing will be held at the Plaza del Sol Building, Basement Hearing Room, 600 Second Street NW, Albuquerque, NM 87102. Final hearing details will be posted online no later than July 20, 2024. See the Contact Information below for ways to learn more and receive updates.

Contact Information.

Websites: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities.

Phone: Anita SdeArmijo, AQCB Hearing Clerk, at 505-768-1915.

Email: airboard@cabq.gov.

In-Person Address: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 during normal business hours.

Postal Mail Address: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Hearing Details. Additional meeting and access details, including whether the AQCB holds the hearing with a virtual participation component, will be posted online or can be sought using the Contact Information above.

The proposed regulatory change would repeal and replace existing rule 20.11.42 NMAC, *Operating Permits*, to remove any Title V operating permit affirmative defense provisions, pursuant to changes in 40 CFR 70.6(g) and 71.6(g). The proposed regulatory textual change is the removal of 20.11.42.16(E) NMAC. This action is necessary to be in conformance locally with federal law.

The entire rulemaking docket, including copies of the proposed regulatory change, is accessible on the web at www.cabq.gov/airquality/air-quality-control-board. A link to the rulemaking record can also be found under the heading “Rulemaking Procedures” on the AQCB’s website. The proposed amended regulatory text is identified in the record as Exhibit B to EHD’s 2024-02 petition. Copies may also be obtained by contacting the AQCB Hearing Clerk. EHD charges a fee of fifty (50) cents per page for providing paper copies.

The hearing will be conducted in accordance with the Air Quality Control Act, NMSA 1978, Section 74-2-6; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-6; Bernalillo County Code, Article II, Section 30-35; 20.11.82 NMAC, Rulemaking Procedures-AQCB; and other applicable procedures, including any pre-hearing orders. Pre-hearing orders will be included in the rulemaking docket if issued.

Public Participation. AQCB hearings are open to the public and all interested persons are encouraged to participate. Pursuant to 20.11.82 NMAC, all interested persons will be given a reasonable opportunity to submit relevant data, views or arguments, orally or in writing, and to examine witnesses by filing a notice of intent to present technical testimony (“NOI”), filing an entry of appearance, or participating as a member of the general public.

Technical Testimony. Persons

intending to present technical testimony at the hearing must file a written NOI at least fifteen (15) days before the hearing. In addition to any requirements a pre-hearing order may have, an NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background; (3) include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) include the text of any recommended modifications to the proposed regulatory change; (5) list and attach an original copy of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (6) be served pursuant to 20.11.82.16 NMAC and pre-hearing orders, including served on EHD. Unless otherwise provided for in a pre-hearing order, the filing of an NOI shall be accomplished by delivering the document to the AQCB Hearing Clerk via the email, in-person address, or postal mail address listed in Contact Information above.

Entry of Appearance. Any person who is or may be affected by the proposed regulatory change may file and serve upon all parties an entry of appearance at least fifteen (15) days prior to the hearing date and shall be a party. In the event of multiple entries of appearance by those affiliated with one interest group, the hearing officer may consolidate the entries or divide the service list to avoid a waste of public resources. A timely NOI shall be considered an entry of appearance.

Non-Technical Testimony/Public Comment. Any member of the general public may present non-technical testimony at the hearing. No prior notification is required to present non-technical testimony. Any member of the public may also offer non-technical exhibits in connection with non-technical testimony, as

long as the non-technical exhibit is not unduly repetitious of previous testimony. A member of the general public who wishes to submit a non-technical written statement for the record instead of oral testimony shall file the written statement prior to the hearing or submit it at the hearing. Unless otherwise provided for in a pre-hearing order, written statements submitted prior to the hearing shall be delivered to the AQCB Hearing Clerk in the same manner as described above for filing a NOI.

Notice to Persons with Disabilities or Special Needs. If you have a disability or require special assistance to participate in this process, including interpretation or an auxiliary aid, please contact the AQCB Hearing Clerk as soon as possible but no later than seventy-two (72) hours before the hearing. Those in need of hearing assistance can call 711.

Nondiscrimination Notice. The AQCB does not discriminate on the bases of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/airquality/non-employee-discrimination-complaints. You may also contact Amanda Trujillo, Executive Assistant, General Services Division, at (505) 768-2534 or amandatrujillo@cabq.gov.

Nếu bạn muốn thông báo này được dịch sang tiếng Việt, vui lòng truy cập www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities và sử dụng tính năng Dịch ở đầu trang.

AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA DEROGACIÓN Y REEMPLAZO A LA NORMATIVA VIGENTE 20.11.42 NMAC- PERMISOS DE OPERACIÓN POR PARTE DE LA JUNTA DE CALIDAD DEL AIRE DEL-CONDADO DE ALBUQUERQUE-BERNALILLO

La Junta de Calidad del Aire del Condado de Albuquerque-Bernalillo (AQCB, por sus siglas en inglés) llevará a cabo una audiencia para considerar la Petición No. 2024-2 de la AQCB, presentada por el Departamento de Salud Ambiental de la Ciudad de Albuquerque (EHD, por sus siglas en inglés). La audiencia durará todo el tiempo que se requiera para escuchar todo el testimonio, prueba, y opinión pública, pero se espera que su duración sea de aproximadamente una hora, con deliberaciones inmediatamente después. La audiencia presencial se realizará en el edificio Plaza del Sol, en la sala de audiencias del sótano, 600 Second St. NW, Albuquerque, NM 87106. Los detalles finales de la audiencia serán publicados en línea a más tardar el 20 de julio de 2024. Vea la información de contacto a continuación para saber más y recibir actualizaciones.

Información de contacto.

Páginas web: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities. Teléfono: Anita SdeArmijo, secretaria de audiencia de la AQCB, al 505-768-1915.

Correo electrónico: airboard@cabq.gov.

Dirección en persona: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 durante horario comercial normal.

Dirección de correo postal: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Detalles de la Audiencia. Detalles adicionales de acceso y de la reunión, incluyendo si la AQCB realizará la reunión con un componente de participación virtual, se publicará en línea o se puede obtener usando la información de contacto que se proporcionó anteriormente. Información del EHD también está disponible en <https://www.cabq.gov/airquality/regulation-development/clean-vehicles-regulation-documents>.

El cambio normativo propuesto

se derogará y reemplazará la normativa vigente 20.11.42 del Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés)-Permisos de Operación, para eliminar las disposiciones de defensa afirmativa de Título V, de conformidad con 40 CFR 70.6(g) y 71.6(g). El cambio normativo de texto propuesto consiste en la derogación de 20-11-42-16(E) NMAC. Esta iniciativa es necesario para la conformidad de las normas locales con las normas federales.

