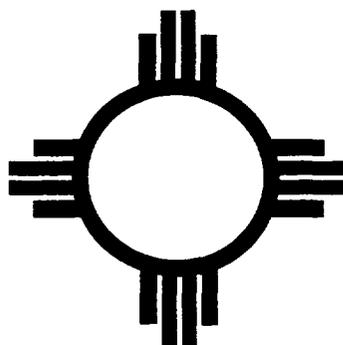


# NEW MEXICO REGISTER

Volume IX, Issue No. 5

March 14, 1998



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

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1998

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# NEW MEXICO REGISTER

Volume IX, No. 5  
March 14, 1998

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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A=Amended, N=New, R=Repealed

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# NOTICES OF RULE MAKING AND PROPOSED RULES

## NEW MEXICO CHILDREN, YOUTH AND FAMILIES DEPARTMENT

PROTECTIVE SERVICES DIVISION  
P.O. DRAWER 5160  
SANTA FE, NM 87502

### NOTICE OF PUBLIC HEARING

The Protective Services Division will hold a public hearing on April 14, 1998 from 9:00 a.m. to 12:00 p.m. in the Public Employees Retirement Association (PERA) Building, PSD Conference Room, 2nd floor, Santa Fe, New Mexico, to consider an amendment to the Adoption Act Regulations, specifically, the time frame for the initial home visit during post-placement services. The public hearing is handicapped accessible. If assistance is required, please contact the division at the number listed below.

The proposed amendment may be viewed during regular business hours at the Director's Office, Room 254, in the PERA Building, the corner of Old Santa Fe Trail and Paseo de Peralta. Copies may be obtained by contacting Maryellen Strawniak, P.O. Drawer 5160, Santa Fe, New Mexico 87502-5160, telephone (505)827-8400.

## NEW MEXICO STATE BOARD OF EDUCATION

### NOTICE OF PROPOSED RULEMAKING

The New Mexico State Board of Education ["Board"] will convene on Friday, March 20, 1998, at 8:30 a.m. in Mabry Hall of the State Department of Education Building located at 300 Don Gaspar, Santa Fe, New Mexico, for the purpose of conducting a regularly scheduled meeting.

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

<u>Agenda Item:</u>	<u>Agenda Item Number</u>
Regulation: Revisions to SBE Regulation 93-20 (Instructional Materials)	16b.
New Mexico Activities Association Referenda (Revised Restitution Rule)	17
Regulation: Revisions to SBE Regulation 78-6, Amendment 1 (Governing, Suspension, or Revocation of a License Held by a School Instructor or Administrator)	19
Regulation: Revisions to SBE Regulation 87-16 (Governing Denial of Applications for Licenses for School Personnel in New Mexico)	20

Copies of the Agenda have been disseminated in accordance with the Board's Open Meetings Policy.

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 Monday, March 16, 1998. Upon request, public documents will be provided in the accessible form necessary to the individual so requesting. Written comments will be

accepted until Tuesday, March 17, 1998, at 5:00 p.m. and may be submitted to the Office of General Counsel, State Department of Education, Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786. However, the submission of written comments as soon as possible is encouraged.

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 Yvette Taota, Office of General Counsel, State Department of Education, Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, or (505) 827-6641.

## NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

MINING AND MINERALS DIVISION

### NOTICE OF HEARING OF APPEAL AND PUBLIC MEETING OF THE NEW MEXICO COAL SURFACE MINING COMMISSION

A Public Meeting of the New Mexico Coal Surface Mining Commission (CSMC) will be held in Santa Fe, New Mexico, April 2, 1998 beginning at 9:00 a.m., in Room 321 of the State Capitol Building. The purpose of the meeting is to conduct a hearing to consider all issues including whether the hydrology information existing in the record, including the monitoring wells added by Modification 97-02, is adequate to support the issuance of the permit to (Fence Lake Mine Permit (Permit #96-04)), pursuant to Section 69-25A-29(G) NMSA 1978 and CSMC Rule 80-1, Subpart 12-11 now recodified as 19 NMAC 8.2, Subpart 1201. The CSMC may also consider other pending business.

Copies of the agenda may be obtained from:  
Dr. Kathleen Garland, Director  
Mining and Minerals Division  
2040 South Pacheco Street  
Santa Fe, NM 87505  
Phone (505) 827-5970

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 meeting, please contact Linda Duran at (505) 827-5977 (TDD also) by March 24, 1998. Public documents, including the agenda and minutes, can be provided in various forms. Please contact Linda Duran if a summary or other type of form is needed.

## NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION

### NOTICE OF HEARING AND PROPOSED RULES

The Oil Conservation Commission proposes to adopt rules incorporating prior orders of the Commission and the Oil Conservation Division (Orders R-8170 and R-333, as amended), regarding prorated oil and gas pools in New Mexico and the testing

required of wells in such pools. Changes from the existing orders include: (i) classifying all Gas Proration Units in Northwest New Mexico as marginal unless the operator presents evidence that a Gas Proration Unit should be classified as non-marginal, and (ii) reducing the deliverability testing required on wells on such Gas Proration Units.

A hearing on the proposed regulations will be held on Thursday, April 9, 1998, 9:00 a.m. at the Oil Conservation Division hearing room (which is an accessible facility), 2<sup>nd</sup> Floor, 2040 South Pacheco, Santa Fe, New Mexico, 87505.

