

1 SENATE BILL 423

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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5 Jay C. Block  
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10 AN ACT

11 RELATING TO RULES; REQUIRING THE LEGISLATIVE FINANCE COMMITTEE  
12 TO CONDUCT RULE IMPACT ANALYSES OF MAJOR RULES; PROVIDING  
13 PROCEDURES; AMENDING THE ADMINISTRATIVE PROCEDURES ACT;  
14 DEFINING TERMS; REQUIRING MAJOR RULES TO BE AUTHORIZED BY LAW  
15 IN CERTAIN CIRCUMSTANCES; PROVIDING THAT ALL RULES PROMULGATED  
16 BY A STATE AGENCY SHALL BE SUBJECT TO THE APPROVAL OF THE  
17 GOVERNOR; PROVIDING PROCEDURES FOR JUDICIAL REVIEW OF RULES;  
18 AMENDING AND ENACTING SECTIONS OF THE STATE RULES ACT;  
19 PROVIDING NOTICE REQUIREMENTS; PROVIDING FOR THE AUTOMATIC  
20 EXPIRATION OF RULES FIVE YEARS AFTER THE ADOPTION OF THE RULES;  
21 PROVIDING A PROCESS FOR THE LEGISLATIVE RENEWAL OF RULES.  
22

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

24 SECTION 1. Section 2-5-4 NMSA 1978 (being Laws 1967,  
25 Chapter 267, Section 1) is amended to read:

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1 "2-5-4. LEGISLATIVE FINANCE COMMITTEE--ADDITIONAL  
2 DUTIES.--

3 A. The legislative finance committee, in addition  
4 to all other duties prescribed by law, shall annually review  
5 budgets and appropriations requests and the operation and  
6 management of selected state agencies, departments and  
7 institutions and shall make recommendations with respect  
8 thereto to the legislature.

9 B. To carry out the purposes of this section, the  
10 legislative finance committee shall establish a budget analysis  
11 division staffed with persons knowledgeable and proficient in  
12 budget analysis and budget preparation.

13 C. Each state agency, department and institution  
14 shall furnish to the legislative finance committee a copy of  
15 its appropriation request made to the department of finance and  
16 administration at the same time [~~such~~] the request is made [~~to~~  
17 ~~such department~~]. Each state agency, department or institution  
18 shall also furnish to the legislative finance committee and its  
19 staff any other supporting information or data deemed necessary  
20 to carry out the purposes of this section.

21 D. The legislative finance committee or, when it  
22 deems necessary, its staff may hold such hearings and require  
23 such testimony from officers and employees of each state  
24 agency, department or institution as is necessary to carry out  
25 the purposes of this section.

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1           E. Not later than the first week of any regular  
2 legislative session, the legislative finance committee shall  
3 furnish a document containing its budget recommendations to  
4 each member of the senate finance committee and the house  
5 appropriations and finance committee and to those other members  
6 of the legislature [~~which~~] who may request it. A copy shall  
7 also be furnished to the governor and to the department of  
8 finance and administration.

9           F. The legislative finance committee shall  
10 determine whether an agency rule constitutes a major rule  
11 pursuant to the Administrative Procedures Act, if requested by  
12 the president pro tempore of the senate, the speaker of the  
13 house of representatives or the chair or ranking minority  
14 member of any legislative committee with jurisdiction over the  
15 subject matter of the rule. The legislative finance committee  
16 shall:

17                   (1) provide a rule impact analysis within  
18 fifteen days of submission of a major rule as determined  
19 pursuant to this subsection, which shall include:

20                           (a) an impact analysis of any grants  
21 received from the federal government or from other sources  
22 external to state government when requested by the president  
23 pro tempore of the senate, the speaker of the house of  
24 representatives or any chair or ranking minority member of any  
25 legislative committee with jurisdiction over the subject matter

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1 of the grant;

2 (b) a statement of need;

3 (c) the authorizing statute for the rule  
4 or the grant;

5 (d) an examination of alternatives to  
6 the rule;

7 (e) an evaluation of the costs and  
8 benefits of the rule, which shall include an estimation of: 1)  
9 direct benefits of the rule; 2) cost savings or financial  
10 benefits to the public; 3) cost compliance for entities  
11 affected by the rule; 4) secondary or indirect costs; 5) effect  
12 on state revenue; 6) effect on state expenditures, including  
13 estimated administrative expenses; and 7) opportunity costs,  
14 including the opportunity cost of compliance as a result of any  
15 private capital from the market;

16 (f) the sources relied upon in  
17 conducting the rule impact analysis; and

18 (g) any key assumptions and sources of  
19 uncertainty;

20 (2) undertake such analysis during a  
21 legislative session, as necessary; and

22 (3) make each rule impact analysis publicly  
23 available and provide, at the end of each calendar year, the  
24 president pro tempore of the senate and the speaker of the  
25 house of representatives a report summarizing the rules

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1 evaluated in that year."