Se puede acceder al expediente normativo, incluyendo copias del cambio normativo propuesto, en la página www.cabq.gov/airquality/air-quality-control-board. También se puede encontrar un enlace al registro normativo bajo el encabezado "Rulemaking Procedures" (Procedimientos de Normativas) en la página de la AQCB. El texto propuesto de enmienda de normativa se identifica en el registro como Anexo B a la petición 2024-2 del EHD. También se pueden obtener copias comunicándose con la Secretaria de Audiencias de la AQCB. El EHD cobra una tarifa de cincuenta (50) centavos por página por proveer copias en papel.

La audiencia se llevará a cabo de acuerdo al Acta de Control de Calidad del Aire de los Estatutos Anotados de Nuevo México (NMSA, por sus siglas en inglés), 1978, Sección 74-2-6; Ordenanza de la Junta de Calidad del Aire, Ordenanzas Revisadas de Albuquerque 1994, Sección 9-5-1-6; Código del Condado de Bernalillo, Artículo II, Sección 30-35; 20.11.82 NMAC, Procedimientos de Normativas-AQCB; y otros procedimientos aplicables, incluyendo todas las órdenes previas a la audiencia. Las órdenes previas a la audiencia se incluirán en el expediente normativo si se expide.

Participación pública. Las audiencias de la AQCB están abiertas al público y se les alienta a participar a todas las personas interesadas. De conformidad con 20-11-82 NMAC, todas las

personas interesadas se les otorgará una oportunidad razonable para presentar datos relevantes, opiniones o argumentos, de forma oral o escrita, e interrogar a testigos luego de completar un aviso de intención de presentar testimonio técnico (NOI, por sus siglas en inglés), una actuación de comparecencia, o al participar como miembro del público general.

Testimonio técnico. Las personas que pretendan presentar testimonio técnico durante la audiencia deberán completar un NOI escrita al menos quince (15) días antes de la audiencia. Además de todos los requisitos que una orden previa a la audiencia debe tener, un NOI deberá: (1) identificar a la persona en favor de la cual testificará el testigo; (2) identificar a cada testigo técnico que la persona quiera presentar e indicar las calificaciones de ese testigo, incluyendo una descripción de sus antecedentes de educación y de trabajo; (3) incluir una copia del testimonio directo de cada testigo técnico e indicar la duración estimada del testimonio de ese testigo; (4) incluir el texto de todas modificaciones recomendadas al cambio normativo propuesto; (5) enumerar y adjuntar una copia original de todas las pruebas que se espera que esa persona ofrezca en la audiencia, incluyendo todas las declaraciones de las razones propuestas para la adopción de las normativas; y (6) ser notificado de conformidad a 20.11.82.16 NMAC y a las órdenes previas a la audiencia, incluidas las del EHD Salvo que se proporcionen en una orden previa a la audiencia, un NOI se debe completar y enviar a la Secretaria de Audiencia de la AQCB por medio de correo electrónico, la dirección en persona o correo postal que se detalla en la información de contacto.

Actuación de comparecencia. Cualquier persona que se vea o pueda verse afectada por el cambio normativo propuesto puede completar y presentar una personación a todas las partes al menos quince (15) días

antes de la fecha de la audiencia y queda constituido como parte. En el caso de que haya múltiples personaciones de aquellos afiliados con un grupo de interés, el oficial de audiencia puede combinar esas actuaciones o dividir la lista de servicio para evitar un gasto de recursos públicos. Un NOI oportuno será considerado una actuación de comparecencia.

Testimonio no técnico/opinión pública. Cualquier miembro del público general puede presentar un testimonio no técnico en la audiencia. No se necesita notificación previa para presentar un testimonio no técnico. Cualquier miembro del público también puede presentar pruebas no técnicas junto con el testimonio no técnico, siempre y cuando la prueba no técnica no sea excesivamente repetitiva de testimonios anteriores. Un miembro del público general que desee entregar una declaración por escrito para el registro en lugar de testimonio oral deberá presentarlo antes o durante la audiencia. A menos que se entreguen en una orden previa a la audiencia, las declaraciones por escrito presentadas antes de la audiencia deberán entregarse a la secretaria de audiencia de la AQCB, de la misma forma en la que se debe enviar un NOI, como se indicó anteriormente.

Aviso para personas con discapacidades o necesidades especiales. Si usted tiene una discapacidad o requiere de asistencia especial para participar en este proceso, incluyendo interpretación o una asistencia auxiliar, comuníquese con la secretaria de audiencia de AQCB lo antes posible, pero no después de setenta y dos (72) horas antes de la audiencia. Aquellos que necesiten asistencia auditiva pueden llamar al 711.

Aviso de no discriminación. La AQCB no discrimina por motivos de raza, color, nacionalidad de origen, sexo, edad o discapacidad. Si usted cree que se lo ha discriminado, puede enviar una queja a www.cabq.gov/airquality/non-employee-discrimination-complaints.

www.cabq.gov/airquality/non-employee-discrimination-complaints. También puede comunicarse con Amanda Trujillo, asistente ejecutiva, División de Servicios Generales, al (505) 768-2534 o amandatrujillo@cabq.gov.

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

NOTICE OF RULEMAKING HEARING TO CONSIDER AMENDING EXISTING RULE 20.11.8 NMAC- AMBIENT AIR QUALITY STANDARDS

The Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) will hold a public hearing beginning on August 14, 2024 at 5:30 p.m. to consider AQCB Petition No. 2024-1, filed by the City of Albuquerque Environmental Health Department (“EHD”). The hearing will last as long as required to hear all testimony, evidence and public comment but is expected to last no longer than one hour, with deliberation to take place immediately after. The in-person hearing will be held at the Plaza del Sol Building, Basement Hearing Room, 600 Second Street NW, Albuquerque, NM 87102. Final hearing details will be posted online no later than July 20, 2024. See the Contact Information below for ways to learn more and receive updates.

Contact Information.

Websites: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notice-and-comment-opportunities.
Phone: Anita SdeArmijo, AQCB Hearing Clerk, at 505-768-1915.
Email: airboard@cabq.gov.
In-Person Address: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 during normal business hours.
Postal Mail Address: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Hearing Details. Additional meeting

and access details, including whether the AQCB holds the hearing with a virtual participation component, will be posted online or can be sought using the Contact Information above.

The proposed regulatory change would amend existing rule 20.11.8 NMAC- *Ambient Air Quality Standards*, to incorporate by reference the most up to date national ambient air quality standards and state air quality standards. The proposed regulatory textual changes are to update the date of incorporation for 20.11.8.11 NMAC, 20.11.8.12 NMAC, and to update the table in 20.11.8.13 NMAC. This amendment is necessary to ensure that the federal standards are enforceable locally.

