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NEW MEXICO STATE RECORDS CENTER AND ARCHIVES
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SANTA FE, NEW MEXICO 87503 (505) 827-7332

TITLE 1
CHAPTER 3
PART 2

ADMINISTRATION
PUBLIC RECORDS
NEW MEXICO REGISTER

BEFORE THE OIL CONSERVATION COMMISSION Santa Fe, New Mexico	
Case No. <u>11451</u>	Exhibit No. <u>D</u>
Submitted by <u>OCB</u>	
Hearing Date <u>1/13/96</u>	

- 1 **ISSUING AGENCY:** New Mexico State Records Center and Archives.
[01-01-95]
- 2 **SCOPE:** All state agencies. There are additional requirements on submitting a rule filing to the Records Center, see 1 NMAC 3.1. [08-01-90, 01-01-95, 05-01-95]
- 3 **STATUTORY AUTHORITY:** Section 14-4-7.1(E) NMSA 1978 directs the state records administrator to "adopt and promulgate rules necessary for the implementation and administration of this section."
[01-01-95, 05-01-95]
- 4 **DURATION: Permanent.** [01-01-95, 05-01-95]
- 5 **EFFECTIVE DATE: May 1, 1995.** [01-01-95, 05-01-95]
- 6 **OBJECTIVE:** The State Rules Act directs the State Records Administrator to publish a state register twice a month for notices of rule making, proposed rules, adopted rules, and other material relative to administrative law. The register provides a method for informing the public of rule making activity within the Executive Branch of state government. [08-01-90]
- 7 **DEFINITIONS:**
 - 7.1 "Agency" means any agency, board, commission, department, institution or office of state government except the judicial and legislative branches, Section 14-4-2(A), NMSA 1978. [01-01-95]
 - 7.2 "Synopsis" means a condensed version or outline of a rule. [01-01-95]
- 8 **REQUIREMENTS FOR AGENCIES RELATIVE TO PUBLISHING NOTICES AND RULES IN THE NEW MEXICO REGISTER:**
 - 8.1 Agencies must publish, in the Register:
 - 8.1.1 Notices of rule making;
 - 8.1.2 Adopted rules filed with the State Records Center under the State Rules Act, either in full text or in synopsis. Synopsis must have prior approval of State Records Administrator.
 - 8.2 Agencies may publish anything else (e.g. proposed rules, other materials related to administrative law) at their discretion.

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8.3 Synopses of adopted rules must be certified as giving adequate notice of the contents of the rule. If an agency chooses to submit a synopsis of an adopted rule to the Register in place of the full text they must:

8.3.1 Have the in-house attorney, or their assigned Assistant Attorney General, review the synopsis for its adequacy of notice.

8.3.2 Have the attorney certify that the synopsis gives adequate notice of the content of the rule, considering at least the following:

8.3.2.1 Whether the subject matter is fully disclosed;

8.3.2.2 Whether the persons affected are fully disclosed;

8.3.2.3 Whether the interests of the persons affected are described;

8.3.2.4 Whether geographical applicability is clearly stated;

8.3.2.5 Where a rule incorporated commercially published material (such as the Code of Federal Regulations, Uniform Plumbing Code, etc.) and such material is a substantial portion of the rule, whether such material is clearly identified in the synopsis;

8.3.2.6 Whether the telephone number and address of the issuing agency are provided for obtaining the full text of the rule;

8.3.2.7 Whether the effective date of the rule is clearly stated.

8.3.3 A synopsis must carry the following certification by the agency attorney which will be printed in the Register along with the synopsis:

**I CERTIFY THAT THIS SYNOPSIS GIVES ADEQUATE NOTICE OF THE
CONTENTS OF THE RULE OF WHICH THIS IS A SYNOPSIS**

THIS _____ DAY OF _____ 19__.

BY: (name of certifying attorney)_____.

8.4 The Records Center will not ordinarily accept synopses of rules for publication in the Register. [01-02-95]

8.4.1 Exceptions may be granted for single rules on a one-time only basis if the State Records Administrator determines "that publication in the register of the full text of an adopted rule would be unduly cumbersome, expensive or otherwise inexpedient."

