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## FISCAL IMPACT REPORT

SPONSOR Foley ORIGINAL DATE 2/9/08  
LAST UPDATED \_\_\_\_\_ HM 65  
SHORT TITLE Create Interim Process & Law Committee SB \_\_\_\_\_  
ANALYST Shaya

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>			Indeterminate			Unknown

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

House Memorial 65 requests the creation of an interim regulatory process and administrative law committee to be created to study the concerns about the regulatory process, review the proposed model administrative procedures act, identify specific areas of reform, make findings and endorse any necessary legislation to improve administrative procedure on rulemaking and adjudication and ensure that agencies carry out the mandates of the legislature, the lawmaking branch of government.

The interim regulatory process and administrative law committee would consist of at least ten voting members appointed by the New Mexico legislative council. Five members are from the House of Representatives, with at least two from the minority party, and five members are from the senate, with at least two from the minority party.

The co-chairs of the interim regulatory process and administrative law committee would be designated by the New Mexico legislative council and be one member of the house of representatives and one member of the senate from the membership as appointed by the New Mexico legislative council.

The interim regulatory process and administrative law committee be staffed by the legislative council service and the director of the administrative law division of the New Mexico commission of public records;

### FISCAL IMPLICATIONS

Indeterminate

**SIGNIFICANT ISSUES**

House Memorial 65 states the following reasons for the creation of the interim regulatory process and administrative law committee;

- 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
- 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
- The legislature exempted most administrative actions from coverage under the Administrative Procedures Act; and
- The scope and complexity of administrative responsibility has substantially increased since 1969; and
- The national conference of commissioners on uniform state laws expects to release a new model administrative procedures act in 2008; and
- The legislature needs to consider the proposed model act and whether the act should apply to most, if not all, New Mexico agencies; and
- The legislature needs to consider whether broad-based reform will enhance consistency and predictability with respect to rulemaking and adjudicatory procedures; and
- The legislature needs to examine the challenges New Mexicans face when navigating administrative processes and identify legislative strategies for improving the essential rulemaking and adjudicatory functions of agencies in order to effectively carry out legislative mandates;

RS/mt