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New Mexico Register

The official publication for all official notices of rulemaking
and filing of proposed, adopted and emergency rules.

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Notices of Rulemaking and Proposed Rules

HEALTH CARE AUTHORITY MEDICAL ASSISTANCE DIVISION

NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.200.400, *General Recipient Rules*, *General Medicaid Eligibility*, 8.245.400, *Medicaid Eligibility*, *Specified Low Income Medicare Beneficiaries*, 8.250.400, *Medical Assistance Program Eligibility*, *Qualified Individuals Whose Income Exceeds QMB and SLIMB*, 8.281.600, *Institutional Care, Benefit Description*, 8.291.400, *Affordable Care, Eligibility Requirements*, 8.291.410, *Affordable Care, General Recipient Requirements*, 8.296.400, *Other Adults, Recipient Requirements*, and 8.296.600, *Other Adults, Benefits Description*.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: August 11, 2026
Hearing Date: September 11, 2026
Adoption Date: Proposed as January 1, 2027
Technical Citations: Section 71103, 71104, 71107, 71112, and 71119 of the Working Families Tax Cut legislation

Background

The Working Families Tax Cut legislation (also referred to as HR1) was signed into law on July 4, 2025, and makes several changes to the Medicaid program effective January 1, 2027. HR1 introduces the following changes to Medicaid:

6-month renewal periods for Other Adults Medicaid

For renewals of the Other Adults Medicaid category, which covers adults ages 19-64 with income less than 133% of the federal poverty level, initiated on or after January 1, 2027, the renewal period will be for 6-months. The current renewal period is 12 months so the change to 6 months requires individuals to renew more often. Native Americans are exempt from 6-month renewals and will continue to have 12-month renewal periods.

The new 6-month renewal changes impact Other Adult Medicaid renewals starting with renewals due on or after March 31, 2027, because those were initiated through the 90-day ex-parte renewal process during January 2027. January and February 2027 Other Adult Medicaid renewals were initiated prior to January 1, 2027, and can be renewed for 12 months.

Community Engagement (Work or activity Requirements) for Other Adults Medicaid

Individuals as a condition of eligibility for Other Adults Medicaid must meet community engagement (CE) requirements. CE requires individuals to complete at least 80 hours of work or activities during the month prior to their application month. At renewal recipients must meet work or activities of 80 hours a month for any one month during their current certification period.

An individual meeting, an exclusion does not need to meet CE requirements and is evaluated for an exclusion during the application month and at the renewal determination. The following is the list of CE requirement exclusions:

1. An individual under age 16 in the former foster care eligibility group;
2. American Indian or Alaska Native;

3. A parent, guardian, caretaker relative or family caregiver of a dependent child under the age of fourteen (14) or disabled individual;
4. A veteran with a disability rated as total;
5. An individual who is medically frail (blindness or disability, substance abuse disorder, disabling mental disorder, or other significant physical, intellectual or developmental disabilities);
6. An individual who is compliant with the Temporary Assistance for Needy Families (TANF) program, or who is a member of a household that receives Supplemental Nutrition Assistance Program (SNAP) benefits and is not exempt from work requirements;
7. A participant in a drug addiction or alcohol treatment and rehabilitation program;
8. An inmate of a public institution; or
9. A woman who is pregnant or entitled to postpartum medical assistance.

An individual meeting an exception must meet CE requirements one month prior to the application month. At renewal, recipients must meet work or qualifying activities of 80 hours a month for any one month during their current certification period. The following is a list of CE requirement exceptions:

1. An individual under age 19;
2. An individual who is entitled to, or enrolled for, benefits under Medicare Part A, or enrolled for benefits under Medicare Part B;
3. An individual who is in a mandatory categorically needy eligibility group; or
4. An individual who was an inmate of a public institution within the past 90 days.

The HCA is implementing, at state option, the following short-term hardship exemptions from CE requirements. An individual meeting a short-term hardship exception must

meet CE requirements one month prior to the application month. At renewal recipients must meet work or qualifying activities of 80 hours a month for any one month during their current certification period. The following is a list of CE requirement short-term hardship exceptions:

1. Hospitalized or living in a nursing home or similar facility and the individual requests this exception;
2. Living in a county currently under a federal emergency declaration;
3. Living in a county with a high unemployment rate (at or above the lesser of 8% or 1.5 times the national unemployment rate); or
4. An individual or their dependent must travel outside their community for an extended period of time to receive medical services necessary to treat a serious or complex medical condition that is not available within their community of residence and the individual requests this exception.