2 SECTION 2. Section 12-8-2 NMSA 1978 (being Laws 1969,  
3 Chapter 252, Section 2) is amended to read:

4 "12-8-2. DEFINITIONS.--As used in the Administrative  
5 Procedures Act:

6 A. "agency" means any state board, commission,  
7 department or officer that is authorized by law to make rules,  
8 conduct adjudicatory proceedings, make determinations, grant  
9 licenses, impose sanctions, grant or withhold relief or perform  
10 other actions or duties delegated by law and ~~[which]~~ that is  
11 specifically placed by law under the Administrative Procedures  
12 Act;

13 B. "adjudicatory proceeding" means a proceeding  
14 before an agency, including but not limited to ratemaking and  
15 licensing, in which legal rights, duties or privileges of a  
16 party are required by law to be determined by an agency after  
17 an opportunity for a trial-type hearing; but does not include a  
18 mere rulemaking proceeding as provided in Section ~~[3 of the~~  
19 ~~Administrative Procedures Act]~~ 12-8-3 NMSA 1978. It also  
20 includes the formation and issuance of any order, the  
21 imposition or withholding of any sanction and the granting or  
22 withholding of any relief, as well as any of the foregoing  
23 types of determinations or actions wherein no procedure or  
24 hearing provision has been otherwise provided for or required  
25 by law;

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1 C. "license" includes the whole or part of any  
2 agency permit, certificate, approval, registration, charter,  
3 membership, statutory exemption or other form of permission  
4 required by law;

5 D. "licensing" includes the agency process  
6 respecting the grant, denial, renewal, revocation, suspension,  
7 annulment, withdrawal, amendment, limiting, modifying or  
8 conditioning of a license;

9 E. "major rule" means a rule or an emergency rule  
10 that will result in or is likely to result in:

11 (1) an annual effect on the state of ten  
12 million dollars (\$10,000,000) or more;

13 (2) costs to individuals or industries of ten  
14 million dollars (\$10,000,000) or more;

15 (3) significant adverse effects on  
16 competition, employment, investment, productivity, innovation  
17 or individual industries or regions; and

18 (4) significant changes in social or cultural  
19 relations among citizens, including significant impact on  
20 religions and ethnic, racial or gender populations;

21 [~~E.~~] F. "party" means each person or agency named  
22 or admitted as a party or properly seeking and entitled as of  
23 right to be admitted as a party, whether for general or limited  
24 purposes;

25 [~~F.~~] G. "person" means any individual, partnership,

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1 corporation, association, governmental subdivision or public or  
2 private organization of any character other than an agency;

3 ~~[G.]~~ H. "rule" includes the whole or any part of  
4 every regulation, standard, statement or other requirement of  
5 general or particular application adopted by an agency to  
6 implement, interpret or prescribe law or policy enforced or  
7 administered by an agency, if the adoption or issuance of such  
8 rules is specifically authorized by the law giving the agency  
9 jurisdiction over such matters. It also includes any statement  
10 of procedure or practice requirements specifically authorized  
11 by the Administrative Procedures Act or other law, but it does  
12 not include:

13 (1) advisory rulings issued under Section [9  
14 ~~of the Administrative Procedures Act~~] 12-8-9 NMSA 1978;

15 (2) regulations concerning only the internal  
16 management or discipline of the adopting agency or any other  
17 agency and not affecting the rights of, or the procedures  
18 available to, the public or any person except an agency's  
19 members, officers or employees in their capacity as such  
20 member, officer or employee;

21 (3) regulations concerning only the  
22 management, confinement, discipline or release of inmates of  
23 state penal, correctional, public health or mental  
24 institutions;

25 (4) regulations relating to the use of highways

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1 or streets when the substance of the regulations is indicated  
2 to the public by means of signs or signals; or

3 (5) decisions issued or actions taken or denied  
4 in adjudicatory proceedings;

5 [~~H.~~] I. "rulemaking" means any agency process for the  
6 formation, amendment or repeal of a rule;

7 [~~F.~~] J. "order" means the whole or any part of the  
8 final or interim disposition, whether affirmative, negative,  
9 injunctive or declaratory in form, by an agency in any matter  
10 other than rulemaking but including licensing;