The entire rulemaking docket, including copies of the proposed regulatory change, is accessible on the web at www.cabq.gov/airquality/air-quality-control-board. A link to the rulemaking record can also be found under the heading “Rulemaking Procedures” on the AQCB’s website. The proposed amended regulatory text is identified in the record as Exhibit B to EHD’s petition. Copies may also be obtained by contacting the AQCB Hearing Clerk. EHD charges a fee of fifty (50) cents per page for providing paper copies.

The hearing will be conducted in accordance with the Air Quality Control Act, NMSA 1978, Section 74-2-6; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-6; Bernalillo County Code, Article II, Section 30-35; 20.11.82 NMAC, Rulemaking Procedures-AQCB; and other applicable procedures, including any pre-hearing orders. Pre-hearing orders will be included in the rulemaking docket.

Public Participation. AQCB hearings are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity to submit relevant data, views or arguments, orally or in writing, and

to examine witnesses by filing a notice of intent to present technical testimony (“NOI”), filing an entry of appearance, or participating as a member of the general public.

Technical Testimony. Persons intending to present technical testimony at the hearing must file a written NOI at least fifteen (15) days before the hearing. In addition to any requirements a pre-hearing order may have, an NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background; (3) include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) include the text of any recommended modifications to the proposed regulatory change; (5) list and attach an original copy of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (6) be served pursuant to 20.11.82.16 NMAC and pre-hearing orders, including served on EHD. Unless otherwise provided for in a pre-hearing order, the filing of an NOI shall be accomplished by delivering the document to the AQCB Hearing Clerk via the email, in-person address, or postal mail address listed in Contact Information above.

Entry of Appearance. Any person who is or may be affected by the proposed regulatory change may file and serve upon all parties an entry of appearance at least fifteen (15) days prior to the hearing date and shall be a party. In the event of multiple entries of appearance by those affiliated with one interest group, the hearing officer may consolidate the entries or divide the service list to avoid a waste of public resources. A timely NOI shall be considered an entry of appearance.

Non-Technical Testimony/Public Comment. Any member of the general public may present non-

technical testimony at the hearing. No prior notification is required to present non-technical testimony. Any member of the public may also offer non-technical exhibits in connection with non-technical testimony, as long as the non-technical exhibit is not unduly repetitious of previous testimony. A member of the general public who wishes to submit a non-technical written statement for the record instead of oral testimony shall file the written statement prior to the hearing or submit it at the hearing. Unless otherwise provided for in a pre-hearing order, written statements submitted prior to the hearing shall be delivered to the AQCB Hearing Clerk in the same manner as described above for filing a NOI.

Notice to Persons with Disabilities or Special Needs. If you have a disability or require special assistance to participate in this process, including interpretation or an auxiliary aid, please contact the AQCB Hearing Clerk as soon as possible but no later than seventy-two (72) hours before the hearing. Those in need of hearing assistance can call 711.

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AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA ENMIENDA A LA NORMATIVA VIGENTE 20.11.8 NMAC- NORMAS DE

CALIDAD DEL AIRE POR PARTE DE LA JUNTA DE CALIDAD DEL AIRE DEL CONDADO DE ALBUQUERQUE-BERNALILLO

La Junta de Calidad del Aire del Condado de Albuquerque-Bernalillo (AQCB, por sus siglas en inglés) llevará a cabo una audiencia para considerar la Petición No. 2024-1 de la AQCB, presentada por el Departamento de Salud Ambiental de la Ciudad de Albuquerque (EHD, por sus siglas en inglés). La audiencia durará todo el tiempo que se requiera para escuchar todo el testimonio, prueba, y opinión pública, pero se espera que su duración sea de aproximadamente una hora, con deliberaciones inmediatamente después. La audiencia presencial se realizará en el edificio Plaza del Sol, en la sala de audiencias del sótano, 600 Second St. NW, Albuquerque, NM 87106. Los detalles finales de la audiencia serán publicados en línea a más tardar el 20 de julio de 2024. Vea la información de contacto a continuación para saber más y recibir actualizaciones.

Información de contacto.

Páginas web: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities.
Teléfono: Anita SdeArmijo, secretaria de audiencia de la AQCB, al (505) 768-1915.
Correo electrónico: airboard@cabq.gov.
Dirección en persona: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 durante horario comercial normal.
Dirección de correo postal: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Detalles de la Audiencia. Detalles adicionales de acceso y de la reunión, incluyendo si la AQCB realizará la reunión con un componente de participación virtual, se publicará en línea o se puede obtener usando la información de contacto que se proporcionó anteriormente.

El cambio normativo propuesto enmendaría la normativa vigente 20.11.8 del Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés)- Normas de Calidad del Aire, para incorporar por referencia las normas Federales y las normas estatales más recientes para la calidad del aire. Las revisiones propuestas al texto regulatorio consisten en la actualización de la fecha de incorporación en 20.11.8.12 NMAC y la tabla de normas en 20.11.8.13 NMAC. Esta enmienda es necesario para asegurar que las normas Federales sean enjuetables al nivel local.

Se puede acceder al expediente normativo, incluyendo copias del cambio normativo propuesto, en la página <https://www.cabq.gov/airquality/air-quality-control-board>. También se puede encontrar un enlace al registro normativo bajo el encabezado "Rulemaking Procedures" (Procedimientos de Normativas) en la página de la AQCB. El texto propuesto de enmienda de normativa se identifica en el registro como Anexo B a la petición 2024-1 del EHD. También se pueden obtener copias comunicándose con la Secretaria de Audiencias de la AQCB. El EHD cobra una tarifa de cincuenta (50) centavos por página por proveer copias en papel.

La audiencia se llevará a cabo de acuerdo al Acta de Control de Calidad del Aire de los Estatutos Anotados de Nuevo México (NMSA, por sus siglas en inglés), 1978, Sección 74-2-6; Ordenanza de la Junta de Calidad del Aire, Ordenanzas Revisadas de Albuquerque 1994, Sección 9-5-1-6; Código del Condado de Bernalillo, Artículo II, Sección 30-35; 20.11.82 NMAC, Procedimientos de Normativas-AQCB; y otros procedimientos aplicables, incluyendo todas las órdenes previas a la audiencia. Las órdenes previas a la audiencia se incluirán en el expediente normativo si se expide.

Participación pública. Las audiencias de la AQCB están abiertas al público

y se les alienta a participar a todas las personas interesadas. De conformidad con 20.11.82 NMAC, todas las personas interesadas se les otorgará una oportunidad razonable para presentar datos relevantes, opiniones o argumentos, de forma oral o escrita, e interrogar a testigos luego de completar un aviso de intención de presentar testimonio técnico (NOI, por sus siglas en inglés), una actuación de comparecencia, o al participar como miembro del público general.

