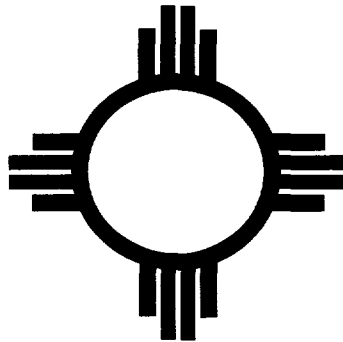


NEW MEXICO REGISTER

Volume XII, Issue No. 6

March 30, 2001



The Official Publication for All Notices
of Rule Making and Filings of Adopted,
Proposed and Emergency Rules
in New Mexico

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ADOPTED RULES & REGULATIONS

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 by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register." 14-4-5 NMSA 1978.

A=Amended, N=New, R=Repealed

AUDITOR, NM OFFICE OF THE STATE		
2 NMAC 2.2	R	Requirements for Contracting and Conducting Audits of Agencies
* 2.2.2 NMAC	N	Requirements for Contracting and Conducting Audits of Agencies
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* 6.60.8 NMAC	A	Background Checks for Educator Licensure.....
* 6.61.8 NMAC	A	Licensure in Early Childhood Education, Birth-Grade 3.....
* 6.63.3 NMAC	A	Licensure for Related Service Personnel Not Covered in Other Ancillary Regulations.....
* 6.63.4 NMAC	A	Licensure in Educational Diagnosis.....
* 6.63.8 NMAC	A	Licensure in Athletic Coaching, 7-12
* 6.63.9 NMAC	A	Licensure for Educational Assistants.....
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* 19.31.4.11 NMAC	A	Daily Bag and Possession Limits.....
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* 8.200.520 NMAC	A	Income Standards
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Please note that the (*) entries obey the reformatting rules set forth in 1.24.10 NMAC, effective 2/29/00

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NOTICES OF RULE MAKING AND PROPOSED RULES

NEW MEXICO STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

The New Mexico State Board of Education ("Board") will convene on Monday, April 9, 2001. The Board will hold

Committee Meetings and a Regular Meeting. Committee Meetings and the Regular Meeting will be held in the Santa Fe Public Schools Board Room, 610 Alta Vista Street, Santa Fe, New Mexico. Notice of the meeting is given in accordance with the Board's Open Meetings Policy. The agenda will be available at least twenty-four hours prior to the meeting from the

Administrative Assistant to the State Board and on the State Board's web page of the State Department of Public Education's website (<http://sde.state.nm.us/>).

The New Mexico State Department of Public Education will recommend that the Board take action on the following rules:

PROPOSED NMAC II #	PROPOSED ACTION	RULE NAME
6.63.11 NMAC	Adopt new rule	Substandard Licensure
6.2.3 NMAC (Proposed renumbering of 6 NMAC 4.2.1.1)	Reformat, renumber, and amend current rule	Operational Bylaws of the Professional Standards Commission (Including Code of Ethics of the Education Profession)
6.60.9 NMAC (Proposed NMAC No.)	Adopt new rule	Code of Ethical Responsibility of the Education Profession
6 NMAC 4.2.2.3	Repeal rule	Requirements Governing Persons Completing their Educational Programs at Institutions Outside N.M
6.60.4 NMAC (Proposed NMAC No.)	Repromulgate rule	Licensure Reciprocity (Proposed Rule Name)
6.63.3 NMAC)	Amend rule	Licensure for Related Service Personnel Not Covered in Other Ancillary Regulations
6.60.5 NMAC	Amend rule	Competency Testing for Licensure

Information regarding a public hearing and invitation for written comments regarding the proposed rulemaking actions have been posted on the State Department of Public Education's website (<http://sde.state.nm.us/>). Information may be obtained from Mrs. Mary Jo Bradley, Administrative Assistant to the State Board of Education, at (505) 827-6571. Written comments regarding the proposed rulemaking should be directed to Mary Jo Bradley at the address indicated on this notice or faxed to (505) 827-6520. Written comments will be accepted until 5 p.m. on April 6, 2001. However, the submission of written comments as soon as possible is encouraged. A public hearing will be held on April 2, 2001, 3:00 – 5:00 p.m. in Wood Hall, NEA Building, 130 South Capitol St., Santa Fe, New Mexico, for the purpose of affording members of the public the opportunity to offer comments on the proposed regulatory actions.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this meeting, please contact the State Board of Education Office at 827-6571 by April 2, 2001.

The Board attempts to follow the order and date of items as listed on the Agenda; however, the order and date of specific items are tentative and may vary from the printed Agenda.

Comments, questions, or requests for copies of the Agenda should be directed to Mary Jo Bradley, State Department of Education, Education Building, 300 Don

Gaspar, Santa Fe, New Mexico 87501-2786 or (505) 827-6571.

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

NOTICE OF PUBLICATION

The State of New Mexico through its Oil Conservation Commission hereby gives notice pursuant to law and the Rules and Regulations of the Commission of the following public hearing to be held at 9:00 A.M. on **March 30, 2001**, in the Oil Conservation Division Hearing Room at 1220 South St. Francis Drive, Santa Fe, New Mexico, before the Oil Conservation Commission. 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, please contact Florene Davidson at 505-476-3458 or through the New Mexico Relay Network, 1-800-659-1779 by **March 20, 2001**. Public documents, including the agenda and minutes, can be provided in various accessible forms. Please contact Florene Davidson if a summary or other type of accessible form is needed.

**STATE OF NEW MEXICO TO:
All named parties and persons**

**having any right, title, interest
or claim in the following cases
and notice to the public.**

(NOTE: All land descriptions herein refer to the New Mexico Principal Meridian whether or not so stated.)

