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N.M.



State Records Center and Archives  
New Mexico Commission of Public Records

# ANNUAL REPORT

## FISCAL YEAR 2012



... esas dhas provincias han desparado...  
... diferentes personas...  
... ha contado...  
... ha pretendido...  
... las bulas...

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SANTA FE, NEW MEXICO 87507  
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## ADMINISTRATIVE LAW DIVISION

### FUNCTION AND PURPOSE

The Administrative Law Division (ALD) is the filing point for rules promulgated by State agencies, interstate compacts, and county subdivision regulations. Notices of rulemaking and adopted rules are also submitted for publication in the *New Mexico Register*. State agencies promulgate rules to administer and support New Mexico statutes. Pursuant to the State Rules Act (Chapter 14, Article 4 NMSA 1978), rules must be filed with the SRCA and be published in the *New Mexico Register* prior to becoming effective.

The mission of the ALD is to file rules and other materials related to administrative law; to manage and preserve those items; and to make them accessible to the public. To fulfill this mission, the ALD monitors compliance with statutes and rules affecting the rule-filing and publishing processes. To guide State agencies, the ALD provides consultation regarding the requirements for filing and publishing, and it offers training in style, format, filing, and publishing requirements. In addition to working with State agencies, the ALD answers questions from individuals and

groups interested in the filed materials. The ALD maintains and preserves all filed material until it is repealed or otherwise no longer valid; at which time it is transferred to the State Archives. Finally, the ALD provides access to the filed material in person or through the agency's website.

### FISCAL YEAR 2012 STATISTICAL AND FINANCIAL INFORMATION

In accordance with Section 14-4-7.1 NMSA 1978, the ALD produces the *New Mexico Register* twice a month. The *New Mexico Register* is where notices of rulemaking, adopted rules, amendments, and repeals of existing rules are officially published. Other material related to administrative law can also be published in the *New Mexico Register*. During FY 2012, the ALD published 24,204 columnar inches and billed for approximately 807 pages of text in the *New Mexico Register*.

The following tables further explain the publishing activity.

<i>New Mexico Register</i> Activity	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Notices of rulemaking published	174	183	187	210	152	150
Proposed rules published	12	8	7	10	5	8
Adopted rule filings published	505	657	599	619	453	476
Synopses published in place of full text of adopted rules	8	8	8	10	9	11
Other material related to administrative law published	21	15	18	5	15	13



### Notices of Rulemaking Published in the *New Mexico Register* FY 2012 by Agency

Agency	Notices Published
Acupuncture and Oriental Medicine, Board of	2
Agriculture, Department of	2
Albuquerque - Bernalillo Air Quality Control Board	2
Animal Sheltering Board	1
Athletic Commission	1
Attorney General, Office of the	1
Children, Youth and Families Department	4
Chiropractic Examiners, Board of	2
Colonias Infrastructure Board	1
Cultural Properties Review Committee	1
Dental Health Care, Board of	2
DNA Identification System Oversight Committee and Administrative Center	1
Economic Development Department	3
Energy, Minerals and Natural Resources Department	3
Engineer, Office of the State	1
Environmental Improvement Board	9
Finance and Administration, Department of	2
Game Commission	8
Gaming Control Board	1
Health, Department of	5
Human Services Department	22
Livestock Board	1
Medical Board	3
Mining Commission	1
Nursing, Board of	2
Oil Conservation Commission	4
Optometry, Board of	1
Pharmacy, Board of	1
Psychologist, Examiners, Board of	2
Public Education Department	7
Public Employees Retirement Association	1
Public Lands, Commissioner of	3
Public Records, Commission of	6
Public Regulation Commission	14



Public Safety, Department of	3
Public School Capital Outlay Council	2
Racing Commission	2
Real Estate Commission	1
Recycled Metals Advisory Board	1
Regulation and Licensing Department	3
Secretary of State	1
Taxation and Revenue Department	7
Thanatopractice, Board of	1
Transportation, Department of	2
Water Quality Control Commission	2
Workers' Compensation Administration	1
Workforce Solutions, Department of	4
<b>Grand Total</b>	<b>150</b>

