1	HOUSE BILL 45						
2	44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999						
3	INTRODUCED BY						
4	R. David Pederson						
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7							
8	FOR THE PUBLIC REGULATION COMMISSION REVIEW COMMITTEE						
9							
10	AN ACT						
11	RELATING TO STATE RULES; PROVIDING THAT NOTIFICATION OF						
12	PROPOSED PUBLIC REGULATION COMMISSION RULES BE SIMILAR TO						
13	OTHER STATE AGENCIES; PROVIDING FOR EFFECTIVE DATES OF						
14	EMERGENCY RULES; AMENDING A SECTION OF THE NMSA 1978.						
15							
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:						
17	Section 1. Section 8-8-15 NMSA 1978 (being Laws 1998,						
18	Chapter 108, Section 15) is amended to read:						
19	"8-8-15. COMMISSION RULESPROCEDURES FOR ADOPTION						
20	A. Unless otherwise provided by law, no rule						
21	affecting a person outside the commission shall be adopted,						
22	amended or repealed except after public notice and public						
23	hearing before the commission or a hearing examiner designated						
24	by the commission.						
25	B. Notice of the subject matter of the rule, the						
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1 action proposed to be taken, the manner in which interested 2 persons may present their views and the method by which copies of the proposed rule, amendment or repealing provisions may be 3 4 obtained shall be published at least once at least [sixty] 5 thirty days prior to the hearing date in the New Mexico register and a newspaper of general circulation in the state 6 7 and mailed at least [sixty] thirty days prior to the hearing 8 date to all persons who have made a written request for 9 advance notice. For each rule, amendment or repealing 10 provision that affects only one or a limited number of 11 municipalities, towns, villages or counties, notice shall be 12 published in the largest circulation newspaper published and 13 distributed locally in those areas as well as in a newspaper 14 of general circulation in the state. [For each rule, amendment or repealing provision that affects the entire-15 16 state, notice shall be published in three newspapers of 17 general circulation in the state.] Additional notice may be 18 made by posting on the internet or by using other alternative 19 methods of informing interested persons.

C. If the commission finds that immediate adoption, amendment or suspension of a rule is necessary for the preservation of the public peace, health, safety or general welfare, the commission may dispense with notice and public hearing and adopt, amend or suspend the rule as an emergency. The commission's finding of why an emergency

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exists shall be incorporated in the emergency rule, amendment or suspension filed with the state records center. Upon adoption of an emergency rule that is intended to remain in effect for longer than sixty days, notice shall be given within seven days of filing the rule as required in this section for proposed rules.

D. The commission shall issue a rule within eighteen months following the publication of that proposed rule or it shall be deemed to be withdrawn. The commission may propose the same or revised rule in a subsequent rulemaking.

E. All rules shall be filed in accordance with the State Rules Act [and]. <u>Emergency rules shall be effective on</u> <u>the date the rule is filed with the state records center; all</u> <u>other rules</u> shall be effective fifteen days after filing unless a [longer time] <u>later date</u> is provided by the rule."

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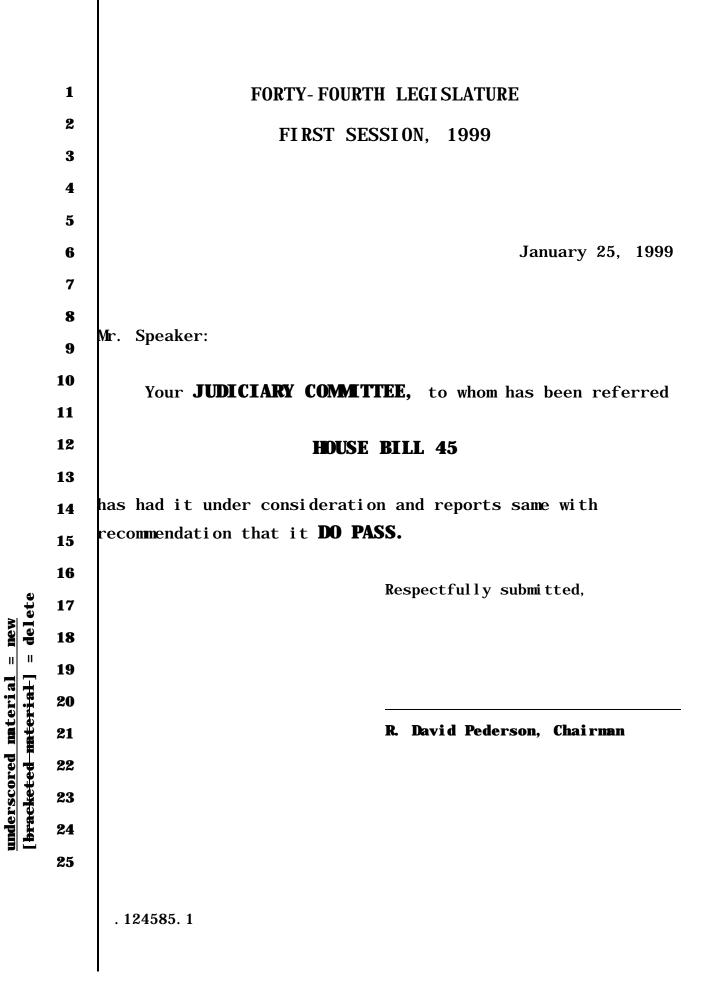
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	5	Adopted							
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	10		call vote was <u>11</u>	For <u>0</u> Against					
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	12	Absent:	Thompson None						
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		FORTY-FOURTH LEGISLATURE
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	4	FORTY- FOURTH LEGISLATURE
	5	FIRST SESSION, 1999
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	8	March 10, 1999
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	10	Mr. President:
	11	Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
	12	whom has been referred
	13	
	14	HOUSE BILL 45
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	16	has had it under consideration and reports same with
ite	17	recommendation that it DO PASS, and thence referred to the
<u>new</u> del ete	18	JUDICIARY COMMITTEE.
	19	Respectfully submitted,
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		Yes:	7	<u> </u>		
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