Individuals who do not meet an exclusion or exception must meet one of the following work or activities at application and renewal:

1. Working at least 80 hours a month;
2. Completing at least 80 hours of community service a month;
3. Participating in a work program for at least 80 hours a month;
4. Enrollment in an educational program at least half-time;
5. Engaging in any combination of activities 1 through 4 above for a total of at least 80 hours a month;
6. Having a monthly income of \$580 a month (the applicable federal minimum wage multiplied by 80 hours); or
7. A seasonal worker having a monthly income of \$580 per month (averaged over the preceding 6 months that is not less than the applicable federal minimum wage requirement multiplied by 80 hours).

The HCA verifies CE compliance or meeting an exclusion or exception

at both application and renewal using available data sources. The HCA accepts self-attestation for some exclusions, exceptions, and activities. Documentation is required for certain exclusions and exceptions and qualifying activities that the HCA cannot verify using available data sources.

The HCA will provide a 30-day notice requesting verification of CE compliance or meeting an exclusion or exception for applicants and beneficiaries at renewal if unable to approve or renew Other Adult Medicaid using available data sources and an attestation or documentation is required.

Action on Updated Address Information

The HCA must regularly obtain updated address information from reliable data sources and act on that information. Reliable data sources include mail returned to the HCA by the United States Postal Service (USPS) with a forwarding address, the USPS National Change of Address (NCOA) database, and the HCAs contracted managed care organizations (MCOs).

In-state address changes: For updated address information received from a reliable data source the HCA must accept the information as reliable, update the beneficiary's case record and notify the beneficiary of the update.

Out-of-state address changes: The HCA must make a good-faith effort to contact the beneficiary to confirm that the beneficiary continues to meet the state residency requirement. If the HCA is unable to confirm that the beneficiary continues to meet state residency requirements, the HCA must provide advance notice of termination and fair hearing rights.

Whereabouts unknown: When beneficiary mail is returned the HCA must check the eligibility system and the most recently available information from a reliable

data source for additional contact information. If updated in-state address information is available from a reliable data source, the HCA must accept the information as reliable. If the updated address information cannot be obtained and confirmed as reliable, the HCA must make a good-faith effort to contact the beneficiary to obtain the updated address information. If the HCA is unable to identify and confirm the beneficiary's address and the whereabouts remain unknown, the HCA must take appropriate steps to move the beneficiary to a fee-for-service delivery system or to terminate or suspend the beneficiary's coverage.

Good-faith effort: A good faith effort includes at least two attempts to contact the beneficiary, use of two or more modalities such as mail, phone, email, a reasonable period of time between contact attempts, and at least 30 calendar days for the beneficiary to respond to confirm updated address information.

Limiting Retroactive Medicaid

Retroactive Medicaid coverage is limited to one month for the Other Adults Medicaid category and two months for other Medicaid categories that allow retroactive Medicaid coverage. This is a change from the current 3-month retroactive period allowed for most Medicaid categories.

Quarterly use of the SSA Death Master File

Effective January 1, 2027, the HCA must check the Social Security Agency (SSA) death master file quarterly, treat the information as factual, and disenroll deceased individuals from Medicaid. Anyone incorrectly disenrolled must be retroactive reenrolled back to the date of termination.

The HCA is proposing to amend the rules as follows:

Throughout all NMACs:

1. Updates have been made to replace "HSD" with "HCA".
2. Updates have been made to align formatting and style requirements.

8.200.400 NMAC

Section 14, subsection A is revised to change three months to two months.

Section 14, subsection D is revised to limit retroactive Medicaid for the Other Adults Medicaid category to the month prior to the application month.

Subsection E is revised and renumbered to limit retroactive Medicaid for up to two months prior to the application month for listed Medicaid categories.

A new Section 16 is created and called "Quarterly Screening to Verify Enrollee Status". The new section requires the HCA, no less than quarterly, to review the SSA death master file to determine whether Medicaid enrolled individuals are deceased.

8.245.400 NMAC

Section 8 is revised to include the HCA's current mission statement.

Section 13 is revised to remove outdated citizenship language and to refer to citizenship rules at 8.200.400.11 NMAC.

8.250.400 NMAC

Section 8 is revised to include the HCA's current mission statement.