Testimonio técnico. Las personas que pretendan presentar testimonio técnico durante la audiencia deberán completar un NOI escrita al menos quince (15) días antes de la audiencia. Además de todos los requisitos que una orden previa a la audiencia debe tener, un NOI deberá: (1) identificar a la persona en favor de la cual testificará el testigo; (2) identificar a cada testigo técnico que la persona quiera presentar e indicar las calificaciones de ese testigo, incluyendo una descripción de sus antecedentes de educación y de trabajo; (3) incluir una copia del testimonio directo de cada testigo técnico e indicar la duración estimada del testimonio de ese testigo; (4) incluir el texto de todas modificaciones recomendadas al cambio normativo propuesto; (5) enumerar y adjuntar una copia original de todas las pruebas que se espera que esa persona ofrezca en la audiencia, incluyendo todas las declaraciones de las razones propuestas para la adopción de las normativas; y (6) ser notificado de conformidad a 20.11.82.16 NMAC y a las órdenes previas a la audiencia, incluidas las del EHD Salvo que se proporcionen en una orden previa a la audiencia, un NOI se debe completar y enviar a la Secretaria de Audiencia de la AQCB por medio de correo electrónico, la dirección en persona o correo postal que se detalla en la información de contacto.

Actuación de comparecencia.

Cualquier persona que se vea o pueda verse afectada por el cambio

normativo propuesto puede completar y presentar una personación a todas las partes al menos quince (15) días antes de la fecha de la audiencia y queda constituido como parte. En el caso de que haya múltiples personaciones de aquellos afiliados con un grupo de interés, el oficial de audiencia puede combinar esas actuaciones o dividir la lista de servicio para evitar un gasto de recursos públicos. Un NOI oportuno será considerado una actuación de comparecencia.

Testimonio no técnico/opinión pública. Cualquier miembro del público general puede presentar un testimonio no técnico en la audiencia. No se necesita notificación previa para presentar un testimonio no técnico. Cualquier miembro del público también puede presentar pruebas no técnicas junto con el testimonio no técnico, siempre y cuando la prueba no técnica no sea excesivamente repetitiva de testimonios anteriores. Un miembro del público general que desee entregar una declaración por escrito para el registro en lugar de testimonio oral deberá presentarlo antes o durante la audiencia. A menos que se entreguen en una orden previa a la audiencia, las declaraciones por escrito presentadas antes de la audiencia deberán entregarse a la secretaria de audiencia de la AQCB, de la misma forma en la que se debe enviar un NOI, como se indicó anteriormente.

Aviso para personas con discapacidades o necesidades especiales. Si usted tiene una discapacidad o requiere de asistencia especial para participar en este proceso, incluyendo interpretación o una asistencia auxiliar, comuníquese con la secretaria de audiencia de AQCB lo antes posible, pero no después de setenta y dos (72) horas antes de la audiencia. Aquellos que necesiten asistencia auditiva pueden llamar al 711.

Aviso de no discriminación. La AQCB no discrimina por motivos de raza, color, nacionalidad de origen,

sexo, edad o discapacidad. Si usted cree que se lo ha discriminado, puede enviar una queja a www.cabq.gov/airquality/non-employee-discrimination-complaints. También puede comunicarse con Amanda Trujillo, asistente ejecutiva, División de Servicios Generales, al (505) 768-2534 o amandatrujillo@cabq.gov.

GAME AND FISH DEPARTMENT

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") will be hosting a meeting and rule hearing on Friday August 9, 2024 beginning at 9:00 a.m. in Taos, NM. The exact location will be posted on the New Mexico Department of Game and Fish website at www.wildlife.state.nm.us/commission/meeting-agendas. The purpose of this meeting is to hear and consider action as appropriate on the following: 1) presentation of proposed changes to the Migratory Game Bird Rule; and 2) presentation of proposed changes to the Bighorn Sheep Rule.

Synopsis:

Migratory Game Bird Rule

The proposal is to amend the Migratory Game Bird Rule 19.31.6 NMAC which will become effective September 1, 2024. The most recent version of the rule expired on March 31, 2024.

- Changes to regular waterfowl season dates based on public comment and calendar dates
- Change certain season dates to be later in the year because of calendar shift
- Based on population survey data, increase sandhill crane permits in MRGV and SW draw hunts by 35 total, to be distributed among existing hunts
- Bag limit for northern pintail to remain at 1 per USFWS regulatory framework
- Central Flyway scaup limit

to decrease from 3 to 1 per USFWS regulatory frameworks

- Open Bernardo Unit D to handicap accessible waterfowl hunting during the regular season
 - Open Bernardo Unit D to handicap accessible hunting for the Light Goose Conservation Order on Monday, Wednesday, and Saturday during the hours of ½ hour before sunrise to ½ hour after sunset
 - Open Bernardo Ponds Unit for the Light Goose Conservation Order on Monday, Wednesday, and Saturday during the hours of ½ hour before sunrise to ½ hour after sunset
- Bighorn Sheep Rule**
The proposal is to amend the Bighorn Sheep Rule 19.31.17 NMAC which will become effective April 1, 2025. The current rule will expire on March 31, 2025.
- Extend the bighorn sheep rule for two more years. This extension would align the Bighorn Rule with the expiration of the other Big Game rules and future rule development.

A full text of changes for all rules will be available on the Department's website at: www.wildlife.state.nm.us. Interested persons may submit comments on the proposed changes for the Migratory Game Bird Rule to DFG-waterfowl@state.nm.us. Interested persons may submit comments on the proposed changes for the Bighorn Sheep Rule to DFG-Bighorn-Rule@state.nm.us. Individuals may also submit written comments to the physical address below. Comments are due by 5:00 p.m. on August 7, 2024. The final proposed rules will be voted on by the Commission during a public meeting on August 9, 2024. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearings to be held on August 9, 2024.

Full copies of text of the proposed new rules, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1

Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

**HUMAN SERVICES
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

NOTICE OF RULEMAKING

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.321.2 NMAC, *Specialized Behavioral Health Provider Enrollment and Reimbursement* to align with CFR 42 part 8, and the implementation of the new Evidence Based Practices Programs.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary

to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: June 25, 2024
Hearing Date: July 26, 2024
Adoption Date: Proposed as December 1, 2024
Technical Citations: CFR 42 Part 8

The Department is proposing to amend the rule as follows:

Throughout the rule:

1. Language is updated to change Human Services Department (HSD) to Health Care Authority (HCA).
2. Language is updated to remove the term "abuse" and replace with "use".
3. Language is updated to reflect that providers and practitioners render services within their respective practice board's scope of practice or licensing agency's requirements. Language and acronyms updated and standardized with other New Mexico Medicaid programs and federal regulation.
4. Several sections have been renumbered due to new sections being added into the NMAC.

