HOUSE JOINT MEMORIAL 90

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

INTRODUCED BY

Richard P. Cheney

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE A
PERMANENT INTERIM COMMITTEE TO REVIEW EXISTING AND PROPOSED
RULES OF STATE AGENCIES TO ENSURE THAT THE RULES ARE IN
ACCORDANCE WITH THE LAWS ENACTED BY THE LEGISLATURE.

     WHEREAS, thousands of rules have been adopted by state
agencies; and

     WHEREAS, each year, new rules are proposed and adopted,
often without the knowledge of the legislature and its
constituents; and

     WHEREAS, as a legal matter, no rule may be adopted unless
it is authorized by and in accordance with existing law; and

     WHEREAS, the only current procedure whereby a rule or
proposed rule can be reviewed in order to ascertain whether it
is authorized by and in accordance with law is to challenge the

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1 rule in court; and

2   WHEREAS, the legislative branch has a need to know if

3 state agency rules are in accordance with the law and the

4 intent of the law;

5   NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

6 STATE OF NEW MEXICO that the New Mexico legislative council be

7 requested to create a permanent interim committee known as the

8 "state rules review committee"; and

9   BE IT FURTHER RESOLVED that the New Mexico legislative

10 council be requested to direct the state rules review committee

11 to review selected existing and proposed rules of state

12 agencies to determine whether the rules are in accordance with

13 law; and

14   BE IT FURTHER RESOLVED that the New Mexico legislative

15 council be requested to direct the state rules review committee

16 to report its findings and recommendations no later than

17 December 15 of each year to the New Mexico legislative council

18 and to the legislature; and

19   BE IT FURTHER RESOLVED that copies of this memorial be

20 transmitted to the co-chairs of the New Mexico legislative

21 council.

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