8.4.2 If an agency wishes to request an exception:

8.4.2.1 The request must be submitted to the State Records Administrator in writing, in hard copy, along with hard copies of the proposed synopsis, the certificate of adequate notice, and the full text of the rule at least 30 days prior to the intended filing date of the rule;

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8.4.2.2 The request must disclose how the agency intends to provide complete copies of the rule to the affected persons and/or entities;

8.4.2.3 The State Records Administrator will provide a written response to the request;

8.4.2.4 If the synopsis is approved, a copy of the written approval for the exception by the State Records Administrator must be included as part of the synopsis when it is published.

8.4.3 No emergency rule will be in the form of a synopsis.

9 TECHNICAL REQUIREMENTS FOR PUBLISHING IN THE NEW MEXICO STATE REGISTER:

9.1 Adopted Rules and Notices of Rule Making:

9.1.1 All agencies must submit adopted rules and notices in electronic format on a diskette. Where requirements of 1 NMAC 3.1 are met, referenced material need not otherwise be included. The diskette should be either a 5.25" or 3.5". An agency may use a wide variety of electronic formats including most word processing formats. However, documents in WordPerfect version 5.1 or higher are preferred. Paper copy submission is accepted by the contractor, but at a higher cost than if submitted in electronic format (see paragraph 10.2).

9.1.2 Each individual document on a submitted diskette must contain the following information preceding the text of the document (for example, on an otherwise blank first page):

- Agency Name, division name;
- Agency DFA account code (for billing);
- Contact person (both name and phone number);
- Rule name;
- Rule number;
- File name;
- Format of the document. Identify whether the document is in ASCII, or DOS format, or, if a word processor was used to create the document, give the name of the word processing package and its version number (e.g., Word for Windows V2.0).

9.1.3 Each diskette must contain a physical label (stick on) that shows:

- Agency name, division name;
- Rule/NMAC number.

9.2 From May 1, 1995 to June 30, 1995 when an agency delivers seven (7) copies of an adopted rule to the Records Center for filing under the State Rules Act, the agency must also deliver one additional copy of the rule on diskette or in paper form for submission to the Register. After June 30, 1995, an agency must "deliver one original paper copy and one electronic copy to the records center", for submission to the Register.

9.2.1 Agencies not delivering a diskette or extra paper copy of an adopted rule at the time of delivering the copy(s) under the time frames described in Paragraph 9.2 and required by statute, will not meet the Style and Format Requirements of the Records Center.

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9.2.2 Paper copies of rules or notices for publication in the Register must be clear, legible, and suitable for optical scanning. If copies are not suitable for scanning they will be returned to the agency without publication in the Register.

9.2.3 Diskettes or paper copies of other material must be delivered to the State Records Center by the cut-off dates published in the Register.

9.2.4 The filing agency will be responsible for pickup of diskettes within 30 days following publication. If a diskette is not picked up by the agency within 60 days, the State Records Center will dispose of the diskette as it sees fit.

10 CHARGES FOR PUBLISHING IN THE NEW MEXICO STATE REGISTER:

10.1 There will be a \$1.50 per column inch charge to agencies publishing material in the Register.

10.2 There will be an additional \$16.00 charge per page for all material submitted for publication in paper form. This charge will not apply to material submitted in electronic format.

11 FEE FOR INDIVIDUAL COPIES OF THE NEW MEXICO STATE REGISTER: \$12.00

12 ANNUAL PAPER SUBSCRIPTION FEES FOR THE NEW MEXICO STATE REGISTER:

12.1 Rule making agencies of the state (first subscription only) \$85.00

12.2 Additional agency subscriptions, other entities, and the private sector. \$270.00

13 ADVERTISING RATES FOR THE NEW MEXICO STATE REGISTER:

13.1 Single, full-page insertion \$150.00

13.2 Single, half-page insertion \$80.00

13.3 Single, quarter-page insertion \$50.00

13.4 Rates will be reduced by 10% for additional insertions up to six times. An additional 10% discount will be granted for more than six insertions.

14 FEE FOR ELECTRONIC COPIES OF THE NEW MEXICO REGISTER:

14.1 In full or in part on a per byte basis, with a minimum order of \$10.00. \$.0005