Section 8

This section is updated to add the new Health Care Authority mission statement.

Section 9

This section is updated to add occupational therapists as allowable practitioners when they are facilitating occupational performance and managing an individual's mental health functioning and performance.

Section 10

Subsection A - is updated to clarify eligible facility requirements including provision of medication assisted treatment (MAT) services; practitioner training; caregiver screening; licensing requirements; and to add family notification requirements.

Section 11

This new section is added to define requirements for Adult Accredited Residential Treatment centers for individuals with serious mental health conditions.

Section 12

Subsection A - is updated to add eligible facility requirements for family notification.

Section 13

Subsection B - is updated to clarify that a presumption diagnosis of autism spectrum disorder (ASD) may be provided by a licensed practitioner who's scope of practice allows them to render a diagnosis of ASD.

Section 19

Subsection A - is updated to clarify minimum staff and supervisor qualifications. Peer support specific requirements are removed from this section and added to 8.321.2.42 NMAC.

Section 20

This section is updated to include crisis intervention services approved in State Plan Amendment (SPA) NM 23-0006 to include community-based mobile crisis services and mobile response and stabilization services (MRSS).

Subsection A - is updated to define community-based mobile crisis services and MRSS program requirements.

Subsection B - is updated to define community-based mobile crisis services and MRSS provider and practitioner requirements.

Subsection C - is updated to define community-based mobile crisis services and MRSS covered services.

Section 21

This section is updated to allow involuntary admissions to a Crisis Triage Center (CTC) for individuals who have been determined to be a danger to themselves or others. **Subsection C** - is updated to allow the requirement for an available charge nurse to be on duty at all times of operation to be met via access to a

supervising nurse who is available via telehealth.

Section 26

This section is updated to clarify the Intensive Outpatient Program (IOP) for substance use disorder (SUD) provider application process.

Subsection A - is updated to clarify staff and practitioner requirements.

Subsection B - is updated to include the requirement for care coordination.

Subsection C - is updated to define the amount and intensity of service.

Section 27

This section is updated to clarify the Intensive Outpatient Program (IOP) for mental health conditions provider application process.

Subsection A - is updated to clarify staff and practitioner requirements.

Subsection B - is updated to include the requirement for care coordination.

Subsection C - is updated to define covered services and the amount and intensity of services.

Section 28

This section is updated to align with 42 CFR Part 8.

Subsection A - language is updated to reflect practitioner requirement to complete the drug enforcement agency (DEA) approved training to prescribe buprenorphine.

Section 29

This section is amended to include Multisystemic Therapy Problem Sexual Behavior (MST-PSB).

Subsection A - is updated to clarify the licensure requirements for MST and MST-PSB providers.

Subsection C - is updated to clarify that MST is provided in the community and that services provided to family members or other supports must be for the direct benefit of the Medicaid recipient.

Section 30

Subsection A - is updated to add eligible facility requirements for family notification.

Section 31

This section is updated to align with

42 CFR Part 8.

Subsection C - is amended to reflect current policies and procedures that reflect special needs and priority for treatment of recipients with opioid use disorder.

Subsection D - is amended to include requirements for mandatory laboratory tests; the allowance for medication unites; and define requirements for take home medications in alignment with 42 CFR Part 8.

Section 33

This section is updated to define Psychosocial Rehabilitation Services (PSR) agency requirements to have provided a minimum of three years of Comprehensive Community Support Services (CCSS) and complete the application process as described in the Behavioral Health Policy and Billing Manual.

Section 35

Subsection A - provider and practitioner requirements are updated to reflect that allowed practitioners must work within the defined physical health and primary care agency types.

Section 39

This section is added to define program and practitioner requirements for therapeutic intervention services as approved in SPA NM 23-0006.

Therapeutic intervention services include: Trauma-Focused Cognitive Behavioral Therapy (TF-CBT), Eye Movement Desensitization and Reprocessing (EMDR), and Dialectical Behavior Therapy (DBT).

Section 40

This section is added to define program and practitioner requirements for Functional Family Therapy (FFT) as approved in SPA NM 23-0006.

Section 41

This section is added to define program and provider requirements for High Fidelity Wraparound (HFW) as approved in Amendment 2 to New Mexico's 1115(c) waiver.

Section 42

This section is added to define program and practitioner requirements for peer support services in alignment with the New Mexico Medicaid State Plan.

These proposed rule changes will be contained in 8.321.2 NMAC. The register and the proposed rule are available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/2024-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

The Department proposes to implement this rule effective December 1, 2024.

A public hearing to receive testimony on this proposed rule will be held on July 26, 2024, at 9:00 a.m. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting

<https://us02web.zoom.us/j/9182801909?pwd=YXZrNTV0M3MrUUFudUNVMGxIUkMvZz09&omn=86012989805>

Meeting ID: 918 280 1909

Passcode: y2CwhJ

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

Interested persons may address written comments to:

Human Services Department
Office of the Secretary
ATTN: Medical Assistance Division
Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: HSD-madrules@hsd.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on July 26, 2024. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/2024-comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

MEDICAL BOARD

NOTICE OF PUBLIC RULE HEARING

Public Notice. The New Mexico Medical Board (NMMB) gives notice that it will conduct a public rule hearing on August 2, 2024 at 8:30 AM (MDT). This rule hearing is in person and can be accessed virtually. The purpose of the public hearing is to receive public input on the proposed amendments to 16.21.1 NMAC through 16.21.12 NMAC - Podiatric Physician Rules. Physical Hearing Location is 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505.

Join Zoom Meeting
<https://us02web.zoom.us/j/83140102469?pwd=M1diTzRtZmNiNUkxR1ltNzBkNG1SQOT09>

Meeting ID: 831 4010 2469
Passcode: 947330
One tap mobile
+13462487799,,83140102469#,,,,*947330# US (Houston)
+16699006833,,83140102469#,,,,*947330# US (San Jose)

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US (Tacoma)
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
Meeting ID: 831 4010 2469
Passcode: 947330
Find your local number: <https://us02web.zoom.us/j/83140102469>

Purpose. During the 2023 Legislative Session HB83 passed and was signed by Governor Lujan Grisham on April 5, 2023. HB83 transferred the Podiatry Board from Regulation and Licensing Department to the New Mexico Medical Board. The addition to the Medical Practice Act requires promulgation of rules to implement the provisions set forth in HB83.