Section 13 is revised to remove outdated citizenship language and to refer to citizenship rules at 8.200.400.11 NMAC.

8.281.600 NMAC

Section 13 is revised to remove the language allowing 3 months of retroactive Medicaid as retroactive Medicaid is limited to 2 months for Institutional Care.

8.291.400 NMAC

Section 7 is revised to comply with formatting requirements.

Section 8 is revised to include HCA's current mission statement.

Section 13 is revised to allow for two presumptive eligibility (PE) periods

per 12-month period for individuals on the Other Adults Medicaid category that have a 6-month certification period. One PE period is allowed per 12-month period for Native Americans on the Other Adults category.

8.291.410 NMAC

Section 8 is revised to include HCA's current mission statement.

New language is added to Section 19 that the Other Adults category is renewed once every 6 months except for Native Americans who are exempt and will continue to be renewed once every 12 months.

A new Section 27 has been created regarding required HCA action on updated address information as described in the background section.

8.296.400 NMAC

Section 7 has been revised to add community engagement definitions.

Section 8 is revised to include the HCA's current mission statement.

Section 9 has been revised to add a new letter F with text about the new CE requirements.

A new section 10 has been added to include the new CE requirements. The new CE requirements mirror the Centers for Medicare and Medicaid Services (CMS) 42 code of federal regulations (CFR) provided in their interim final rule.

8.296.600 NMAC

Section 8 is revised to include the HCA's current mission statement.

Section 11 has been updated to refer to the correct MAGI renewal policy found at 8.291.410.19 NMAC.

I. RULE

These proposed rule changes will be contained in 8.200.400, 8.245.400, 8.250.400, 8.281.600, 8.291.400, 8.291.410, 8.296.400, and 8.296.600 NMAC. This register and the

proposed rule are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/register/> and <https://www.hca.nm.gov/2026-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

II. EFFECTIVE DATE

HCA proposes implementing this rule effective January 1, 2027.

III. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on September 11, 2026, at 11:00 a.m. The hearing will be held in the Large Conference Room of the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting

Join: <https://teams.microsoft.com/meet/292010912395589?p=W73iZJ4kPTmxkgQHb8>

Meeting ID: 292 010 912 395 589

Passcode: qu6Up32C

Dial in by phone

[+1 505-312-4308, 882708233#](tel:+1505312430882708233#)

United States, Albuquerque

Phone conference ID: 882 708 233#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodation.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

IV. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority
Office of the Secretary
ATTN: Medical Assistance Division
Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on September 11, 2026**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-comment-period-open/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

PAROLE BOARD

NOTICE OF PROPOSED RULEMAKING

Public Notice: The New Mexico Adult Parole Board will hold a public hearing on Tuesday, September 15, 2026, at 9:00 a.m. The meeting will be held in person in the UNM Science & Technology Park Rotunda, 801 University Blvd. Albuquerque, NM.

Purpose of Rule Hearing: The purpose of the public hearing is to receive public input on the proposed amendments to 22.510.3.8 NMAC – Policy Statement Pertaining to the Granting of Parole, Denial of Parole, Revocation or Rescission of Parole and to the Discharge of Parole 22.510.3.8

Statutory Authority: Paragraph (8) of Subsection B of Section 31-21-25-NMSA 1978.

Purpose of the Proposed

Amendments: The purpose of these changes is to comply with the new promulgated statute passed at the 2026

Legislative Session it strengthens and clarifies the parole decision making process for inmates serving indeterminate sentence for crimes committed prior to July 1, 1979 and where appropriate, the provision apply to person serving indeterminate life sentence for crimes committed on or after July 1, 1979. The statute now provides comprehensive parole hearings that consider institutional conduct, criminal history, participation in rehabilitation programming, demonstrated personal growth, readiness for community reentry.

Summary of Proposed Changes to 22.510.3.8 NMAC: Policy Statement Pertaining to the Granting of Parole, Denial of Parole, Revocation or Rescission of Parole and to the Discharge of Parole The section being amended is Section 22.510.3.8, adds language that considers institutional conduct, criminal history, participation in rehabilitation programming, demonstrated personal growth, readiness for community reentry. It also updates language for gender neutrality and adds language to identify board training and updating the rule based on evidence-based practices.