If special accommodations or auxiliary aids are needed to facilitate equal opportunity and access to members of the public, please contact Sally Martinez at (505) 827-7133 by Monday, April 6, 1998.

Copies of the proposed rules may be obtained, and comments on such proposed rules may be submitted, by contacting Sally Martinez at the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico, 87505, Phone number (505) 827-7133.

## NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION

### NOTICE OF PUBLIC HEARING

The Department of Finance and Administration (DFA) will hold a public hearing on April 16, 1998 at 10 a.m. in the State Education Building, Mabry Hall, Don Gaspar Avenue, Santa Fe, New Mexico, 87503. DFA proposes to amend 2 NMAC 40.2. The Rule Governing the Approval of Contracts for Purchase of Professional Services, to delete Section 13, Retroactive Contract and or Amendment to Retroactive Contract and delete Section 7.12, the definition of retroactive contract or amendment to retroactive contract, in their entirety so that the DFA Secretary will no longer review and approve retroactive contracts and amendments to retroactive contracts. The deletion of Section 7.12 and Section 13 will result in the renumbering of Sections 7.13, 7.14 and 7.15 as Section 7.12, 7.13 and 7.14 and the renumbering of Sections 14, 15, 16 and 17 as Section 13, 14, 15 and 16. Section 8.2 and Section 10.1 will also delete the words retroactive contracts and retroactive contract amendments. Copies of the proposed regulation as revised may be obtained from DFA, Office of the Secretary, Room 180 Bataan Memorial Building, Santa Fe 87503. Interested individuals may testify at the public hearing or submit written comments no later than 5:00 p.m., April 2, 1998 to DFA at the above address. All written and oral testimony will be considered prior to the issuance of the final regulation.

If you are an individual with a disability who needs auxiliary aid or service in order to attend or participate in the hearing, please notify D.F.A. by phoning (505) 827-4985 or writing to the above address. DFA requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

## NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

### NOTICE OF PUBLIC HEARING

The New Mexico State Highway and Transportation Department (NMSHTD) will hold a public hearing for the purpose of receiving oral and written public comment on a proposed amendment to 18 NMAC 31.2, New Mexico Scenic and Historic Byways Program.

The hearing is scheduled for May 5, 1998, at 1:00 p.m. at the New Mexico State Highway and Transportation Department General Office, Training Rooms 1 and 2, located at 1120 Cerrillos Road, in Santa Fe, New Mexico.

The hearing will be held before a hearing officer appointed by the Secretary of the NMSHTD. Interested persons may also present their views by written statements submitted on or before May 5, 1998, to Kathy Arellanes, New Mexico State Highway and Transportation Department, P.O. Box 1149, Santa Fe, New Mexico 87504-1149, (505) 827- 5516.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearings, or who needs copies of the proposed rule in an accessible form may contact Ms. Arellanes at least ten days before the hearing.

## NEW MEXICO STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

### NOTICE OF PUBLIC HEARING

The New Mexico State Highway and Transportation Department (NMSHTD) will hold a public hearing for the purpose of receiving oral and written public comment on a proposed amendment to 18 NMAC 21.3, Regulations for Gas, Food, Lodging, Camping and Attraction, Traveler Information Signs, formerly SHTD Rule 88-2(L), Regulations for Gas, Food, Lodging and Camping Motorist Information Signs on Interchanges of the Interstate Highway System and Full Access Controlled Primary Highway System.

The hearing is scheduled for April 1, 1998, at 5:00 p.m. at the New Mexico State Highway and Transportation Department General Office, Training Rooms 1 and 2, located at 1120 Cerrillos Road, in Santa Fe, New Mexico.

The hearing will be held before a hearing officer appointed by the Secretary of the NMSHTD. Interested persons may also present their views by written statements submitted on or before April 1, 1998, to Jack Bermudiz or John Nitzel, New Mexico State Highway and Transportation Department, P.O. Box 1149, Room 208, Santa Fe, New Mexico 87504-1149, (505) 827- 5473.

Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearings, or who needs copies of the proposed rule in an accessible form may contact Mr. Bermudiz at least ten days before the hearing.

## NEW MEXICO STATE PERSONNEL BOARD

### NOTICE OF RULE MAKING AND PUBLIC HEARING

The State Personnel Board will hold a public hearing at the regular meeting on May 15, 1998, at 9:00 a.m., at the State Capitol Building - Old Santa Fe Trail, Room 321, Santa Fe, NM, to consider proposed revisions to State Personnel Board Rules 1 **NMAC 7.4.14.7.2, Salary Upon Grade Change**, pursuant to 1 **NMAC 7.13**.

This meeting is being called in accordance with the Open Meetings Act and the State Personnel Board Open Meetings Resolution dated January 12, 1996.

All interested parties may attend and present their views or submit written comments. Written comments should be received no later than 5:00 p.m. April 24, 1998, and should be directed to: Office of the Director, State Personnel Office, P.O. Box 26127, 2600 Cerrillos Road, Santa Fe, New Mexico 87505-0127, Phone Number 476-7805.

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 Office of the Director, State Personnel Office at 476-7805 or 476-7761 at least one week prior to the meeting or as soon as possible. Public documents, including agenda and minutes, can be provided in various accessible formats. Please contact the Office of the Director if a summary of other type of accessible format is needed.

Rex D. Robberson