The statutory authorization. Medical Practice Act Sections 61-6-1 through 61-6-35 NMSA 1978.

No technical information serves as a basis for this proposed rule change.

Public comment. Interested parties may provide comment on the proposed amendments of this state rule at the public hearing or may submit written comments to Amanda Quintana, New Mexico Medical Board, 2055 South Pacheco Street, Bldg. 400, Santa Fe, NM 87505, or by electronic mail to AmandaL.Quintana@nmmb.nm.gov. All written comments must be received no later than 3:00 p.m. (MDT) on July 31, 2024. All written comments will be posted to the agency website within (3) three business days.

Copies of proposed rule. Copies of the proposed rules may be accessed through the New Mexico Medical

Board's website at www.nmmb.state.nm.us or may be obtained from the Board office by calling (505) 476-7220 or via email at AmandaL.Quintana@nmmb.nm.gov.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Amanda Quintana at (505) 476-7220 or via email at AmandaL.Quintana@nmmb.nm.gov. The New Mexico Medical Board requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

Summary of proposed changes.

The Board summarizes its proposed changes to its administrative rules as follows:

16.21.1 NMAC through 16.21.12 - Podiatric Licensure Rules:
As a general summary, the entirety of the podiatric licensure rules will be transferred to the New Mexico Medical Board for regulation of podiatric physicians in New Mexico. Other changes to the rules include changing the title of podiatrist to podiatric physician; create a podiatry advisory committee; change reciprocity requirements and change licensure renewal periods from one year to two years.

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 23-00294-UT

The New Mexico Public Regulation Commission ("Commission") hereby gives notice of its initiation of a Proposed Rulemaking to adopt a new rule at **17.9.561 NMAC**, entitled "**Carbon Dioxide Emissions Measurement and Compliance.**"

[Summary of the full text of the Proposed Rule and short explanation of its purpose:](#) The Commission

proposes to adopt a new rule to satisfy and implement Subsection D of Section 62-18-10 NMSA 1978 of the Energy Transition Act (“ETA”). Subsection D requires the Commission to adopt rules to implement the carbon intensity emissions limits set out in the ETA, which limit a qualifying utility’s emissions from generating assets to 400 lbs-CO₂/MWh until 2032 when the stringency increases to 200 lbs-CO₂/MWh. The Proposed Rule would additionally provide procedures for annual reporting and guidance for non-compliance sanctions.

Legal authority authorizing the Proposed Rule and the adoption of the rule: The Commission has jurisdiction over this rulemaking pursuant to Subsection D of Section 62-18-10 NMSA 1978. Additionally, the Commission has jurisdiction to issue this NOPR and to adopt the Proposed Rule as permitted by Subsection B of Section 62-19-9 NMSA 1978: the Commission’s authority to adopt such reasonable administrative, regulatory and procedural rules as may be necessary or appropriate to carry out its powers and duties.

How a copy of the full text of the Proposed Rule can be obtained: A copy of the full text of the Proposed Rule and instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the Commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by contacting Robert Lundin of the Commission’s office at Robert.Lundin@prc.nm.gov.

How a person can comment on the Proposed Rule, where comments will be received and when comments are due: Any person wishing to comment on the Proposed Rule may do so by submitting written initial comments no later than **August 9, 2024** and written response comments no later than **August 23, 2024**.

Comments can be electronically filed by sending them in PDF format to

prc.records@state.nm.us. Comments must refer to Docket No. 23-00294-UT. All written comments will be posted on the Commission’s website within three days of their receipt by the records bureau.

The record closure date for this proceeding is August 30, 2024. From that date through the completion of this proceeding, rulemaking participants will be forbidden from communicating with the Commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person can participate in the hearing:

A public hearing on the Proposed Rule and any additional issues to be addressed in formal comment process, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on August 15, 2024**. Any member of the public who wishes to make a comment at the hearing may contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505)490-7910 no later than 12:00 p.m. (noon) on August 14, 2024, to sign up as a hearing participant. The Commission shall email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation shall include a call-in number for those participants who are unable to access Zoom’s video-conferencing platform.

The public comment hearing shall be held to receive oral comments. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson shall be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence shall be taken at the public comment hearing. A court reporter shall prepare a transcript of the hearing for filing in

this docket.

Any person with a disability requiring special assistance to participate in this proceeding should contact the Commission’s Director of the Administrative Services Division at (505) 827-8019 to request such assistance as soon as possible, preferably as soon as the person receives notice of this proceeding to allow consideration of the request and to arrange for a potential reasonable accommodation.

Technical information that served as a basis for the Proposed Rule and how the information can be obtained: N/A

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 24-00028-UT

The New Mexico Public Regulation Commission (the “Commission”) hereby gives notice of its initiation of a rulemaking proceeding to repeal or to amend two rules within the New Mexico Administrative Code, 17.11.24 NMAC and 17.11.25 NMAC.

Summary of the full text of the proposed rule and short explanation of its purpose: The Commission is considering repealing or amending two of the Commission’s rules, 17.11.24 NMAC and 17.11.25 NMAC. The first rule is 17.11.24 NMAC, “quality of service standards applicable to large incumbent local exchange carriers.” The purpose of this rule is to establish standards, procedures, and reporting requirements to ensure that large incumbent local exchange carriers (“LILECs”) provide telecommunications services to retail customers at an adequate quality of service level and in a manner consistent with the promotion of universal service. 17.11.24.6 NMAC. The second rule is 17.11.25 NMAC, “consumer protection

standards applicable to large incumbent local exchange carriers.” The purpose of this rule is to establish consumer protection standards applicable to large incumbent local exchange carriers. 17.11.25.6 NMAC.

The Commission adopted these rules pursuant to the New Mexico Telecommunications Act (the “NMTA”), Section 63-9-A-1, NMSA 1978 *et seq.* At the time of adoption of the rules, the NMTA provided for limited regulation by the Commission of incumbent local exchange carriers serving more than 50,000 access lines in the state, or LILECs. Section 63-9A-3(F) & (I), 63-9A-5, & 63-9A-6 (2019) NMSA 1978. In 2023, the NMTA was amended by the passage of senate bill 41 (“SB 41”), described, in relevant part, as “an act relating to telecommunications; amending sections of the New Mexico Telecommunications Act; requiring that incumbent local exchange carriers that serve fifty thousand or more access lines be regulated in the same manner as incumbent rural telecommunications carriers in most cases; . . . providing definitions; requiring the public regulation Commission to report the steps taken to achieve regulatory parity among carriers; amending and repealing sections of the NMSA 1978.” SB 41, adopted in 2023 session of legislature.

