

1 HOUSE JOINT RESOLUTION 15

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

11 PROPOSING TO AMEND ARTICLE 4 OF THE CONSTITUTION OF NEW MEXICO
12 TO CREATE A PERMANENT INTERIM ADMINISTRATIVE RULE OVERSIGHT
13 COMMITTEE AND ALLOW THAT COMMITTEE TO OVERTURN EXECUTIVE AGENCY
14 RULES.

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16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. It is proposed to amend Article 4 of the
18 constitution of New Mexico by adding a new section to read:

19 "A. The "interim administrative rule oversight
20 committee" is established. The committee consists of twelve
21 members who shall be appointed as follows:

22 (1) three members shall be appointed by the
23 majority floor leader of the house of representatives;

24 (2) three members shall be appointed by the
25 minority floor leader of the house of representatives;

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1 (3) three members shall be appointed by the
2 majority floor leader of the senate; and

3 (4) three members shall be appointed by the
4 minority floor leader of the senate.

5 B. The position of chair shall alternate between
6 the house and the senate and the two political parties having
7 the most members in both houses each year; provided that at no
8 time shall the political parties having the most members in
9 both houses not be represented as either a chair or a vice
10 chair.

11 C. Members shall be appointed for two-year terms
12 that shall expire on the first day of each odd-numbered year
13 regular session. The term of a member shall terminate when the
14 member ceases to be a member of the legislature. A member may
15 be removed at any time by the member's appointing authority.
16 Vacancies on the interim administrative rule oversight
17 committee shall be filled for the unexpired term by the
18 respective appointing authority that makes the original
19 appointments.

20 D. The interim administrative rule oversight
21 committee shall meet no less than one time per month during the
22 interim.

23 E. During the interim, the interim administrative
24 rule oversight committee shall:

25 (1) review rules proposed by an executive

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1 agency, committee staff analysis of the rules and fiscal
2 impacts associated with the rules two weeks prior to the public
3 rule hearing for the rules, except when the legislature is in
4 session;

5 (2) make recommendations on the rules to the
6 proposing executive agency;

7 (3) recommend changes to the authorizing
8 statutes of a rule to clarify legislative intent; and

9 (4) direct the work of committee staff.

10 F. The interim administrative rule oversight
11 committee may endorse legislation as is necessary to amend or
12 repeal a statute authorizing an agency to promulgate rules.

13 G. The interim administrative rule oversight
14 committee shall have the authority to overturn existing agency
15 rules when the committee determines that doing so is necessary.

16 H. A notice of proposed rulemaking from an
17 executive agency shall be distributed to the staff and members
18 of the interim administrative rule oversight committee. Staff
19 of the committee shall develop a written analysis of the
20 proposed rule that shall consider:

21 (1) the proposed rule in relation to the scope
22 of the authorizing statute;

23 (2) the necessity of the proposed rule;

24 (3) the fiscal impact of the proposed rule on
25 state agencies, political subdivisions, regulated persons,

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1 businesses and all other foreseeable stakeholders if a fiscal
2 impact statement is required as provided by law or otherwise
3 requested by the committee pursuant to Subsection J of this
4 section;

5 (4) legal implications of the proposed rule on
6 existing federal and state laws; and

7 (5) the proposing agency's compliance with
8 notice requirements for the promulgation of executive agency
9 rules.

10 I. A fiscal impact statement shall include:

11 (1) the fiscal impact of the proposed rule on
12 other agencies, municipalities, counties, business sectors and
13 other entities that will be impacted by the proposed rule;

14 (2) the necessity of the rule;

15 (3) a statement of whether and how the rule is
16 consistent with the legislative intent of the authorizing
17 statute;

18 (4) whether the rule amounts to a mandate on
19 counties and municipalities and, if so, whether that mandate is
20 funded or unfunded; and

21 (5) whether the rule is necessary to comply
22 with a federal mandate.

23 J. The interim administrative rule oversight
24 committee and its staff at the request of committee members may
25 request a fiscal impact statement from the agency proposing a

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1 rule after receiving the rule even if the fiscal impact of the
2 rule does not exceed one million dollars (\$1,000,000).

3 K. The staff of the interim administrative rule
4 oversight committee shall provide to committee members the
5 written analysis and the corresponding rule at least ten days
6 prior to the committee meeting at which the proposed rule will
7 be reviewed.

8 L. The interim administrative rule oversight
9 committee shall review the proposed rule and approve
10 recommendations to be provided to the proposing agency.
11 Following a meeting at which the proposed rule is reviewed,
12 committee staff shall submit the committee's approved
13 recommendations in writing to the proposing agency during the
14 public comment period for the proposed rule as provided by law.
15 These written recommendations shall also be submitted to the
16 office of the attorney general and the governor.

17 M. The requirements of this section shall not apply
18 to emergency rules."

19 SECTION 2. The amendment proposed by this resolution
20 shall be submitted to the people for their approval or
21 rejection at the next general election or at any special
22 election prior to that date that may be called for that
23 purpose.