

**NMAC**

**Transmittal Form**



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Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use) Recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes

No

Public domain

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**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

## Concise Explanatory Statement For Rulemaking Adoption:

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### Findings required for rulemaking adoption:

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#### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

See attached 5 page document titled Statement of Reasons for Repeal and Replace of State Park Division Rule 19.5.1 NMAC and Amendment of State Parks Division Rules 19.5.2 NMAC and 19.5.6 NMAC.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Ben Shelton

Check if authority has been delegated

☒

Title:

Deputy Cabinet Secretary

Signature: (BLACK ink only OR Digital Signature)

Ben Shelton

Digitally signed by Ben  
Shelton  
Date: 2025.06.11  
16:08:49 -06'00'

Date signed:

6/11/25

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STATEMENT OF REASONS FOR REPEAL AND REPLACE OF STATE PARK DIVISION RULE 19.5.1 NMAC  
AND AMENDMENT OF STATE PARKS DIVISION RULES 19.5.2 NMAC, AND 19.5.6 NMAC

This statement of reasons provides the basis upon which the Energy, Minerals and Natural Resources Department (EMNRD), State Parks Division (Division) repealed and replaced, 19.5.1 of the New Mexico Administrative Code (NMAC) General Provisions and amended 19.5.2 NMAC Visitor Provisions, and 19.5.6 NMAC Fees. This statement of reasons outlines the statutory background, process, and summary of the final version of the rule amendments and reasons for amending.

I. Statutory Authority

The Secretary is generally authorized to make and adopt rules necessary to carry out EMNRD's duties at 9-1-5(E) NMSA 1978. The Secretary is the issuing authority, unless the Secretary specifically delegates that authority in writing. EMNRD's general duties and purposes are set out at 9-5A-1 through 9-5A-7 NMSA 1978. Per 16-2-7 NMSA 1978, The secretary shall promulgate and adopt rules for each park as circumstances may demand to the end that each state park may be made as nearly self-supporting as possible. Per 16-2-7.1 NMSA 1978, the Division is required to issue passes to New Mexico (NM) resident veterans for unlimited entry into state parks or recreation areas operated by the division and unlimited use of camping areas operated by the division.

II. Process

The Division drafted proposed rule amendments based on the revised statutory mandate established by House Bill 161 adopted during the 2025 legislative session. The bill amended Section 16-2-7.1 NMSA 1978, requiring the Division to issue passes to NM resident veterans for unlimited entry into state parks or recreation areas operated by the division and unlimited use of camping areas operated by the division. The Division staff and EMNRD legal counsel drafted the proposed amendments and distributed them to the Cabinet Secretary, Director, deputy directors, bureau chiefs, and other Division staff. After receiving internal comments, the Division prepared the proposed rule amendments for notice and public comment.

Prior to the public meeting, which was held on June 10, 2025, the Division posted the proposed amendments and public hearing notice on the Division's website. The Division published notice of the rulemaking and the hearing in the Albuquerque Journal on May 6, 2025, the New Mexico Sunshine Portal on May 8, 2025 and the New Mexico Register on May 6, 2025. The Division also sent notice of the rulemaking and the hearing to stakeholders including landowning agencies or entities, other state agencies, concessionaires, outfitters, local communities near state parks, associations, and other interested parties, the Legislative Council Service, posted in the State Parks Division office and sent to the Small Business Regulatory Advisory Committee. The Division received two written comments on the proposed rulemaking.

The first comment was related to concerns that unhoused veterans would take up residence in parks with the issuance of the lifetime veteran pass. The pass is limited by the current stay limits and would prohibit this from happening.

The second comment received had multiple questions related to the amendments in 19.5.2, most of which were unrelated to the proposed amendments. The comment questions the use of NM driver's license as a verification for Active duty military annual camping passes, and we corrected the wording in the proposed rule to reference valid NM identification card rather than being specific to driver's licenses.

There were no comments significantly opposing the proposed rule amendments.

III. Language of the Replaced Rules

19.5.1 NMAC (General Provisions)

The Division repeals and replaces 19.5.1 NMAC to include a definition of active-duty military, camping, developed camping, NM resident veteran, primitive camping, and utilities.



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This is an amendment to 19.5.6 NMAC, Sections 10, 11 and 12, effective 7/1/2025.

**19.5.6.10 ANNUAL DAY USE PASS (per vehicle):**

Resident annual day use pass	\$75.00
Non-resident annual day use pass	\$150.00
[Disabled-veterans pass	No Charge (New Mexico resident veteran with a fifty percent or greater service-connected disability)]

[19.5.6.10 NMAC - Rp, 19 NMAC 5.6.10, 5 /1/2004; A, 1/1/2008; A, 7/1/2025]

**19.5.6.11 ANNUAL CAMPING [PERMIT] PASS (per vehicle includes one tow vehicle upon request):**

New Mexico resident with valid state issued ID	\$300.00
New Mexico senior resident – 62 years or older with valid state issued ID	\$150.00
New Mexico physically disabled resident (see Subsection B of 19.5.2.35 NMAC)	\$150.00
New Mexico active-duty military [ <del>or honorably discharged veteran</del> ]	\$150.00
Out-of-state resident	\$600.00
<u>Lifetime veteran pass</u>	<u>FREE</u>

19.5.6.11 NMAC - Rp, 19 NMAC 5.6.11, 5/1/2004; A, 1/1/2008; A, 1/1/2013; A, 7/1/2025]

**19.5.6.12 REPLACEMENT OF ANNUAL CAMPING [PERMIT] PASS: \$25.00.**

[19.5.6.12 NMAC - Rp, 19 NMAC 5.6.12, 5/1/2004; A, 1/1/2008; A, 7/1/2025]