The Commission proposes repealing these rules as the Commission does not regulate the quality of service provided by incumbent rural telecommunications carriers (“Rural ILECs”), and the Commission has no consumer protection standards for customers served by Rural ILECs. The Commission interprets the rural telecommunications act (the “RTA”), 63-9H-1, NMSA 1978, *et seq.*, as providing the Commission little or no authority to regulate the Rural ILECs. Thus, the Commission proposes that compliance with SB 41’s mandate that LILECs be regulated in the same manner as Rural ILECs would best be achieved by repealing the above rules. However, the Commission will consider arguments by commenters disputing the Commission’s

understanding of its jurisdiction in this area, proposals by commenters to retain and to amend the rules, and any other arguments or proposals relevant to this proceeding.

Legal authority authorizing the proposed repeals, or, in the alternative, amendments to the rules: The Commission has the authority to repeal the above rules or to amend them under the New Mexico Constitution, Article XI, Sec. 2, under Subsection B of Section 62-19-21 NMSA 1978, Section 63-9A-5 NMSA 1978, and Paragraph (3) of Subsection A of 63-9A-21 NMSA 1978.

How copies of the proposed repeal statements and the current rules can be obtained: Copies of the proposed repeal statements and the current rules, as well as instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the Commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by contacting LaurieAnn Santillanes of the Commission’s Office of General Counsel at (505) 670-4830.

How a person can comment on the proposed repeals, where comments will be received, and when comments are due: Any person wishing to comment on the proposed repeals or to propose amendments to the rules may do so by submitting written initial comments no later than **July 22, 2024**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **August 7, 2024**. Comments can be electronically filed by sending them in pdf format to prc.records@prc.nm.gov. Comments must refer to docket no. 24-00028-UT. All written comments will be posted on the Commission’s website within three days of their receipt by the records bureau. The record closure date for this proceeding is **August 30, 2024**. From that date through the completion of this proceeding, rulemaking participants will be forbidden from

communicating with the Commission or its representatives concerning substantive issues in this proceeding. When and where a public rule hearing will be held and how a person can participate in the hearing: A public comment hearing on the proposed repeal of the above rules and any proposed alternatives, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on August 21, 2024**, with participation allowed in person in the Commission’s second floor open meeting room at the offices of the Commission, located in the Bokum Building, at 142 West Palace Avenue, Santa Fe, NM 87501, or via the Zoom online platform. Any member of the public who wishes to make a comment at the hearing must contact Patrick Rodriguez at (505) 490-7910 or via email to public.comment@prc.nm.gov by no later than **12:00 noon on August 20, 2024**, to sign up as a hearing participant.

The Commission’s office of general counsel will email a zoom invitation to all hearing participants the day before the hearing. The zoom invitation will include a call-in number for those participants who are unable to access the zoom platform via computer. The hearing will be held in order to receive oral comments. In the interest of administrative efficiency, only commenters who have not submitted written comments will be allowed to speak. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the Commission or its designee. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing the rulemaking docket, Docket No. 24-00028-UT.

Persons with Disabilities: any person with a disability requiring special assistance to participate in this proceeding should contact the Commission’s director of the administrative services division at (505) 827-8019 to request such assistance as soon as possible,

preferably as soon as the person receives notice of this proceeding to allow consideration of the request and to arrange for a potential reasonable accommodation.

Instructions on how to access the complete rulemaking record, reports, and other items filed in the Commission’s e-docket system can be found at <https://www.nm-prc.org/rulemaking-proceedings/>.

RACING COMMISSION

NOTICE OF PUBLIC RULES HEARING AND MEETING

The NM Racing Commission will hold a Public Rules Hearing and Meeting on **Thursday, July 25, 2024**. The rules hearing and meeting will be held by the Commission beginning at 1:00 p.m. They will be held in person in the Boardroom, at 4900 Alameda Blvd., NE, Albuquerque, NM and virtually via Zoom.

Topic: Public Rules Hearing and Meeting
 Time: July 25, 2024, 1:00 PM Mountain Time (US & Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/87417514118?pwd=SBw3q1hJdL3QQQY1jSeEmQKON1nFcT.1>

Meeting ID: 874 1751 4118
 Passcode: 8mH8LP

One tap mobile
 +16699006833,,87417514118#,,,,*007149# US (San Jose)
 +17193594580,,87417514118#,,,,*007149# US

Meeting ID: 874 1751 4118
 Passcode: 007149

Find your local number: <https://us02web.zoom.us/j/ku9c5nQ0x>

The Commission is proposing the following amendments to Rules Governing Horse Racing in NM:

- 15.2.1 NMAC – General Provisions
- 15.2.3 NMAC – Flat Racing Officials
- 15.2.6 NMAC – Veterinary Practices, Equine Health, Medication, and Trainer Responsibility
- 16.47.1 NMAC – General Provisions (Occupational and Professional Licensing)

A copy of the proposed rule may be found at: <https://www.nmrc.state.nm.us/rules-regulations/>.

Written comments on the proposed rule may be submitted to the address below and/or you may appear at the meeting and provide brief, verbal comments. All written comments must be submitted to DeniseM.Chavez@rc.nm.gov and received by 12:00 p.m. July 25, 2024.

The **final agenda** will be available 120 hours prior to the public hearing and meeting. The **final** agenda may be obtained from Denise Chavez or from NMRC’s website.

No technical information served as the basis for the proposed rule.

Anyone requiring special accommodations should notify NMRC of such needs at least 5 days prior to the public hearing and meeting.

Statutory Authority: Legal authority for NMRC rulemaking can be found at NMSA Section 60-1A-4(B)(1).

The following rule amendments are proposed:

Subsection I of 15.2.1.7 NMAC: This rule details definitions. The purpose of the proposed amendment is to add the definition of Industrial Representative to clarify “representatives” assisting Licensees in hearings before the stewards and appeals to the Hearing Officer and Commission.

Subsections A and B of 15.2.1.9 NMAC: These rules detail due process and disciplinary actions before the stewards and commission. The purpose of the proposed

amendments is to clarify the “representatives” assisting Licensees in hearings before the stewards and commission and rulings from other recognized regulatory organizations.

Subsection B of 15.2.3.8 NMAC: This rule details disciplinary actions. The purpose of the proposed amendment is to ensure the time to pay a fine is consistent with other references in the rule book.

Subsection D of 15.2.3.8 NMAC: This rule details payment of purses. The purpose of the proposed amendment is to allow Associations to take payment from owners whose horses are subject to post-mortem examinations (necropsy).

Subsection N of 15.2.3.8 NMAC: This rule details requirements for official veterinarians. The purpose of the amendment to this rule is to be consistent with the New Mexico Veterinary Practice Act.

