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HOUSE BILL 69

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY
Jimmie C. Hall

AN ACT

RELATING TO ADMINISTRATIVE RULES; PROVIDING FOR LEGISLATIVE
REVIEW OF ADMINISTRATIVE RULES ADOPTED BY STATE AGENCIES,
BOARDS AND COMMISSIONS; PROVIDING PROCEDURES; AUTHORIZING
AMENDMENT OR REPEAL OF ADMINISTRATIVE RULES.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"Legislative Review Act".

SECTION 2. TRANSMITTAL OF RULES FOR LEGISLATIVE ACTION--
REFERRAL TO APPROPRIATE LEGISLATIVE COMMITTEE.--

A. All rules authorized by law and adopted by any
state agency, board or commission and filed as provided by the
State Rules Act are subject to review, and to amendment or
repeal, by the legislature.

B. Any rule adopted by any state agency, board or

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1 commission on or after July 1, 2011 shall, upon request of the
2 chief clerk of the New Mexico senate or the chief clerk of the
3 New Mexico house of representatives, be transmitted by the
4 state records administrator to the requesting body before the
5 first day of the regular session of the legislature next
6 following the adoption and filing of the rule.

7 C. Any rule adopted by any state agency prior to
8 July 1, 2011 shall, upon the request of the New Mexico senate
9 or house of representatives, be transmitted by the state
10 records administrator to the chief clerk of the requesting body
11 of the legislature.

12 D. A statement, separate from the rule, shall
13 accompany each new rule and each amendment to an existing rule
14 adopted during the preceding year. The statement shall
15 enumerate each new rule or amendment to an existing rule and
16 shall include the date of adoption and an explanation of the
17 new rule or of each amendment made to an existing rule and the
18 effect of the rule or amendment. The statement shall also
19 indicate whether the rule or amendment was adopted as an
20 emergency rule or amendment and whether public hearings were
21 held prior to the adoption of the rule or amendment. The
22 promulgating agency, board or commission shall prepare and
23 furnish to the state records administrator sufficient copies of
24 the rule or amendment and the accompanying statement for the
25 legislature.

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1 E. Upon the request of any member of either house,
2 any individual rule or amendment and its accompanying statement
3 shall be referred to the appropriate standing committee in the
4 same manner as bills are referred to standing committees.

5 **SECTION 3. EFFECT OF COMMITTEE ACTION.**--By the thirtieth
6 day of any regular session of the legislature held in an odd-
7 numbered year and by the fifteenth day of any regular session
8 held in an even-numbered year, the standing committee to which
9 new rules or amendments to existing rules and their
10 accompanying statements have been referred may report to the
11 membership of the body its findings and recommendations
12 concerning its review of new rules and amendments to existing
13 rules referred to it. The report of the committee shall be
14 printed in the journal. If the committee does not report by
15 the day specified, such failure to report shall constitute
16 legislative approval of the rule or amendment submitted. If
17 the committee to which any rule or amendment has been referred
18 is of the opinion that the rule or amendment is violative of
19 the legislative intent of the statutory authority under which
20 the rule is made, it may introduce along with its report a
21 concurrent resolution repealing or amending the rule
22 accordingly. If the concurrent resolution is adopted by the
23 legislature, the rule shall be repealed or amended accordingly.
24 Every rule promulgated within the authority conferred by law
25 and in accordance with the State Rules Act shall be in force

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1 until it is repealed or amended by the legislature or repealed
2 or amended by the adopting state agency, board or commission.

3 SECTION 4. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2011.