11 [~~J.~~] K. "sanction" includes the whole or part of any  
12 agency:

13 (1) prohibition, requirement, limitation or  
14 other condition affecting the freedom of any person or [~~his~~]  
15 the person's property;

16 (2) withholding of relief;

17 (3) imposition of any form of penalty;

18 (4) destruction, taking, seizure or withholding  
19 of property;

20 (5) assessment of damages, reimbursement,  
21 restitution, compensation, taxation, costs, charges or fees;

22 (6) requirement, revocation, amendment,  
23 limitation or suspension of a license; or

24 (7) taking or withholding of other compulsory,  
25 restrictive or discretionary action;

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1           ~~[K.]~~ L. "relief" includes the whole or part of any  
2 agency:

3                   (1) grant of money, assistance, license,  
4 authority, exemption, exception, privilege or remedy;

5                   (2) recognition of any claim, right, interest,  
6 immunity, privilege, exemption or exception; or

7                   (3) taking of any other action upon the  
8 application or petition of, and beneficial to, any person;

9           ~~[L.]~~ M. "agency proceedings" means any agency process  
10 in connection with rulemaking, orders, adjudication, licensing,  
11 imposition or withholding of sanctions or the granting or  
12 withholding of relief; and

13           ~~[M.]~~ N. "agency action" includes the whole or part of  
14 every agency rule, order, license, sanction or relief, or the  
15 equivalent or denial thereof, or failure to act."

16           **SECTION 3.** Section 12-8-4 NMSA 1978 (being Laws 1969,  
17 Chapter 252, Section 4) is amended to read:

18           "12-8-4. RULEMAKING PREREQUISITES.--

19                   A. Prior to the adoption, amendment or repeal of any  
20 rule, the agency shall, within the time specified by law or, if  
21 no time is specified, then at least thirty days prior to its  
22 proposed action:

23                           (1) publish notice of its proposed action in the  
24 manner specified by law or, if no manner is specified, then in  
25 newspapers or trade, industrial or professional publications as

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1 will reasonably give public notice to interested persons; ~~and~~

2 (2) notify any person specified by law and, in  
3 addition, any person or group filing written request, the  
4 request to be renewed yearly as the agency directs by rule, for  
5 notice of proposed action which may affect that person or  
6 group, notification being by mail or otherwise to the last  
7 address specified by the person or group. The notice shall:

8 (a) give the time and place of any public  
9 hearing or state the manner in which data, views or arguments  
10 may be submitted to the agency by any interested person;

11 (b) either state the express terms or  
12 adequately describe the substance of the proposed action or  
13 adequately state the subjects and issues involved; and

14 (c) include any additional matter required  
15 by any law, together with specific reference to the statutory  
16 authority under which the rule is proposed; and

17 (3) afford all interested persons reasonable  
18 opportunity to submit data, views or arguments orally or in  
19 writing and examine witnesses, unless otherwise provided by  
20 law. If the agency finds that oral presentation is unnecessary  
21 or impracticable, it may require that presentation be made in  
22 writing. The agency shall consider fully all written and oral  
23 submissions respecting the proposed rule. Upon adoption of a  
24 rule contested at hearing or otherwise, the agency shall issue  
25 a concise statement of its principal reasons for adoption of

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1 the rule and a statement of positions rejected in adopting the  
2 rule together with the reasons for the rejections. All persons  
3 heard or represented at any hearing or who submit any writing  
4 to be considered in connection with the proposed rule shall  
5 promptly be given a copy of the decision, by mail or otherwise.

6 B. Subject to the exceptions of this section, a major  
7 rule shall not take effect before the legislature authorizes  
8 the major rule by law. A major rule may take effect no later  
9 than sixty days, if so specified in the proposed major rule and  
10 if such major rule was not disapproved by the legislature  
11 before its effective date. The legislative finance committee  
12 shall provide a report on each major rule to each chamber of  
13 the legislature by the end of the tenth regularly scheduled  
14 legislative day during a regular legislative session after the  
15 major rule's submission. The report shall include an  
16 assessment of the agency's compliance with the procedure  
17 required pursuant to Subsection B of Section 14-4-5.2 NMSA  
18 1978.

