

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 198

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Rebecca Dow

AN ACT

RELATING TO RULEMAKING; PROHIBITING RULEMAKING DURING THE PERIOD OF A PUBLIC HEALTH ORDER UNLESS THE GOVERNOR PUBLICLY SETS FORTH THE NECESSITY FOR THE RULEMAKING IN AN EXECUTIVE ORDER; DECLARING AN EMERGENCY.

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

SECTION 1. Section 12-10A-17 NMSA 1978 (being Laws 2003, Chapter 218, Section 17, as amended) is amended to read:

"12-10A-17. RULEMAKING.--

A. The secretary of public safety, the secretary of health, the state director and, where appropriate, other affected state agencies in consultation with the secretaries and state director, shall promulgate and implement rules that are reasonable and necessary to implement and effectuate the Public Health Emergency Response Act.

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. When a public health order is in effect, an
2 agency as defined in the State Rules Act shall not promulgate
3 additions or alterations to the New Mexico Administrative Code
4 unless the proposed rule changes are authorized by the
5 governor. When authorizing additions or alterations to the New
6 Mexico Administrative Code, the governor shall issue an
7 executive order setting forth how the proposed rule changes:

8 (1) impact the prices of goods and services
9 for New Mexico consumers;

10 (2) increase or decrease the cost of business
11 operations in the impacted industries;

12 (3) impact the overall regulatory climate in
13 the state for businesses looking to grow or establish in or
14 relocate to the state; and

15 (4) are the least restrictive means to achieve
16 the intended public health and safety objectives of the
17 proposed rule changes."

18 SECTION 2. EMERGENCY.--It is necessary for the public
19 peace, health and safety that this act take effect immediately.