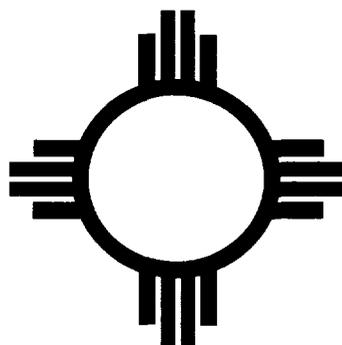


NEW MEXICO REGISTER

Volume XI, Issue No. 20

October 31, 2000



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

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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A=Amended, N=New, R=Repealed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
BOARD OF ACUPUNCTURE
AND ORIENTAL MEDICINE**

Notice is hereby given that the New Mexico Board of Acupuncture and Oriental Medicine will convene a rule hearing on proposed changes to the rules and regulations of the board on Friday, December 1, 2000. The hearing will begin at 8 a.m. at St. Joseph's Northeast Heights, 4701 Montgomery NE, First Floor Classroom, in Albuquerque, New Mexico. The purpose of this rule hearing is to hear public testimony and comments regarding proposed amendments to 16.2.10 NMAC, Fees and the creation of 16.2.14 NMAC, Externship Certification.

A regular board meeting will follow the hearing. The board may go into executive session to discuss pending litigation, personnel or licensee matters. A final agenda for the board meeting will be available at the board office on November 30, 2000. Persons desiring to present their views on the proposed amendments may submit written comments no later than 5:00 p.m., November 17, 2000, to the board office, P.O. Box 25101, Santa Fe, NM, 87504. Copies of the proposed rule changes will be available through the board office.

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 board administrator at 476-7081 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 board administrator if a summary or other type of accessible format is needed.

**NEW MEXICO
ENERGY, MINERALS AND
NATURAL RESOURCES
DEPARTMENT**

OIL CONSERVATION DIVISION

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 **November 8, 2000**, in the Oil Conservation Division Hearing Room at 2040 South Pacheco, 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 505-827-7132 or through the New Mexico Relay Network, 1-800-659-

1779 by October 29, 2000. 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 12522:

**Application of the Oil Conservation
Division to Amend Rule 705**

**(19 NMAC 15.1.705 or Section 705 of
19.15.9 NMAC under the**

**Restructured Format) to Relax the
Provision that Governs**

**Automatic Termination of Injection
Authority.**

Application of the Oil Conservation Division to amend Rule 705 (19 NMAC 15.1.705 or Section 705 of 19.15.9 NMAC under the restructured format) of to extend from six months to one year the continuous period of non-injection into any injection project, storage project, salt water disposal well, or special purpose injection well that results in automatic termination of injection authority. The recommended draft rule may be accessed on the internet at the Division's website at: www.emnrd.state.nm.us/ocd.

**Given under the Seal of the State of New
Mexico Oil Conservation Commission at
Santa Fe, New Mexico on this 10th day of
October, 2000.**

**STATE OF NEW MEXICO
OILCONSERVATION DIVISION**

Lori Wrotenbery, Director

SEAL

**NEW MEXICO
NURSING HOME
ADMINISTRATORS BOARD**

**PUBLIC RULE HEARING AND MEETING
NOTICE**

The New Mexico Nursing Home Administrators Board will convene a public rule hearing at 1:00 p.m. on Friday, December 8, 2000, in the First Floor Classroom at St. Joseph's Northeast Heights Hospital located at 4701 Montgomery Blvd. NE, Albuquerque, New Mexico. The purpose of the rule hearing is to consider amendments to 16 NMAC 13: PART 2 - "Fees"; Part 5, "Application for

Licensure by Reciprocity"; Part 12, "License Reactivation"; and Part 15, "Lost or Stolen License; Name Change; Duplicate License". The Board will also formally review and adopt the proposed renumbering of 16 NMAC 13 to 16.13 NMAC, including the renumbering of all the Parts within 16 NMAC 13 for purposes of conforming to the current NMAC requirements.

