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SENATE BILL 711

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO STATE RULES; PROVIDING THAT CERTAIN RULES ARE NOT EFFECTIVE UNTIL THE APPROPRIATE LEGISLATIVE COMMITTEE HOLDS A PUBLIC HEARING ON THE RULE.

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

Section 1. ~~[NEW MATERIAL]~~ NEW MEXICO LEGISLATIVE COUNCIL--ADDITIONAL DUTIES.--In addition to its other duties, the New Mexico legislative council shall review rules and designate appropriate interim committees to review rules pursuant to the provisions of Section 14-4-4.1 NMSA 1978.

Section 2. A new section of the State Rules Act, Section 14-4-4.1 NMSA 1978, is enacted to read:

"14-4-4.1. ~~[NEW MATERIAL]~~ LEGISLATIVE REVIEW OF PROPOSED RULES.--

A. The provisions of this section apply to each

underscored material = new  
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1 rule proposed:

2 (1) by the state engineer;

3 (2) by the environmental improvement board;

4 (3) by the water quality control commission;

5 (4) by the oil conservation commission if the

6 rule would regulate statewide or basin-wide oil and gas

7 activities; or

8 (5) by any other agency to which this section

9 is specifically made applicable by law.

10 B. Except as provided in Section 14-4-5.1 NMSA 1978  
11 and Subsection E of this section, no rule shall be valid or  
12 enforceable until the procedures required by this section have  
13 been followed.

14 C. Concurrently with the publication of a proposed  
15 rule and prior to any public hearing otherwise required, the  
16 agency proposing to promulgate a rule shall file the proposed  
17 rule with the director of the legislative council service.  
18 Upon receipt of a proposed rule, the director shall forward a  
19 copy of the rule to each member of:

20 (1) the appropriate interim committee  
21 designated by the New Mexico legislative council to receive  
22 rules proposed by that agency; or

23 (2) the New Mexico legislative council if:

24 (a) the term of the interim committee  
25 members has expired and the legislative council has not yet

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1 appointed new members to the interim committee; or

2 (b) the legislative council has not  
3 designated an interim committee to receive rules proposed by  
4 the agency.

5 D. Each proposed rule shall be reviewed in a public  
6 hearing before the appropriate interim committee or the New  
7 Mexico legislative council. The hearing shall be held within  
8 ninety days of the filing of the rule with the director of the  
9 legislative council service. A rule may be filed and published  
10 pursuant to Section 14-4-5 NMSA 1978 and subsequently be valid  
11 and enforceable:

12 (1) after a public hearing on the rule  
13 pursuant to this subsection; and

14 (2) after any other public hearing or review  
15 otherwise required.

16 E. An emergency rule may take effect without a  
17 prior filing pursuant to Subsection C of this section, but  
18 shall be in effect no longer than thirty days unless a filing  
19 is made pursuant to that subsection. Upon the filing, the  
20 emergency rule may remain in effect but shall otherwise be  
21 subject to the public hearing provisions of this section. "

22 Section 3. Section 14-4-5.1 NMSA 1978 (being Laws 1995,  
23 Chapter 110, Section 10) is amended to read:

24 "14-4-5.1. [TEMPORARY] SAVING PROVISION. --

25 A. Notwithstanding the provisions of [Section]

. 155126. 1

underscored material = new  
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1 Sections 14-4-4.1 and 14-4-5 NMSA 1978, rules filed prior to  
2 July 1, 1995 shall continue in effect if such rules were filed  
3 with the [state] records center in accordance with the law  
4 applicable at the time of filing and they have not otherwise  
5 been repealed, amended or superseded.

6 B. Notwithstanding the provisions of Sections  
7 14-4-4.1 and 14-4-5 NMSA 1978, rules filed on or after July 1,  
8 1995 and prior to July 1, 2005 shall continue in effect if such  
9 rules were filed with the records center and published in  
10 accordance with the law applicable at the time of filing and  
11 they have not otherwise been repealed, amended or superseded."

12 Section 4. EFFECTIVE DATE. --The effective date of the  
13 provisions of this act is July 1, 2005.

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