

# **Amendments to the State Rule Act**



# State Rule Act

- The State Rules Act (SRA), Chapter 14, Article 4 NMSA 1978 establishes the procedures by which all State Agencies, including Boards and Commissions, are to follow to enact any rule developed by the entity.
- Amendments were made to the Act in the last regular 2017 Legislative Session which govern the requirements for proposing, adopting, amending or repealing any rule.
- Signed by Governor Martinez and the amendment to the Act becomes effective July 1, 2017.

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- Requires that any proposed rule be posted on the State Records and Archives (SRCA) official New Mexico register page for no less than 30 days prior to adopting any rule.
- When published, the proposed rule should be accompanied several items, to include a summary of the proposed rule and a short explanation of the purpose of the proposed rule.

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- Requires that members of the public should be given an opportunity to submit “data, views or arguments orally or in writing”.
  - ✓ At the direction of the Chairman, the data, views, or arguments may be only submitted in written format.
- Requires that the agency must maintain a record of the rulemaking, including all information made available in the register at the time of proposing the rule for adoption.
  - ✓ The Department currently meets this new requirement; seeking clarification from SRCA if it can kept electronically vs. paper record.
- Requires the Department to provide the public a “concise explanatory statement” about the rule when it is adopted.

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- Allows for the adoption of an emergency rule with certain procedural guidelines that must be adhered to for adoption.
  - ✓ The emergency rule shall not be permanent and if necessary, must be adopted per the regular procedures as set forth in the Act.
  - ✓ Emergency rules can become effective immediately and can be adopted without a public rule hearing.



# Impacts to the Commission & Department

- Rule adoption timeframe now is probably longer in duration;
- Changes to record retention;
- Must adopt a new Rule-Making Process by January 1, 2018.

**Questions?**