Persons desiring to present their views on the proposed rules may call or write to request draft copies from the Board office at (505) 476-7121 or 2055 S. Pacheco, Suite 400, Santa Fe, New Mexico 87504; or e-mail a request to NursingHomeAdminBd@state.nm.us. All written comments must be submitted to the Board office by *Tuesday, November 21, 2000*, in order that the Board members may receive the comments in their meeting packets for review prior to the meeting.

A regular business meeting will follow the rule hearing during which action will be taken on the proposed rules. During the meeting, the Board may enter into Executive Session to discuss licensing matters.

If you have questions, or if you are an individual with a disability who wishes to attend the hearing and/or meeting but you need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to participate, please notify Carmen Payne at (505) 476-7121 at least two weeks prior to the meeting or as soon as possible.

**NEW MEXICO
PUBLIC REGULATION
COMMISSION**

INSURANCE DIVISION

**IN THE MATTER OF)
13.8.2 NMAC, RATE)
FILINGS BY INSURERS) Docket No.
AND RATE SERVICE) 00-347-IN
ORGANIZATIONS)**

**NOTICE OF HEARING ON PROPOSED
RULEMAKING AND PROCEDURAL
ORDER**

The purpose of this hearing is to obtain input on proposed amendments to 13.8.2 NMAC, Rate Filings by Insurers and Rate Service Organizations.

I. SOLICITATION OF COMMENTS

The Superintendent of Insurance is issuing this Notice to provide an opportunity for public comment and to create a record for a decision on proposed amendments to 13.8.2 NMAC, Rate Filings by Insurers and Rate Service Organizations. The Superintendent requests written and oral comments from all interested persons and entities on the proposed amendments.

All relevant and timely comments, including data, views, or arguments, will be considered by the Superintendent. In reaching his decision, the Superintendent may take into account information and ideas not contained in the comments, providing that such information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of the Superintendent's reliance on such information is noted in the Order the Superintendent ultimately issues.

II. ORDER

IT IS THEREFORE ORDERED that this Notice of Hearing on Proposed Rulemaking and Procedural Order be issued.

IT IS FURTHER ORDERED that an informal public hearing be held on December 8, 2000, at 9:30 a.m. in the Fourth Floor Hearing Room of the P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, New Mexico for the purpose of receiving oral public comments including data, views, or arguments on the proposed rule. All interested persons wishing to present testimony may do so at the hearing. Interested persons should contact the Insurance Division ahead of time to confirm the hearing date, time, and place since hearings are occasionally rescheduled.

IT IS FURTHER ORDERED that all interested parties may file written comments on the proposed rule on or before November 30, 2000. All relevant and timely comments, including data, views, or arguments will be considered by the Superintendent before final action is taken in this proceeding. An original and two copies of written comments must be filed prior to the hearing with the Chief Clerk, Public Regulation Commission, P.O. Box 1269, Santa Fe, NM 87504-1269. The docket number must appear on each submittal. If possible, please also submit a diskette copy of written comments to the Chief Clerk or e-mail a copy of written comments to carmella.apodaca@state.nm.us. Comments will be available for public inspection during regular business hours in the office of the Chief Clerk, Room 406, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, NM.

IT IS FURTHER ORDERED that the Superintendent may require the submission of additional information, make further inquiries, and modify the dates and procedures if necessary to provide for a fuller record and a more efficient proceeding.

IT IS FURTHER ORDERED that staff of the Superintendent of Insurance's Office shall cause a copy of this Notice to be published once in the *New Mexico Register* and once in the *Albuquerque Journal*, both prior to November 17, 2000. To obtain a copy of the proposed rule: (1) send the docket number, rule name, and rule number to the Chief Clerk, P.O. Box 1269, Santa Fe, NM 87504-1269 along with a self-addressed envelope and a check for \$5.00 made payable to the Public Regulation Commission to cover the cost of copying and postage; (2) call the Chief Clerk at 505-827-4526 with the docket number,

rule name, and rule number (you will be billed \$5.00 to cover the cost of copying and postage); or e-mail Carmella Apodaca at carmella.apodaca@state.nm.us with the docket number, rule name, and rule number (you will receive a copy of the rule in Microsoft WORD format by return e-mail at no charge). The proposed rule is also available for inspection and copying during regular business hours in the office of the Chief Clerk, Room 406, P.E.R.A. Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe, NM.

