

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HERBY GIVEN that the Regulation and Licensing Department, Construction Industries Division (CID), pursuant to the New Mexico Sale of Recycled Metals Act, Subsection B of Section 57-30-2.4 NMSA 1978 and Section 57-30-10 NMSA 1978, proposes to amend Rule 12.2.15 NMAC, Sale of Recycled Metals; Rule 12.2.16 NMAC, Application for Registration; Rule 12.2.17 NMAC, Reporting Requirements; and Rule 12.2.18 NMAC, Duties and Responsibilities, in order to receive public commentary regarding the proposals to rules related to the documentation by secondhand metal dealers of restricted transactions.

PURPOSE OF THE PROPOSED AMENDMENTS ARE: To amend 12.2.15 NMAC, 12.2.16 NMAC, 12.2.17 NMAC, and 12.2.18 NMAC to more specifically describe the type of documentation required before a secondhand metal dealer may engage in a restricted transaction.

STATUTORY AUTHORITY: Subsection B of Section 57-30-2.4 NMSA 1978 and Section 57-30-10 NMSA 1978.

Copies of the Notice of Proposed Rulemaking and proposed rules are available by electronic download from the Construction Industries Division, Recycled Metals website (www.rld.nm.gov) or the New Mexico Sunshine Portal at <http://ssp.nm.gov>. Additional copies are posted at each office of the Regulation and Licensing Department: 2550 Cerrillos Road, Santa Fe, NM 87505; 5500 San Antonio Drive, NE, Albuquerque, NM 87109; 505 South Main Street, Las Cruces, NM 88001.

The hearing is scheduled as follows:

Construction Industries Division, Recycled Metals will hold a public video/in-person hearing on each proposed rule on September 19, 2023, at 9:30 a.m., at its Albuquerque office, 5500 San Antonio Drive, NE, Albuquerque, NM 87109.

Join on your computer, mobile app or room device:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDNhMTgyYWIzZjZkNS00NjEwLWE0NTItMDk4NDYzZDhiYmQ4%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22ce602437-5e5f-435f-bc55-bb09cf53094c%22%7d

Meeting ID: 292 579 484 061

Passcode: Dbax5Z

Or call in (audio only)

[+1 505-312-4308,978593367#](tel:+15053124308978593367) United States, Albuquerque

Phone Conference ID: 978 593 367#

Construction Industries Division designates Max Shepherd to act as the hearing officer for this rulemaking. Oral comments, data, and views on the proposed changes will be accepted at the video/in-person hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 p.m. on September 18, 2023. Responses to written comments or oral comments will be accepted through 5:00 p.m. on September 18, 2023. Comments may be submitted via email to: Quindi Otero-Robertson at her email address: Quindi.Otero@rld.nm.gov or may be filed by sending an original comment to the Construction Industries Division, Recycled Metals, 5500 San Antonio Drive, NE, Albuquerque, NM 87109.

Written comments received during the public comment period (August 15, 2023-September 18, 2023) will be posted on the 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 in-person. The Superintendent will consider any public comment during the adoption period immediately following the conclusion of the public rule hearing.

SPECIAL NEEDS: Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Quindi Otero-Robertson at 505-546-2195 no later than ten (10) business days prior to the hearing.

The Construction Industries Division will review and consider all timely submitted written and oral comments and responses.

ISSUED this 28th day of July 2023.