

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON REGULATORY REFORM.

WHEREAS, in 1969, New Mexico adopted the Administrative Procedures Act, which is comprehensive legislation providing for 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; and

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

WHEREAS, the legislature needs to reconsider whether the Administrative Procedures Act should apply to most, if not all, agencies; and

WHEREAS, the legislature also needs to consider whether other broad-based regulatory reform will enhance consistency and predictability with respect to administrative actions; and

WHEREAS, it is imperative that regulated entities and the public have confidence in New Mexico's administrative processes and the decisions resulting from those processes, and regulatory reform efforts would assist in this effort;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF

REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico legislative council be requested to convene a regulatory reform task force to make recommendations on reform of administrative rulemaking, licensing, enforcement and adjudication processes, including any necessary reforms to administrative procedures as recommended by the national conference of commissioners on uniform state laws and the American bar association; and

BE IT FURTHER RESOLVED that the New Mexico legislative council be requested to limit the regulatory reform task force to fifteen members, including:

A. one member, appointed by the governor, who represents the public interest;

B. one member, appointed by the governor, who represents the business community;

C. one member, appointed by the governor, who is an attorney licensed to practice law in the state of New Mexico;

D. three members, appointed by the governor, who represent the interests of agencies, boards and commissions;

E. the attorney general or a designee of the attorney general;

F. three senators, appointed by the president pro tempore of the senate, with at least one of the senators coming from the minority party;

G. one person, appointed by the president pro tempore of the senate, who is not a legislator;

H. three representatives, appointed by the speaker of the house of representatives, with at least one of the representatives coming from the minority party; and

I. one person, appointed by the speaker of the house of representatives, who is not a legislator; and

BE IT FURTHER RESOLVED that the regulatory reform task force be requested to report its findings and conclusions and any recommended legislation to the appropriate interim legislative committee by October 2007; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the co-chairs of the New Mexico legislative council, the governor and the attorney general.