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SENATE MEMORIAL 53

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Bernadette M. Sanchez

A MEMORIAL

REQUESTING THE CREATION OF THE INTERIM REGULATORY PROCESS AND
ADMINISTRATIVE LAW COMMITTEE.

WHEREAS, in the last three years, the interim committees
of the New Mexico legislature have received presentations by
constituents on challenges in navigating regulatory procedures
and inconsistencies in rulemaking and adjudicatory processes
across and between various New Mexico agencies; and

WHEREAS, in 1969, New Mexico adopted the Administrative
Procedures Act, which provides comprehensive uniform
administrative procedures based on the 1961 model state act
adopted by the national conference of commissioners on uniform
state laws; and

WHEREAS, the legislature exempted most administrative
actions from coverage under the Administrative Procedures Act;

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1 and

2 WHEREAS, the scope and complexity of administrative
3 responsibility has substantially increased since 1969; and

4 WHEREAS, the national conference of commissioners on
5 uniform state laws expects to release a new model
6 administrative procedures act in 2008; and

7 WHEREAS, the legislature needs to consider the proposed
8 model act and whether the act should apply to most, if not all,
9 New Mexico agencies; and

10 WHEREAS, the legislature needs to consider whether broad-
11 based reform will enhance consistency and predictability with
12 respect to rulemaking and adjudicatory procedures; and

13 WHEREAS, the legislature needs to examine the challenges
14 New Mexicans face when navigating administrative processes and
15 identify legislative strategies for improving the essential
16 rulemaking and adjudicatory functions of agencies in order to
17 effectively carry out legislative mandates;

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
19 OF NEW MEXICO that the interim regulatory process and
20 administrative law committee be created to study the concerns
21 about the regulatory process, review the proposed model
22 administrative procedures act, identify specific areas of
23 reform, make findings and endorse any necessary legislation to
24 improve administrative procedure on rulemaking and adjudication
25 and ensure that agencies carry out the mandates of the

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1 legislature, the lawmaking branch of government; and

2 BE IT FURTHER RESOLVED that the interim regulatory process
3 and administrative law committee consist of at least ten voting
4 members appointed by the New Mexico legislative council; and

5 BE IT FURTHER RESOLVED that five members be from the house
6 of representatives, with at least two from the minority party,
7 and five members be from the senate, with at least two from the
8 minority party; and

9 BE IT FURTHER RESOLVED that the New Mexico legislative
10 council designate the co-chairs; and

11 BE IT FURTHER RESOLVED that the co-chairs of the interim
12 regulatory process and administrative law committee be one
13 member of the house of representatives and one member of the
14 senate from the membership as appointed by the New Mexico
15 legislative council; and

16 BE IT FURTHER RESOLVED that the interim regulatory process
17 and administrative law committee be staffed by the legislative
18 council service and the director of the administrative law
19 division of the New Mexico commission of public records; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the governor, the attorney general and the
22 director of the administrative law division of the New Mexico
23 commission of public records.