How to Comment on the Proposed Rules: Public comment addressing the proposed rule changes can be made by mail to Roberta Cohen, New Mexico Adult Parole Board, 4337 State Road 14, Santa Fe, New Mexico 87508 or by emailing your comment to Roberta.Cohen@apb.nm.gov by 5:00 p.m. Thursday, September 10, 2026. Email comments must include the subject line, “Rule Changes to 22.510.3.8 NMAC”, the commenter’s name and contact information. Copies of Proposed Rules:

Copies of the Proposed Rules: are available for download on the New Mexico Corrections Website under the Parole Board section website at www.cd.nm.gov/division/parole-board/. A copy of the proposed rules may also be requested by contacting Roberta Cohen by phone at (505)386-6873 or by email Roberta.Cohen@apb.nm.gov.

Special Needs: Individuals who

require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Roberta Cohen at (505)386-6873 as soon as possible to allow adequate time to provide the requested accommodation(s).

PUBLIC REGULATION COMMISSION

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 25-00065-UT

The New Mexico Public Regulation Commission (“Commission”) gives notice of its initiation of a formal rulemaking to promulgate rule amendments at Title 17, Chapter 11, Part 10 of the New Mexico Administrative Code, entitled “State Rural Universal Service Fund,” and at Title 17, Chapter 11, Part 11 of the New Mexico Administrative Code, entitled “Lifeline and Linkup Benefits.” Proposed rule amendments which may be adopted as actual rule amendments by the Commission may include all, part, or none of the language in the proposed rule amendments.

Summary and concise statement of proposed rule amendments: During its 2026 session, the Legislature passed Senate Bill 152 (“SB152”), which was signed into law by the Governor on March 5, 2026. Effective July 1, 2026, SB152 repealed the Low Income Telephone Service Assistance Act (“LITSAA”), Sections 63-9C-1 to -6, NMSA 1978. SB152 also amended the Rural Telecommunications Act (“RTA”), Sections 63-9H-1 to -14, NMSA 1978, to establish a “low-income telecommunications assistance program” (“LITAP”), to modify the broadband program, to place caps upon the annual obligations of various components of the State Rural Universal Service Fund (“SRUSF”), to require that access reduction support continue beyond 2026, and to make other, related changes concerning LITAP

and the SRUSF. The amendments proposed by the Commission would modify the Commission's SRUSF Rule, 17.11.10 NMAC, and the Commission's LITAP Rule, 17.11.11 NMAC, to conform the rules to the statutory amendments made by SB152.

Legal authority: Sections 62-19-9 and 63-9H-6, NMSA 1978.

How a copy of the full text of the proposed rule amendments may be obtained: A copy of the full text of the proposed rule amendments and instructions on how to access the complete rulemaking record, reports, and other items filed in the Commission's PRCe360 system may be obtained from the Rulemaking Proceedings section of the Commission's website at <https://www.prc.nm.gov/rulemaking-proceedings/>, under Docket No. 25-00065-UT or by calling LaurieAnn Santillanes in the Commission's Office of General Counsel at (505) 670-4830.

How a person may comment on the proposed rule amendments, where comments will be received, and when comments are due: Written, initial comments may be filed no later than **September 11, 2026**. Written, responsive comments may be filed no later than **September 21, 2026**. Comments shall refer to Docket No. 25-00065-UT and shall be filed according to the PRCe360 User Guides and PRCe360 Interim Working Rules, which can be found at <https://www.prc.nm.gov/prce360/>.

The record of this case closes on **October 6, 2026**. From that date through the completion of this proceeding, rulemaking participants shall be forbidden from communicating with the Commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person may participate in the hearing: A public hearing on the proposed rule and any proposed alternatives, to be

presided over by the Commission or its designee, shall be held beginning at **1:00 P.M. on October 1, 2026, at the Wendell Chino Building, Pecos Hall, 1220 S. Saint Francis Drive, Santa Fe, NM**, and via the Zoom video-conferencing platform. Any interested person who wishes to make a comment at the hearing may contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505) 490-7910 as soon as possible before the start of the hearing to sign up as a commenter to sign up as a commenter. The Commission will email a Zoom invitation to all commenters. The Zoom invitation will include a call-in number for those commenters who are unable to access Zoom's video-conferencing platform. The public comment hearing will be held to receive oral comments concerning this rulemaking proceeding. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. No testimony or other evidence shall be taken at the hearing. A court reporter will prepare a transcript of the hearing, which will be filed in Docket No. 25-00065-UT. Any person with a disability requiring special assistance to participate in the hearing should contact the **Consumer Relations Division of the Commission at (505) 827-8019** as soon as possible prior to the commencement of the hearing.