CASE 12626: In the matter of the hearing called by the Oil Conservation Division to enact a new rule 712 permitting disposal of certain non-domestic waste arising from the exploration, development, production or storage of crude oil or natural gas, certain non-domestic waste arising from the oil field service industry, and certain non-domestic waste arising from the transportation, treatment or refinement of crude oil or natural gas, at a solid waste facility regulated by the New Mexico Environment Department, with the concurrence of the New Mexico Environment Department.

Given under the Seal of the State of New Mexico Oil Conservation Commission at Santa Fe, New Mexico on this 7th day of March, 2001.

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

Lori Wrotenbery, Director

S E A L

NEW MEXICO ENVIRONMENT DEPARTMENT

CONSTRUCTION PROGRAMS BUREAU

PUBLIC COMMENT — MANAGEMENT AGENCY DESIGNATION, STATEWIDE WATER QUALITY MANAGEMENT PLAN UPDATE

The New Mexico Environment Department would like to receive public comment on the designation of the County of Dona Ana as a managerial agency for wastewater treatment and disposal in the County of Dona Ana. Designation as a management agency is a prerequisite for eligibility for construction funding under 603 (f) of the Federal Clean Water Act.

The Department will present its recommendation to the Water Quality Control Commission on May 8, 2001. The meeting will be at the Roundhouse in room 317 at 9:00 am. This recommendation will be in the form of a proposed update to Work Element 13, Designation of Management Agencies of the Statewide Water Quality Management Plan to identify/approve the appropriate management agency for the area under consideration.

Interested parties may obtain further information regarding the meeting and issues to be discussed by contacting Ronald Chavez, Construction Programs Bureau, at (505) 827-2817, NMED P.O. Box 26110 Santa Fe, NM 87502. Written comments may be submitted no later than May 2, 2001 to:

Haywood R. Martin, Chief
Construction Programs Bureau
P.O. Box 26110
Santa Fe, NM 87502
(505) 827-2797

Comments should be entitled as follows:
Comments regarding Management Agency Designation of the County of Dona Ana.

NEW MEXICO ENVIRONMENT DEPARTMENT

OFFICE OF GENERAL COUNSEL

NOTICE OF PUBLIC HEARING

The New Mexico Environment Department will hold a public hearing to consider proposed changes to 20 NMAC 1.4 — Environment Department Permit Procedures. The hearing will take place on May 4, 2001, at 10:00 a.m. in the State Capitol Building, Room 326, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico.

The proponent of the regulatory change is the New Mexico Environment Department (NMED). NMED proposes to make minor revisions to its permitting procedures, 20

NMAC 1.4, to delete references to the Water Quality Act and the Water Quality Control Commission. The reason for these revisions is that the NMED rules conflict in certain respects with similar rules issued by the Water Quality Control Commission, resulting in considerable confusion, within NMED, the regulated community, and the general public, as to which rules should apply. Copies of the proposed changes may be obtained by contacting the Hearing Clerk, Ms. Carolyn Vigil at 1190 St. Francis Drive, Room N-4050, Santa Fe, New Mexico 87502, (505) 827-2855.

The hearing will be conducted in accordance with the Department of Environment Act, NMSA 1978 § 9-7A-6, and the procedural rules in 20 NMAC 1.1.400-405 will be used as guidance.

All interested persons will be given an opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons desiring to present technical testimony must file a written notice of intent on or before April 24, 2001. The notice of intent shall:

- identify the party for whom the witness will testify;
- identify each technical witness the party intends to present and state the qualifications of that witness, including a description of their educational and work background;
- summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony;
- include the text of any recommended modifications to the proposed regulatory change; and
- list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing.

Notices of intent must be filed in the office of the Hearing Clerk and should state the date and title of the hearing. Any person who wishes to submit a non-technical written statement in lieu of oral testimony may do so at or before the hearing.

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact Mr. Cliff Hawley, Chief, Personnel Services Bureau, before April 20, 2001. Mr. Hawley can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico, 87502, (505) 827-2844 (TDD or TDY users please access his number via the New Mexico Relay Network.) Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

NEW MEXICO DEPARTMENT OF GAME AND FISH

STATE GAME COMMISSION

NOTICE OF MEETING

The State Game Commission will meet in Silver City, New Mexico beginning at 1 p.m. on Thursday, April 19, 2001 and at 9 a.m. on Friday, April 20. The meeting location will be Western New Mexico University, Light Hall Auditorium, 1000 W. College.

The proposed agenda and location may be found by accessing the web site of the New Mexico Department of Game and Fish at www.gmfsh.state.nm.us or by contacting the office of the Director, New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504 or calling 827-7911.

Proposed agenda items include:

Closed Executive Session Regarding Land Acquisition, Personnel Matters and Litigation

Public Involvement Process Timeline and Requirements

Legislative Update

Picacho Bosque Wetland Project

Bear Canyon Rehabilitation Update

Disposal of Forfeited Weapons and Fixed Assets

Chronic Wasting Disease Testing

Amendments to the Big Game Regulation 19 NMAC 31.8 regarding small landowner elk authorizations

Amendments to Private Land Elk License Allocation Regulation 19 NMAC 30.5 regarding a new process for landowner elk license appeals

Amendments to the Upland Hunting Regulation 19 NMAC 31.5 and Waterfowl Regulation 19 NMAC 31.6 regarding hunting seasons and bag limits

Silvery Minnow DNA testing

Western Association of Fish and Wildlife Agencies annual meeting attendance

Agenda items may change up to 24 hours before the meeting.

Comments about agenda items will be accepted verbally during the meeting from meeting attendees who complete a "speaker card" available at the beginning of all meetings. Comments also will be accepted by mail. Written comments should be submitted to the New Mexico Department of Game and Fish, P.O. Box 25112, Santa Fe, New Mexico 87504. Comments also may be submitted via