Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, and 20.11.82 NMAC, *Rulemaking Procedures -- Air Quality Control Board.*

AGD EXHIBIT 2b

Anyo[illegible]hnical testim[illegible]ed by 20.11[illegible]written Notic[illegible]before 5:00p[illegible], to: Attn: Hearing Clerk, Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or, you may deliver your NOI to the Environmental Health Department, Suite 3023, 3rd Floor, One Civic Plaza (400 Marquette Avenue NW). The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

In addition, written comments to be incorporated into the public record for this hearing should be received at the above P.O. Box, or Environmental Health Department office, before 5:00 pm on December 1, 2010. Comments shall include the name and address of the individual or organization submitting the statement. Written comments may also be submitted electronically to jcwright@cabq.gov and shall include the required name and address information. Interested persons may obtain a copy of the proposed regulation at the Environmental Health Department office, or by contacting Ms. Janice Wright electronically at jcwright@cabq.gov or by phone (505) 768-2601, or by downloading a copy from the City of Albuquerque Air Quality Division website http://www.cabq.gov/airquality/aqcb/public-review-drafts .

NOTICE FOR PERSON WITH DISABILITIES: If you have a disability and/or require special assistance please call (505) 768-2600 [Voice] and special assistance will be made available to you to review any public meeting documents, including agendas and minutes. TTY users call the New Mexico Relay at 1-800-659-8331 and special assistance will be made available to you to review any public meeting documents, including agendas and minutes

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

ALBUQUERQUE-BERNALILLO COUNTY AIR QUALITY CONTROL BOARD
NOTICE OF HEARING

On December 8, 2010, at 5:30 PM, the Albuquerque-Bernalillo County Air Quality Control Board (Air Board) will hold a public hearing in the Vincent E. Griego Chambers located in the basement level of the Albuquerque-Bernalillo County Government Center, One Civic Plaza NW, Albuquerque, NM.

The hearing will address: Proposal to adopt amendments to 20.11.2 NMAC, *Fees* and to incorporate an amended 20.11.2 NMAC into the New Mexico State Implementation Plan (SIP) for air quality. Proposed amendments to 20.11.2 NMAC, *Fees* constitute increases to some fees, regular annual adjustments consistent with the Consumer Price Index (CPI), and some language changes for the following reasons:

1. Federal and New Mexico laws require or authorize, depending on the type of permit, collection of fees to cover specific costs. Current fees are insufficient and resulted in a projected budget deficit in FY/10 and will result in yet another budget deficit in FY/11 if unchanged.
2. Fee fund balance has covered program cost deficits in past years, but the fund balance is now depleted.
3. The scope and objectives sections of the current fee regulation require updating and revision to be consistent with the New Mexico Air Quality Control Act.
4. Some current fees are based on theoretical maximum emissions rather than the maximum requested by the applicant. The proposed fees will be charged only for what industry requests on a permit application, which could substantially reduce costs.
5. Programs have increased in both volume and complexity.
6. Personnel and operating costs have increased steadily since the current fee structures were put in place between 1997 and 2004.
7. To date, fees have not been adjusted for CPI increases, although such adjustments are authorized. CPI adjustments will be applied going forward in the proposed regulation.
8. Refund and appeal processes need clarification.

Following the hearing, the Air Board will hold its regular monthly meeting during which the Air Board is expected to consider adopting the aforementioned proposals. Meetings of the Air Board are open to the public and all interested persons are encouraged to participate. All persons who wish to testify regarding the subject of the hearing may do so at the hearing and will be given a reasonable opportunity to submit relevant evidence, data, views, and arguments, orally or in writing, to introduce exhibits and to examine witnesses in accordance with the Joint Air Quality Control Board Ordinances, Section 9-5-1-6 ROA 1994 and Bernalillo County Ordinance 94-5, Section 6, and 20.11.82 NMAC, *Rulemaking Procedures -- Air Quality Control Board.*

Anyone intending to present technical testimony at this hearing is required by 20.11.82.20 NMAC to submit a written Notice Of Intent to testify (NOI) before 5:00pm on November 23, 2010, to: Attn: Hearing Clerk, Ms. Janice Wright, Albuquerque Environmental Health Department, P.O. Box 1293, Albuquerque, NM 87103, or you may deliver your NOI to the Environmental Health Department, Suite 3023, 3rd Floor, One Civic Plaza (400 Marquette Avenue NW). The NOI shall: 1. identify the person for whom the witness or witnesses will testify; 2. identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their educational and work background; 3. summarize or include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; 4. include the text of any recommended modifications to the proposed regulatory change; and 5. list and describe, or attach, all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

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NEW MEXICO HUMAN SERVICES DEPARTMENT

MEDICAL ASSISTANCE DIVISION

NOTICE

The New Mexico Human Services Department (HSD) is scheduling a public hearing on Wednesday, December 1, 2010 at 9:00 a.m. in the ASD conference room of Plaza San Miguel, 729 St. Michael's Drive, Santa Fe.