III. ADVISEMENTS

PLEASE BE ADVISED THAT the New Mexico Lobbyist Regulation Act, NMSA 1978, §2-11-1 *et seq.*, regulates lobbying activities before state agencies, officers, boards and commissions in rulemaking and other policy-making proceedings. A person is a lobbyist and must register with the Secretary of State if the person is paid or employed to do lobbying or the person represents an interest group and attempts to influence a state agency, officer, board or commission while it is engaged in any formal process to adopt a rule, regulation, standard or policy of general application. An individual who appears for himself or herself is not a lobbyist and does not need to register. The law provides penalties for violations of its provisions. For more information and registration forms, contact the Secretary of State's Office, State Capitol Building, Room 420, Santa Fe, NM 87503, (505) 827-3600.

PLEASE BE ADVISED THAT individuals with a disability who are 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, may contact Ms. Ann Echols, on or before December 1, 2000, at (505) 827-4559. Public documents associated with the hearing can be provided in various accessible forms for disabled individuals. Requests for summaries or other types of accessible forms should also be addressed to Ms. Echols.

DONE, this ___ day of October, 2000.

NEW MEXICO PUBLIC REGULATION COMMISSION

INSURANCE DIVISION

D. L. LETHERER, Superintendent of Insurance

NEW MEXICO REGULATION AND LICENSING DEPARTMENT

CONSTRUCTION INDUSTRIES DIVISION

HOISTING OPERATOR'S LICENSURE EXAMINING COUNCIL MEETING

Notice is hereby given that the Hoisting Operator's Licensure Examining Council will hold its regular meeting on Friday, December 8,

2000. The meeting commences at 1:00 p.m. and will be held at the Construction Industries Division Conference Room, 1650 University NE - Suite 201 in Albuquerque, New Mexico. The Council Members will consider agenda items and discuss other business that may require action. A copy of the Agenda may be obtained from any of the three Construction Industries Division locations. Anyone needing special accommodations is requested to notify the Council at the above address of such needs at least ten days prior to the meeting.

NEW MEXICO TAXATION AND REVENUE DEPARTMENT

ANNOUNCEMENT OF NONFILING OF REGULATION

The Taxation and Revenue Department will not file at this time proposed regulation 3.2.1.12(I) NMAC to Section 7-9-3(E) NMSA 1978 of the Gross Receipts & Compensating Tax Act. The regulation would have made explicit the Department's position that businesses with no property or employees in New Mexico but who have agents and contractors in New Mexico acting on their behalf are engaging in business in New Mexico. Department officials did not agree with public comment at the October 3, 2000, proposed regulation hearing that the Department was exceeding its authority in issuing this regulation but agreed to withdraw the regulation for the time being.

NEW MEXICO WATER QUALITY CONTROL COMMISSION

NOTICE OF PUBLIC MEETING AND HEARING TO CONSIDER PROPOSED AMENDMENT TO 20.7.4 NMAC - UTILITY OPERATOR CERTIFICATION REGULATIONS

The New Mexico Water Quality Commission will hold a public meeting beginning on December 12, 2000 at 9:00 a.m. in room 321 at the State Capitol Building, corner of Paseo de Peralta and Old Santa Fe Trail, Santa Fe New Mexico. Immediately following the meeting a hearing will be held to consider proposed amendments to 20.7.4 NMAC.

The proponent of the proposed amendments is the Surface Water Quality Bureau of the New Mexico Environment Department. The proposed amendments are to Sections 112, 113, 200, 201, 202, 205 and 206 of the Utility Operator Certification Regulations (20.7.4 NMAC). The proposed amendments to Sections 112 and 113 would affect the classification of water distribution and wastewater collection systems serving populations of 500 or less. One proposed amendment to Section 200 would require utility system owners to designate responsible certified operators. A second proposed