19 ~~[B.]~~ C. If the agency finds that immediate adoption,  
20 amendment or suspension of a rule is necessary for the  
21 preservation of the public peace, health, safety or general  
22 welfare, or if the agency for good cause finds that observance  
23 of the requirements of notice and public hearing would be  
24 contrary to the public interest, the agency may dispense with  
25 such requirements and adopt, amend or suspend the rule as an

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1 emergency. The agency's finding and a brief statement of the  
2 reasons for its finding shall be incorporated in the emergency  
3 rule, amendment or suspension filed under Section [~~5 of the~~  
4 ~~Administrative Procedures Act~~] 12-8-5 NMSA 1978. Upon adoption  
5 of an emergency rule, amendment or suspension which shall  
6 remain in effect for longer than sixty days, notice shall be  
7 given within seven days as required in this section for  
8 proposed rules.

9 D. A major rule may go into effect earlier than  
10 specified in Subsection B of this section if the governor  
11 publishes a statement with the rule:

12 (1) explaining why an emergency exists that  
13 requires an earlier effective date for the rule or why a  
14 federal requirement or federal funding requires an earlier  
15 effective date; and

16 (2) explaining why the issuance of the major  
17 rule otherwise complies with the emergency powers laws of this  
18 state or is otherwise required pursuant to federal law or for  
19 federal funding purposes.

20 E. A major rule promulgated pursuant to Subsection D  
21 of this section shall remain in effect until the succeeding  
22 regular legislative session, after which the rule shall expire  
23 unless the rule is authorized by law during that regular  
24 legislative session.

25 F. The adoption of any rule proposed by an agency

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1 shall be subject to the approval of the governor. An agency  
2 shall not submit for publication in the New Mexico register any  
3 required notice of adoption of a rule or the amendment of an  
4 existing rule without first receiving from and including a copy  
5 of the written approval of the adopted or amended rule from the  
6 governor."

7 SECTION 4. Section 12-8-8 NMSA 1978 (being Laws 1969,  
8 Chapter 252, Section 8) is amended to read:

9 "12-8-8. JUDICIAL REVIEW BY DECLARATORY JUDGMENT--  
10 GRANTING RELIEF NOT OTHERWISE PROVIDED FOR.--

11 A. Unless otherwise provided by law, the validity or  
12 applicability of a rule may be determined in an action for  
13 declaratory judgment in the district court of Santa Fe county  
14 if the rule, or its threatened application, interferes with or  
15 impairs, or threatens to interfere with or impair, the  
16 interests, rights or privileges of the plaintiff. Any  
17 representative association, including but not limited to trade  
18 associations, labor unions or professional organizations, may  
19 file the action if one or more of its members could qualify as  
20 a plaintiff. The agency shall be made a party to the action.  
21 A declaratory judgment may be rendered whether or not the  
22 plaintiff has requested the agency to pass upon the validity or  
23 applicability of the rule in question. The district court may  
24 determine whether an agency or the legislature has completed  
25 the necessary requirements for a rule to take effect, including

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1 de novo review of whether a rule is a major rule that requires  
2 delayed legislative consideration or approval by the  
3 legislature before it takes effect.

4 B. The district court of Santa Fe county may enter  
5 orders after reasonable notice and hearing upon any matter not  
6 otherwise provided for in the Administrative Procedures Act,  
7 including but not limited to procedural or substantive matters  
8 of law or equity. This right may be utilized at any stage of a  
9 proceeding, and failure to utilize the right until final  
10 decision, action or order shall not be deemed a waiver  
11 [~~thereof~~] of that right. If such questions are raised upon  
12 review or appeal in the court of appeals, the court of appeals  
13 may enter any orders which could have been entered by the  
14 district court.

15 C. Legislation authorizing the promulgation of a  
16 major rule pursuant to Section 12-8-4 NMSA 1978 shall not be  
17 interpreted to serve as a grant or modification of statutory  
18 authority by the legislature for the promulgation of a rule.  
19 The court shall not extinguish any substantive or procedural  
20 claim against any alleged defect in a rule on the basis of the  
21 rule's authorizing statute, and the authorizing statute shall  
22 not form part of the record before the court in any judicial  
23 proceeding concerning a rule except for purposes of determining  
24 whether or not the rule is in effect violating that statutory  
25 authority."

