

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 191

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE PUBLIC REGULATION COMMISSION; REVISING PROCEDURES FOR PROVIDING NOTICE OF PROPOSED RULEMAKING BY THE COMMISSION; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 8-8-15 NMSA 1978 (being Laws 1998, Chapter 108, Section 15) is amended to read:

"8-8-15. COMMISSION RULES--PROCEDURES FOR ADOPTION. --

A. Unless otherwise provided by law, no rule affecting a person outside the commission shall be adopted, amended or repealed except after public notice and public hearing before the commission or a hearing examiner designated by the commission.

B. Notice of the subject matter of the rule, the action proposed to be taken, the manner in which interested

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 persons may present their views and the method by which copies
2 of the proposed rule, amendment or repealing provisions may be
3 obtained shall be published at least once at least [~~sixty~~]
4 thirty days prior to the hearing date in the New Mexico
5 register and a newspaper of general circulation in the state
6 and mailed at least [~~sixty~~] thirty days prior to the hearing
7 date to all persons who have made a written request for
8 advance notice. For each rule, amendment or repealing
9 provision that affects only one or a limited number of
10 municipalities, towns, villages or counties, notice shall be
11 published in the largest circulation newspaper published and
12 distributed locally in those areas as well as in a newspaper
13 of general circulation in the state. [~~For each rule,~~
14 ~~amendment or repealing provision that affects the entire~~
15 ~~state, notice shall be published in three newspapers of~~
16 ~~general circulation in the state.~~] Additional notice may be
17 made by posting on the internet or by using other alternative
18 methods of informing interested persons.

19 C. If the commission finds that immediate
20 adoption, amendment or suspension of a rule is necessary for
21 the preservation of the public peace, health, safety or
22 general welfare, the commission may dispense with notice and
23 public hearing and adopt, amend or suspend the rule as an
24 emergency. The commission's finding of why an emergency
25 exists shall be incorporated in the emergency rule, amendment

. 135019. 1

underscored material = new
[bracketed material] = delete

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

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

11 E. All rules shall be filed in accordance with the
12 State Rules Act [~~and~~]. Emergency rules shall be effective on
13 the date the rules are filed with the state records center.
14 All other rules shall be effective fifteen days after filing,
15 unless a [~~longer time~~] later date is provided by the rule. "

16 Section 2. EFFECTIVE DATE. -- The effective date of the
17 provisions of this act is July 1, 2001.