The subject of the hearing is Client Medical Transportation Services and Transportation Services. The Human Services Department, Medical Assistance Division, is proposing amendments to rules 8.301.6 NMAC, *Client Medical Transportation Services,* and 8.324.7 NMAC, *Transportation Services,* to clarify regulatory language, to ensure accuracy with existing rules, and respond to current budgetary constraints.

If implemented as proposed, the following changes to Medicaid transportation benefit coverage will affect recipients by:

* Eliminating reimbursement for lodging and meals for both eligible recipients and their attendants.
* Allowing reimbursement for attendant travel only if the eligible recipient is a child ten years of age or younger.
* Providing more detail on non-emergency transportation services to help recipients and providers fully understand allowable transportation services.
* Requiring providers to inform recipients (1) that the provider is enrolled in Medicaid, and (2) whether the services they propose to render are MAD approved services.
* Adding language informing eligible recipients who are enrolled in a managed care organization (MCO) they must utilize their respective MCO's transportation benefits.

If implemented as proposed, the following changes to Medicaid transportation benefits will affect transportation providers by:

* Replacing various modes of transportation with more updated references, such as changing 'public transportation' to 'long distance common carriers'.
* Rewording prior authorization and utilization review for clarity.
* Removing reporting requirements for providers if transporting eligible recipients over 5 million miles a year.

Other changes in the rule being proposed at this time include the following:

* Replacing outdated word usage, such as Medicaid with MAD, the Medical Assistance Division.
* Updating the Department's mission statement.
* Providing more instruction on the eligibility of providers and their responsibilities.
* Directing providers to enroll and follow a MAD managed care or MAD fee-for-service coordinated care contractor's instructions for billing and authorization of services.
* Adding wording that payment is made only by electronic funds transfer (EFT).

The changes in the transportation benefits are being proposed because the Department believes the changes are more in line with the benefits typically available from other commercial insurers. Also, at this time there is a serious shortfall in state revenues which has resulted in reductions in many state agency budgets. The New Mexico Medicaid program budget is no exception. Program costs are outpacing available revenues. Therefore, the Department has looked at transportation and other program benefits to determine changes that can be made while still providing medically appropriate services.

Interested persons may submit written comments no later than 5:00 p.m., December 1, 2010, to Kathryn Falls, Secretary, Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. All written and oral testimony will be considered prior to issuance of the final regulation.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing, program or services, please contact the NM Human Services Department toll-free at 1-888-997-2583, in Santa Fe at 827-3156, or through the department TDD system, 1-800-609-4833, in Santa Fe call 827-3184. The Department requests at least 10 days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Medical Assistance Division 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.

Copies of the Human Services Register and their proposed rules are available for review on our Website at www.hsd.state.nm.us/mad/registers/2010 or by sending a self-addressed stamped envelope to Medical Assistance Division, Program Oversight & Support Bureau, P.O. Box 2348, Santa Fe, NM. 87504-2348.

NEW MEXICO ORGANIC COMMODITY COMMISSION

Notice of Rulemaking

The New Mexico Organic Commodity Commission (NMOCC) will consider changes to its rules promulgated under the Organic Commodity Act. Changes are proposed for the following Rules:

21.15.1.11 NMAC Fees and Assessments

Copies of the draft rules are available for inspection at the NMOCC office, 4001 Indian School NE, Suite 310, Albuquerque, NM, during normal business hours. Hard copies of the draft rules are available upon request. Written comments, inquiries or requests for copies should be directed to the NMOCC, 4001 Indian School NE, Suite 310, Albuquerque, NM, 87110, (505) 841-9067. Written comments or requests for copies may be submitted electronically to: joan.quinn@state.nm.us. To be considered, written comments, arguments, views or relevant data should be submitted by 5:00 p.m. December 1, 2010. The Commission will review and consider all written comments addressing the proposed rule changes.

A formal rulemaking hearing will be held on December 6, 2010 at 10:00 a.m. in the classroom at the Bernalillo County Cooperative Extension Office, 1510 Menaul NW, Albuquerque, New Mexico. Oral comments will be taken at the public hearing. All interested parties are requested to attend. Lobbyists must comply with the Lobbyist Regulation Act, NMSA 1978, Section 2-11-1 et. seq. (1997), which applies to rulemaking proceedings. Final action on the rules will occur at a public meeting of the Commission, also on December 6, 2010, immediately following the rulemaking hearing.

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 Joan Quinn at joan.quinn@state.nm.us at least one (1) week prior to the hearing or as soon as possible. Public