**Proposed Rules Published in the *New Mexico Register* FY 2012 by Agency**

Agency	Other Material Published
Attorney General, Office of the	1
Taxation and Revenue Department	7
<b>Grand Total</b>	<b>8</b>

**Adopted Rule Filings Published in the *New Mexico Register* FY 2012 by Agency**

Agency	Rule Filings Published
Aging and Long-Term Services Department	2
Agriculture, Department of	10
Albuquerque - Bernalillo Air Quality Control Board	3
Animal Sheltering Board	3
Attorney General, Office of the	3
Auditor, Office of the State	2
Children, Youth and Families Department	9
Chiropractic Examiners, Board of	7
Colonias Infrastructure Board	1
Dental Health Care, Board of	53
Developing Disabilities Planning Council	1
Economic Development Department	2
Educational Retirement Board	3
Energy, Minerals and Natural Resources Department	5



Engineer, Office of the State	1
Environmental Improvement Board	24
Finance and Administration, Department of	3
Game and Fish, Department of	17
Health, Department of	1
Human Services Department	61
Livestock Board	1
Medical Board	13
Mining Commission	1
Nursing, Board of	3
Nutrition and Dietetic Practice Board	17
Pharmacy, Board of	6
Podiatry, Board of	8
Psychologist Examiners, Board of	5
Public Education Department	12
Public Lands, Commissioner of	1
Public Records, Commission of	19
Public Regulation Commission	11
Public Safety, Department of	4
Racing Commission	5
Real Estate Commission	27
Regulation and Licensing Department	10
Renewable Energy Transmission Authority	2
Secretary of State	7
Sheep and Goat Council	1
Signed Language Interpreting Practice Board	4
Taxation and Revenue Department	8
Water Quality Control Commission	1
Workers' Compensation Commission	4
Workforce Solutions, Department of	95
<b>Grand Total</b>	<b>476</b>

Synopsis Published in the *New Mexico Register* FY 2012 by Agency

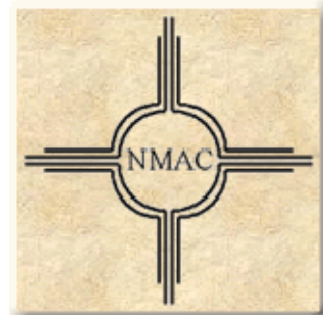
Agency	Other Material Published
Public Records, Commission of	11
<b>Grand Total</b>	<b>11</b>



**Other Material Related to Administrative Law Published in the *New Mexico Register*  
FY 2012 by Agency**

Agency	Other Material Published
Agriculture, Department of	1
Architects, Board of Examiners for	4
Human Services Department	2
Public Safety, Department of	3
Thanatopractice, Board of	1
Workers Compensation Administration	2
<b>Grand Total</b>	<b>13</b>

The *New Mexico Administrative Code (NMAC)* is a compilation of current rules promulgated by State agencies as required by Section 14-4-7.2 NMSA 1978. The *NMAC* is available only in electronic format on the NMAC website, which is updated once each month. The performance-based budget measure for the Division sets a target of thirty (30) days or less for the average maximum number of days from the effective date of a rule to the on-line availability. During FY 2012, the average maximum number of days was twenty-eight (28).



The ALD is the central filing point for more than rules. In accordance with Sections 47-6-10 and 14-3-20 NMSA 1978, county subdivision regulations and interstate compacts must be filed with the SRCA before they can become effective. The ALD maintains databases of the filed materials and makes lists of them available on-line. The following table shows the number of county subdivision regulations and interstate compacts filed over the past several fiscal years.

Type of Instrument Filed	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
County Subdivision Regulations	1	1	0	0	1	1
Interstate Compacts	0	11	1	0	3	0