Subsection B of 15.2.6.9 NMAC: This rule details penalty recommendations. The purpose of the amendment to this rule is to add penalties for out-of-competition testing violations.

Subsection C of 15.2.6.12 NMAC: This rule details postmortem examination. The purpose of these amendments is to clarify the responsibilities for postmortem examinations of horses.

Subsection L of 16.47.1.8 NMAC: This rule details grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license. The purpose of these amendments is to clarify grounds for disciplinary measures for a licensee, and refusal, denial, suspension or revocation of a license, including but not limited to other recognized regulatory organizations.

**REGULATION
AND LICENSING
DEPARTMENT
NURSING HOME
ADMINISTRATORS BOARD**

**NOTICE OF PUBLIC RULE
HEARING AND BOARD
MEETING**

The New Mexico Board of Nursing Home Administrators will hold a rule hearing on Friday, August 9, 2024, at 2:00 p.m., immediately followed by a meeting of the board to consider any public comment and adoption of the proposed rules listed below.

Public participation is welcomed, and comments may be submitted in writing during the public comment period, or in person during the public rule hearing. The hearing and subsequent meeting will take place at the Regulation and Licensing Department, Toney Anaya Building, Rio Grande Conference Room, located at 2550 Cerrillos Road, Santa Fe, New Mexico 87505.

The hearing and subsequent meeting may also be accessed virtually via Microsoft Teams.
Meeting Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>
Meeting ID: 219 843 471 521
Passcode: DCrSWR

or
Join by Phone: +1-505-312-4308
Phone Access Code: 876 599 891#

The purpose of the rule hearing is to consider changes to the current rule: 16.13.3 NMAC – Application for Licensure by Examination.

Copies of the proposed rule may be obtained through the board website or contacting the Board Administrator through the information below:
<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/nursing-home-administrators/statutes-rules-and-rule-hearings/>
Jen Rodgers, Sr. Board Administrator
(505) 476-4622 – Main Line for the

Boards and Commissions Division
Nursinghome.adminbd@rld.nm.gov

Written comment will be accepted during the public comment period, up until Friday, August 9, 2024, and may be submitted either by email or by postal mail to the following addresses:
Nursinghome.adminbd@rld.nm.gov
Attn: New Mexico Board of Nursing Home Administrators
P.O. Box 25101
Santa Fe, NM 87504

Written comments received during the public comment period prior to the public rule hearing will be posted to the board website page linked above. Public comment will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending both in-person and virtually. The board will not enter into substantive discussion of public comments during the rule hearing, but will consider and deliberate any public comment during the board meeting immediately following the conclusion of the public rule hearing.

The agenda for the board meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the Board website linked above or by contacting the Board Administrator.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact the Board Administrator.

Statutory Authority:

The proposed rule changes are authorized by the Nursing Home Administrators Act, Sections 61-13-1 through 61-13-17 NMSA 1978, which provides explicit authority for the board to promulgate rules to protect public health and safety and carry out the provisions of the Act. The rulemaking and public rule hearing is governed by the State

Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25.1 through 1.24.25.16 NMAC.

Purpose of Proposed Rules:

The proposed rule changes are intended to provide additional options for qualifying for licensure through the Health Services Executive credentialing. More generally, the proposed rule changes are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect the public health, safety and welfare.

Summary of Proposed Rule:

16.13.3 NMAC – Application for Licensure by Examination; Changes to this rule will provide an additional licensing pathway for those who hold the Health Services Executive credentialing.

**SUPERINTENDENT OF
INSURANCE, OFFICE OF**

**NOTICE OF PROPOSED
RULEMAKING**

NOTICE IS HEREBY GIVEN

that the Superintendent of Insurance (OSI or Superintendent) will hold a public hearing in person, via video conference, and telephone conference regarding the emergency rule 13.2.12 NMAC, HEALTH CARE CONSOLIDATION OVERSIGHT. **This hearing will commence on July 26, 2024, 10:00 a.m. MDT.**

PURPOSE OF THE PROPOSED

RULE: The purpose of this rule is to make 13.2.12 NMAC a permanent rule that establishes the standards for meeting the requirements of the Health Care Consolidation Oversight act and that provides details related to the Superintendent's oversight of

proposed transactions.

STATUTORY AUTHORITY:

Authority for this rule derives from the Superintendent's powers under Sections 59A-2-9 and 59A-63-1 NMSA 1978 *et seq.*, the Health Care Consolidation Oversight Act.

TO ATTEND THE HEARING IN

PERSON: Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4th Floor Hearing Room, Santa Fe, NM 87501

PLEASE NOTE: The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist and then will be escorted to the 4th Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.

TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS TEAMS MEETING:

To join the meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjdhNTljN2MtY2EwZi00MmY0LTgyZmEtYjk1ZjRhOTM3MGM1%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%2292f8d9f0-87c0-44c3-9357-ba0eb6121f10%22%7d

Meeting ID: 276 645 394
232 Passcode: hNCuHF

TO ATTEND VIA TELEPHONE:

+1 505-312-4308 Phone Conference ID: 490 782 058#

PUBLIC COMMENT: The Superintendent designates Clifford Rees as the hearing officer for this rulemaking. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or electronically. Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the OSI eDocket (<https://edocket.osi.state.nm.us/case-view/5959>) or by

requesting a copy by calling (505) 660-5972. Any copies of the Notice of Proposed Rulemaking, proposed rules, and any updates concerning the hearing date, time, or location will be available by visiting the OSI website at: <https://www.osi.state.nm.us/pages/bureaus/legal/resources/laws-rules> or on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (Select "Office of Superintendent of Insurance" from the "Agency" drop down menu.)

Written comments will be accepted through 4:00 p.m. on July 26, 2024. Responses to written comments or oral comments delivered at the hearing will be accepted through 4:00 p.m. on August 9, 2024. All comments shall be filed electronically through the OSI eDocket (<https://edocket.osi.state.nm.us/case-view/5959>) or sent via U. S. mail to:

**OSI Records and Docketing
NM Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM
87504-1689**

Written comments must be received by OSI and stamped as accepted between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments and will review and consider all timely submitted written comments and written responses. For help submitting a filing, please contact osi-docketfiling@state.nm.us. **The below docket number and title must be indicated on all written comments submitted to the OSI:**

**Docket No. 2024-0047
IN THE MATTER OF
THE EMERGENCY RULE
EFFECTIVE ON MAY 15, 2024,
13.2.12 NMAC, HEALTH CARE
CONSOLIDATION OVERSIGHT**

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla at

505-531-7171 no later than ten (10) business days prior to the hearing.

**End of Notices of
Rulemaking and Proposed
Rules**

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