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1 SECTION 5. Section 14-4-2 NMSA 1978 (being Laws 1967,  
2 Chapter 275, Section 2, as amended) is amended to read:

3 "14-4-2. DEFINITIONS.--As used in the State Rules Act:

4 A. "agency" means any agency, board, commission,  
5 department, institution or officer of the state government  
6 except the judicial and legislative branches of the state  
7 government;

8 B. "major rule" means a rule or an emergency rule  
9 that will result in or is likely to result in:

10 (1) an annual effect on the state of ten million  
11 dollars (\$10,000,000) or more;

12 (2) costs to individuals or industries of ten  
13 million dollars (\$10,000,000) or more;

14 (3) significant adverse effects on competition,  
15 employment, investment, productivity, innovation or individual  
16 industries or regions; and

17 (4) significant changes in social or cultural  
18 relations among citizens, including significant impact on  
19 religions and ethnic, racial or gender populations;

20 [~~B.~~] C. "person" includes individuals, associations,  
21 partnerships, companies, business trusts, political  
22 subdivisions and corporations;

23 [~~C.~~] D. "proceeding" means a formal agency process or  
24 procedure that is commenced or conducted pursuant to the State  
25 Rules Act;

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1           ~~[D.]~~ E. "proposed rule" means a rule that is provided  
2 to the public by an agency for review and public comment prior  
3 to its adoption, amendment or repeal, and for which there is  
4 specific legal authority authorizing the proposed rule;

5           ~~[E.]~~ F. "provide to the public" means for an agency  
6 to distribute rulemaking information by:

7                   (1) posting it on the agency website, if any;

8                   (2) posting it on the sunshine portal;

9                   (3) making it available in the agency's  
10 district, field and regional offices, if any;

11                   (4) sending it by electronic mail to persons who  
12 have made a written request for notice from the agency of  
13 announcements addressing the subject of the rulemaking  
14 proceeding and who have provided an electronic mail address to  
15 the agency;

16                   (5) sending it by electronic mail to persons who  
17 have participated in the rulemaking and who have provided an  
18 electronic mail address to the agency;

19                   (6) sending written notice that includes, at a  
20 minimum, an internet and street address where the information  
21 may be found to persons who provide a postal address; and

22                   (7) providing it to the New Mexico legislative  
23 council for distribution to appropriate interim and standing  
24 legislative committees;

25           ~~[F.]~~ G. "rule" means any rule, regulation or

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1 standard, including those that explicitly or implicitly  
2 implement or interpret a federal or state legal mandate or  
3 other applicable law and amendments thereto or repeals and  
4 renewals thereof, issued or promulgated by any agency and  
5 purporting to affect one or more agencies besides the agency  
6 issuing the rule or to affect persons not members or employees  
7 of the issuing agency, including affecting persons served by  
8 the agency. An order or decision or other document issued or  
9 promulgated in connection with the disposition of any case or  
10 agency decision upon a particular matter as applied to a  
11 specific set of facts shall not be deemed such a rule, nor  
12 shall it constitute specific adoption thereof by the agency.  
13 "Rule" does not include rules relating to the management,  
14 confinement, discipline or release of inmates of any penal or  
15 charitable institution, the New Mexico boys' school, the girls'  
16 welfare home or any hospital; rules made relating to the  
17 management of any particular educational institution, whether  
18 elementary or otherwise; or rules made relating to admissions,  
19 discipline, supervision, expulsion or graduation of students  
20 from any educational institution; and

21 ~~[G.]~~ H. "rulemaking" means the process for adoption  
22 of a new rule or the amendment, readoption or repeal of an  
23 existing rule."

24 **SECTION 6.** Section 14-4-5.2 NMSA 1978 (being Laws 2017,  
25 Chapter 137, Section 4) is amended to read:

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1 "14-4-5.2. NOTICE OF PROPOSED RULEMAKING.--

2 A. Not later than thirty days before a public rule  
3 hearing, the agency proposing the rule shall provide to the  
4 public and publish in the New Mexico register a notice of  
5 proposed rulemaking. The notice shall include:

6 (1) a summary of the full text of the proposed  
7 rule;

8 (2) a short explanation of the purpose of the  
9 proposed rule;

10 (3) a citation to the specific legal authority  
11 authorizing the proposed rule and the adoption of the rule;

12 (4) information on how a copy of the full text  
13 of the proposed rule may be obtained;

14 (5) information on how a person may comment on  
15 the proposed rule, where comments will be received and when  
16 comments are due;

17 (6) information on where and when a public rule  
18 hearing will be held and how a person may participate in the  
19 hearing; [~~and~~]

20 (7) a citation to technical information, if any,  
21 that served as a basis for the proposed rule, and information  
22 on how the full text of the technical information may be  
23 obtained;

24 (8) a classification of a rule as a major rule  
25 or a rule that is not a major rule, including an explanation

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1 for why the rule is or is not a major rule;

2 (9) a list of any other proposed rulemaking  
3 intended to implement the same authorizing statute or other  
4 objective and individual and aggregate economic effects of  
5 those rulemaking actions; and

6 (10) the proposed effective date of the proposed  
7 rule.

