



CHAPTER 12: PUBLIC DEFENDER COMMISSION

PART 13: RULE MAKING

10.12.13.1 ISSUING AGENCY:

Public Defender Commission

[[10.12.13.1](#) NMAC - N, 7/1/2015]

10.12.13.2 SCOPE:

Applies to all employees.

[[10.12.13.2](#) NMAC - N, 7/1/2015]

10.12.13.3 STATUTORY AUTHORITY:

Section [31-15-2.4](#)(B)(6) NMSA 1978; Section [31-15-7](#) NMSA 1978

[[10.12.13.3](#) NMAC - N, 7/1/2015]

10.12.13.4 DURATION:

Permanent.

[[10.12.13.4](#) NMAC - N, 7/1/2015]

10.12.13.5 EFFECTIVE DATE:

7/1/2015 unless a later date is cited at the end of a section.

[[10.12.13.5](#) NMAC - N, 7/1/2015]

10.12.13.6 OBJECTIVE:

The objective of Part 13 of Chapter 12 is: to provide a process for adoption, amendment, or repeal of a public defender commission rule.

[[10.12.13.6](#) NMAC - N, 7/1/2015]

10.12.13.7 DEFINITIONS:

[RESERVED]

[[10.12.13.7](#) NMAC - N, 7/1/2015]



10.12.13.8 NOTICE AND COMMENT:

- A.** The public defender commission shall provide an opportunity for employees of the department and interested parties to comment on proposed rule changes at least 30 calendar days prior to the adoption, amendment or repeal of any rule.
- B.** At least 30 calendar days prior to the adoption, amendment, or repeal of any rule, the public defender commission shall publish notice of the proposed action.
 - 1)** The notice shall be published in the New Mexico register.
 - 2)** The notice shall be mailed to broadcast stations licensed by the federal communications commission and newspapers of general circulation that have provided a written request for such notice.
 - 3)** The notice shall be mailed to the last known address of persons and organizations who have made a written and timely request to the department.
 - 4)** The notice shall state where a copy of the proposed rule may be obtained.
- A.** The giving of the notice shall be considered complete upon mailing.
- B.** One copy of the full text of any proposed rule shall be made available without cost to any person or organization who requests a copy.

[[10.12.13.8](#) NMAC - N, 7/1/2015]

10.12.13.9 HEARING:

The public defender commission shall hold a public hearing on the proposed action. Interested persons or duly authorized representatives shall have the opportunity to submit written statements or make oral presentations.

[[10.12.13.9](#) NMAC - N, 7/1/2015]

10.12.13.10 EFFECTIVE DATE:

The public defender commission shall determine the effective date of rules, which shall be filed with the New Mexico commission of public records.

[[10.12.13.10](#) NMAC - N, 7/1/2015]



10.12.13.11 EMERGENCY RULES:

The public defender commission may adopt, amend, or suspend a rule as an emergency, without compliance with [10.12.13.8](#) NMAC and [10.12.13.9](#) NMAC, if the public defender commission determines that it is in the public interest. An action to adopt, amend, or suspend a rule pursuant to this rule shall not be effective for longer than 120 calendar days but may be extended once for no more than an additional 60 days if the emergency still continues.

[[10.12.13.11](#) NMAC - N, 7/1/2015]

10.12.13.12 PUBLICATION OF RULES:

Rules, including emergency rules, adopted, amended, or repealed by the public defender commission shall be published in the New Mexico register.

[[10.12.13.12](#) NMAC - N, 7/1/2015]

10.12.13.13 DEMONSTRATION PROJECTS:

The public defender commission may authorize demonstration projects which may require the temporary suspension of the rules when the chief agrees to utilize such a project to improve operations.

[[10.12.13.13](#) NMAC - N, 7/1/2015]