

SECTION III: NARRATIVE

BILL SUMMARY House Joint Resolution 19 (HJR 19)

Synopsis: HJR 19 proposes to amend Article 4 of the Constitution of New Mexico to add a new section for the “interim administrative rule oversight committee” (Committee) to be established. It will consist of twelve (12) members that will meet monthly during the interim between legislative sessions. The Committee will review the rules proposed by an executive agency and make recommendations on the rules to the proposing executive agency. If the Committee determines that an agency rule does not comply with the authorizing law, the Committee may make a recommendation to the legislature to overturn the rule during a legislative session, which means that the legislature may overturn agency rules.

The amendment proposed by this resolution shall be submitted to the voters to be approved or rejected at the next general election or at any special election prior to that date that may be called for that purpose.

FISCAL IMPLICATIONS

There is expected to be no immediate fiscal impact to the New Mexico Regulation Licensing Department (RLD) if HJR 19 takes effect.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

The creation of the interim committee as proposed under HJR 19 has the potential to significantly extend the amount of time necessary for a state agency or authority to complete an administrative rulemaking process. Delays in the implementation of rules may create operational difficulties for impacted agencies, industries and individuals. Of particular concern is the lack of any mention in HJR 19 regarding the emergency rulemaking process under the State Rules Act and whether there will be any exception to the proposed committee review process for rules necessary to deal with emergency conditions.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The RLD will continue complying with the State Rules Act, §§14-4-14 to -11, NMSA 1978 for rulemaking (the process for adoption of a new rule or the amendment, readoption or repeal of an existing rule).

AMENDMENTS