8 B. On the date of submission of a notice pursuant to  
9 this section, the agency shall submit to the legislative  
10 finance committee and to each chamber of the legislature a  
11 cost-benefit analysis of the proposed rule, including an  
12 analysis of any employment positions added or lost,  
13 differentiating between public and private sector employment.

14 ~~[B.]~~ C. An agency may charge a reasonable fee for  
15 providing any records in nonelectronic form when provided to a  
16 person pursuant to this section. An agency shall not charge a  
17 fee for providing any records in electronic form when provided  
18 to a person pursuant to this section.

19 ~~[C.]~~ D. An internet link providing free access to the  
20 full text of the proposed rule shall be included on the notice  
21 of proposed rulemaking.

22 ~~[D.]~~ E. If the agency changes the date of the public  
23 rule hearing or the deadline for submitting comments as stated  
24 in the notice, the agency shall provide notice to the public of  
25 the change.

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1           ~~[E.]~~ F. The state records administrator or the  
2 administrator's designee shall timely publish the notice of  
3 proposed rulemaking in the next publication of the New Mexico  
4 register."

5           SECTION 7. A new section of the State Rules Act is  
6 enacted to read:

7           "[NEW MATERIAL] AUTOMATIC RULE EXPIRATION--RULE RENEWAL BY  
8 LEGISLATIVE AUTHORIZATION.--

9           A. Except as otherwise provided by law, a rule or  
10 major rule adopted pursuant to the State Rules Act shall expire  
11 on January 1 of the fifth year after the rule takes effect,  
12 unless the rule expires or is repealed on an earlier date.

13           B. The legislature may authorize by law the renewal  
14 of a rule or a major rule. If the legislature does not renew a  
15 rule for an additional term of five years by law within sixty  
16 days of receiving an agency's review of the rule, the rule  
17 shall terminate. Nothing in this subsection shall preclude the  
18 legislature from repealing a rule prior to the expiration date  
19 of the rule.

20           C. An agency may request the renewal by the  
21 legislature of a rule subject to expiration. The request shall  
22 be submitted no more than two years prior to the expiration of  
23 the rule, shall demonstrate why the rule is required for  
24 another five years and shall include a cost-benefit analysis of  
25 the rule. The agency shall publish the request on its website

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1 at the time that the agency submits the request to the  
2 legislature.

3 D. The state records administrator shall provide  
4 notice to the promulgating agency at least eighteen months  
5 prior to a rule's expiration date."

6 SECTION 8. Section 14-4A-6 NMSA 1978 (being Laws 2005,  
7 Chapter 244, Section 6) is amended to read:

8 "14-4A-6. PERIODIC REVIEW OF RULES.--

9 A. By July 1, 2010, each agency shall have reviewed  
10 all of its rules that existed on the effective date of the  
11 Small Business Regulatory Relief Act to determine whether the  
12 rules should be continued without change or should be amended  
13 or repealed to minimize the economic impact of the rules on  
14 small businesses, subject to compliance with the stated  
15 objectives of the laws pursuant to which the rules were  
16 adopted.

17 B. Rules adopted and promulgated after [~~the effective~~  
18 ~~date of the Small Business Regulatory Relief Act]~~ July 1, 2005  
19 shall be reviewed every five years to ensure that they continue  
20 to minimize economic impacts on small businesses while  
21 implementing the state objectives of the laws pursuant to which  
22 the rules were adopted.

23 C. In reviewing its rules to minimize economic  
24 impacts on small businesses, an agency shall consider the  
25 following factors:

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- 1 (1) continued need for the rule;  
2 (2) the nature of complaints or comments  
3 received from the public concerning the rule;  
4 (3) the complexity of the rule;  
5 (4) the extent to which the rule overlaps,  
6 duplicates or conflicts with other federal, state and local  
7 government rules; and  
8 (5) the length of time since the rule has been  
9 evaluated or the degree to which technology, economic  
10 conditions or other factors have changed in the topical area  
11 affected by the rule.

12 D. After conducting a review pursuant to this  
13 section, an agency shall submit the agency's review findings to  
14 the legislature."

15 SECTION 9. TEMPORARY PROVISION--EXPIRATION OF EXISTING  
16 RULES.--All existing rules adopted by state agencies pursuant  
17 to the State Rules Act shall be considered adopted on the  
18 effective date of this act.