

1 SENATE BILL 253

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 William E. Sharer and George K. Muñoz

10 AN ACT

11 RELATING TO AGENCY RULEMAKING; PROHIBITING AN AGENCY FROM
12 ADOPTING A RULE THAT CAUSES A NEGATIVE FISCAL IMPACT ON THE
13 GENERAL FUND, OTHER STATE FUNDS OR STATE REVENUE EXCEPT IN
14 CERTAIN CIRCUMSTANCES; PROVIDING THAT THE SPECIFIC LEGAL
15 AUTHORITY CITED IN A NOTICE OF PROPOSED RULEMAKING INCLUDES A
16 PRIOR LEGISLATIVE APPROPRIATION; REQUIRING AN AGENCY'S NOTICE
17 OF PROPOSED RULEMAKING TO INCLUDE A FISCAL ANALYSIS OF THE
18 PROPOSED RULE.

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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 **SECTION 1.** Section 14-4-5 NMSA 1978 (being Laws 1967,
22 Chapter 275, Section 6, as amended) is amended to read:

23 **"14-4-5. TIME LIMIT ON ADOPTION OF A PROPOSED RULE--**
24 **FILING AND COMPLIANCE REQUIRED FOR VALIDITY.--**

25 A. Except in the case of an emergency rule, no rule

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1 shall be valid or enforceable until it is published in the New
2 Mexico register as provided by the State Rules Act.

3 B. An agency shall not adopt a rule until the
4 public comment period has ended. If the agency fails to take
5 action on a proposed rule within two years after the notice of
6 proposed rulemaking is published in the New Mexico register,
7 the rulemaking is automatically terminated unless the agency
8 takes action to extend the period. The agency may extend the
9 period of time for adopting the proposed rule for an additional
10 period of two years by filing a statement of good cause for the
11 extension in the rulemaking record, but it shall provide for
12 additional public participation, comments and rule hearings
13 prior to adopting the rule.

14 C. An agency shall not adopt a rule that causes a
15 negative fiscal impact on the general fund, other state funds
16 or state revenue:

17 (1) without a prior legislative appropriation
18 for the purpose for which the rule is proposed; or
19 (2) greater than a prior legislative
20 appropriation for the purpose for which the rule is proposed.

21 [~~C.~~] D. An agency may terminate a rulemaking at any
22 time by publishing a notice of termination in the New Mexico
23 register. If a rulemaking is terminated pursuant to this
24 section, the agency shall provide notice to the public.

25 [~~D.~~] E. Within fifteen days after adoption of a

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rule, an agency shall file the adopted rule with the state records administrator or the administrator's designee and shall provide to the public the adopted rule. The state records administrator or the administrator's designee shall publish rules as soon as practicable after filing, but in no case later than ninety days after the date of adoption of the proposed rule. Unless a later date is otherwise provided by law or in the rule, the effective date of a rule shall be the date of publication in the New Mexico register.

[E.] F. A proposed rule shall not take effect unless it is adopted and filed within the time limits set by this section."

SECTION 2. Section 14-4-5.2 NMSA 1978 (being Laws 2017, Chapter 137, Section 4) is amended to read:

"14-4-5.2. NOTICE OF PROPOSED RULEMAKING.--

A. [Not] No later than thirty days before a public rule hearing, the agency proposing the rule shall provide to the public and publish in the New Mexico register a notice of proposed rulemaking. The notice shall include:

(1) a summary of the full text of the proposed rule;

(2) a short explanation of the purpose of the proposed rule;

(3) a citation to the specific legal authority authorizing the proposed rule and the adoption of the rule,

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including a prior legislative appropriation;

(4) information on how a copy of the full text of the proposed rule may be obtained;

(5) information on how a person may comment on the proposed rule, where comments will be received and when comments are due;

(6) information on where and when a public rule hearing will be held and how a person may participate in the hearing; [and]

(7) a citation to technical information, if any, that served as a basis for the proposed rule, and information on how the full text of the technical information may be obtained; and

(8) a fiscal analysis of the proposed rule's impact on the general fund, other state funds and state revenue.

B. An agency may charge a reasonable fee for providing any records in nonelectronic form when provided to a person pursuant to this section. An agency shall not charge a fee for providing any records in electronic form when provided to a person pursuant to this section.

C. An internet link providing free access to the full text of the proposed rule shall be included on the notice of proposed rulemaking.

D. If the agency changes the date of the public

1 rule hearing or the deadline for submitting comments as stated
2 in the notice, the agency shall provide notice to the public of
3 the change.

4 E. The state records administrator or the
5 administrator's designee shall timely publish the notice of
6 proposed rulemaking in the next publication of the New Mexico
7 register."

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