Technical information that served as a basis for the proposed rule amendments and how the information can be obtained: Not applicable.

WORKFORCE SOLUTIONS, DEPARTMENT OF

NOTICE OF RULEMAKING

The New Mexico Department of Workforce Solutions ("Department" or "NMDWS") hereby gives notice that the Department will conduct a public hearing to receive comments regarding proposed amendments to NMAC 11.1.2 (the Public Works

Minimum Wage Act Policy Manual) in the Leo Griego Auditorium located in the State Personnel Office (Willie Ortiz Building) at 2600 Cerrillos Road in Santa Fe, New Mexico, 87505 on September 22, 2026 from 2:00 pm to 4:00 pm.

The purpose and summary of the public comment hearing will be to obtain input and public comment on proposed prevailing wage rates and subsistence and zone pay for Public Works projects for 2027 and some minor changes to the job descriptions for public works projects.

Under Section 9-26-4, NMSA 1978, the Workforce Solutions Department is responsible for the administration of the Labor Relations Division ("LRD" or "Division"), which oversees setting prevailing-wage and fringe-benefit rates for public works projects. Pursuant to Section 13-4-11, NMSA 1978, the Director of the Division shall determine the prevailing-wage rates and the prevailing fringe-benefit rates and shall issue rules necessary to administer and accomplish the purposes of the Public Works Minimum Wage Act.

Interested individuals are encouraged to submit written comments to the New Mexico Department of Workforce Solutions, P.O. Box 1928, Albuquerque, N.M., 87103, attention Andrea Christman prior to the hearing for consideration. Written comments must be received no later than 5 p.m. on September 21, 2026. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rule may be accessed online at <https://www.dws.state.nm.us/> or obtained by calling Andrea Christman at (505) 841-8478 or sending an email to Andrea.Christman@dws.nm.gov. The proposed rule will be available at least thirty days prior to the hearing.

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 are asked to contact Ms. Christman as soon as possible. The Department requests at least ten (10) days advance notice to provide requested special accommodations.

**End of Notices of
Rulemaking and
Proposed Rules**

Adopted Rules

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

WORKFORCE SOLUTIONS, DEPARTMENT OF

This is an amendment to Section 10
of 11.1.7 NMAC effective 8/11/2026.

11.1.7.10 ~~[NOTICE BY EMPLOYERS:~~

~~————A.———~~ Employers shall
give written or electronic notice to
an employee at the commencement
of employment of the employee's
rights to earned sick leave; the matter
in which sick leave is accrued and
calculated; the terms of use of earned
sick leave as guaranteed by the
Caregiver Leave Act; that retaliation
against employees for using sick leave
is prohibited; that the employee's
right to file a complaint with the LRD
if earned sick leave accrual or use is
denied or if the employee is retaliated
against; and all means of enforcing
the Caregiver Leave Act. This notice
must be in English, Spanish, or
any other language that is the first
language spoken by at least ten
percent of the employer's workforce;
as requested by the employee

~~————B.———~~ Employers shall
display a poster containing the
information required in Section
A, above, in a conspicuous and
accessible place in each establishment
where employees are employed. The
poster should be in English, Spanish
and in any language that is the first
language spoken by at least ten
percent of the employer's workforce.]

[RESERVED]

[11.1.7.10 NMAC – N, 12/9/2025;
Repealed, 8/11/2026]

End of Adopted Rules

2026 New Mexico Register

Submittal Deadlines and Publication Dates

Volume XXXVII, Issues 1-24

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Issue 1	January 2	January 13
Issue 2	January 15	January 27
Issue 3	January 29	February 10
Issue 4	February 12	February 24
Issue 5	February 26	March 10
Issue 6	March 12	March 24
Issue 7	March 26	April 7
Issue 8	April 9	April 21
Issue 9	April 23	May 5
Issue 10	May 7	May 19
Issue 11	May 21	June 10
Issue 12	June 11	June 23
Issue 13	June 25	July 14
Issue 14	July 16	July 28
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Issue 19	September 24	October 6
Issue 20	October 8	October 20
Issue 21	October 22	November 3
Issue 22	November 5	November 17
Issue 23	November 19	December 8
Issue 24	December 10	December 22

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